

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5278 of 1985

Date of decision: 28-11-97

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

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

ASHOK R RANA

Versus

EXECUTIVE ENGINEER

Appearance:

MR PH PATHAK for Petitioners

Mr. K. S. Yadav for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/11/97

ORAL JUDGEMENT

The counsel for the petitioner contends that this matter is squarely covered by the decision of this court in special civil application No.379 of 1991 decided on 15th August, 1997. The counsel for the respondents submitted that the said decision is not applicable to the facts of the present case, as the petitioners therein were continued to work as this court had protected them by interim order. In the present case interim relief granted by this court on 25-9-1985 was later on vacated on 17-12-1985. So all these petitioners are not in the service of the respondents, and as such there is no question of considering their case for regularisation. It has further been contended that the petitioners were not in service of the respondents for all these 12 years and now after so many years and more so in case where the appointments given to them were for only for 29 days are directed to be regularised, it will create manifold complications.

2. I have given my thoughtful consideration to the submissions made by the learned counsel for the parties. It is true that in this case interim relief granted earlier was vacated by the court, and for all these years the petitioners are not in employment and it is also true that the petitioners were given appointments only for 29 days. But this petition has remained pending for all these years before the court. It is also equally true that after so many years of remaining on discontinuation of services, normally the question of taking such employees back may not be in the interest of service. The possibility of settlement of these persons elsewhere also cannot be ruled out. Therefore the case of the petitioners may be considered by the respondents, and in case on the aforesaid grounds the services of the petitioners cannot be regularised, a reasoned order may be passed. With this direction the special civil application stands disposed of. Rule discharged. No order as to costs.

...

csm

