

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8801 of 1993

with

CIVIL APPLICATION No. 11269 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy
of the judgement? No

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? No

5. Whether it is to be circulated to the Civil Judge?
No

BHATIBHAI P KHANT

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 8801 of 1993

MR MB FAROOQUI for Petitioner

MR MJ THAKORE for Respondent No. 1

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 27/02/98

ORAL JUDGEMENT

Civil Application for heirs granted and disposed
of.

1. In the main matter, the original petitioner had
challenged the inquiry against him on the ground of

misconduct of absence from duty. The petitioner had been suffering from cancer and in fact he has died during the pendency of the petition. Therefore, the question of quashing the inquiry does not survive.

2. The petitioner had applied for voluntary retirement. That request was not granted. In the facts and circumstances of the case, his request for voluntary retirement requires to be sympathetically considered and if there is no serious objection, it can be accepted. The widow of the petitioner desires to make a representation to the respondent authorities. Instead of removal from service, if the benefit of voluntary retirement is granted, it will reduce the hardships of the widow of the petitioner.

3. In the facts and circumstances of the case, the respondent authorities are directed to consider the representation of the widow of the petitioner and decide the same expeditiously and sympathetically. The widow of the petitioner to make representation within one month from today and the respondent authorities shall decide the same within three months from the date of receipt of such representation.

The petition is disposed of accordingly. Rule discharged.

mhs/-