

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6617 of 1987

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? : NO
2. To be referred to the Reporter or not? : NO
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

D D MAJMUDAR

Versus

SECRETARY

G E B

Appearance:

MR DS VASAVADA for Petitioners

MR MD PANDYA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/10/1999

ORAL JUDGEMENT

1. From the document annexure 'D' filed along with the reply to the special civil application, I find that the petitioner No.1, an officer of the Board, has completed nine years services on 5th September, 1974. He opted for the benefit of higher pay scale on completion of nine years services from 13th September, 1974 but the said benefit was granted to him from 1st January, 1983.

2. The adverse remarks for the years 1971-72, 1972-73 and 1973-74 were communicated to the petitioner on 6th July, 1979. Against those adverse remarks, the petitioner filed a representation and the same was rejected but this late communication of the adverse remarks i.e. after seven years of the year 1971-72, six years of 1972-73 and five years of 1973-74 is certainly a serious matter and the same could not have been taken into consideration. Though the learned counsel for the respondent submits that even after excluding these remarks, the petitioner could not have been given the benefits of higher pay scale from 13th September, 1974. I have my own reservation in this aspect. After excluding these adverse remarks of three years, there may be possibility of taking the decision to give the benefit to the petitioner of higher pay scale from 13th September, 1974.

3. As a result of the aforesaid discussion, this special civil application is disposed of in terms that the respondent may reconsider the case of the petitioner for giving him the higher pay benefits from 13th September, 1974 after excluding the adverse remarks communicated to him for the years 1971-72, 1972-73 and 1973-74. The special civil application and Rule stand disposed of accordingly with no order as to costs.

zgs/-