

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4045 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ALIMIYA MIRSA SAIYAD

Versus

STATE GOVT OF GUJARAT

Appearance:

None present for Petitioner

MR DP JOSHI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/10/97

ORAL JUDGEMENT

1. In this case, the petitioner was appointed on daily wages in the office of respondent No.2. This Court on 30th July, 1991 passed the order, which reads as under:

Mr. A.R. Dave, the learned advocate for the Respondents make a statement that the respondents will pay the petitioners, wages as per the Government Resolution dated 17th October,

1988, with effect from October, 1988 and that the arrears from October, 1988 till today will be paid within three months and thereafter regular payments in accordance with that resolution will be made. In view of this statement, no interim relief is required to be issued at this juncture. However, if the petitioners have any grievance, they will be at liberty to move this court.

2. In view of the statement made by the counsel who appeared for the respondents before this court on 30th July, 1991 in fact nothing now survives in this special civil application. The counsel for the petitioner is also not present and as such nobody is here from his side to say whether the benefits of the Government resolution dated 17th October, 1988 is extended to the petitioner or not. Similarly, the counsel for the respondents is also unable to say whether during this interregnum the benefits of the resolution dated 17th October, 1988 have been extended to the petitioner or not. It is really a sorry state of affairs on the part of both the sides. However, it is hereby ordered that in case the petitioner has not been given the benefits of the resolution of the Government dated 17th October, 1988 as undertaken by the counsel who appeared for the respondents on 30th July, 1991 then the case of the petitioner be considered for his entitlement for the benefits under the resolution dated 17th October, 1988 within a period of three months from the date of receipt of certified copy of this order and in case he is found entitled for those benefits then all the consequential benefits should be given to him within two months next. In case the petitioner is not found entitled for the benefits under the aforesaid resolution then a reasoned order may be passed and copy of the same may be sent to the petitioner. In that case, liberty is granted to the petitioner for revival of this special civil application. The special civil application and rule stand disposed of in the aforesaid terms with no order as to costs.

zgs/-