

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1541 of 1994,
1542 of 1994, 1555 of 1994, 2815 of 1994,
5367 of 1994 AND 579 of 1998.

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
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? : NO

RAJENDRASINH KHODUBHA ZALA

Versus

SARPANCH,PRESIDENT BARWADA NAGAR PANCHAYAT

Appearance:

Special Civil Applications Nos.1541/94, 1542/94, 1555/94,
2815/94 and 5367/94.

MR PR NANAVATI for Petitioners

MR HR LATHIGARA for Respondent No. 1

Special Civil Application No.579 of 1998

Mr.P.J. Kanabar for petitioner.

Mr.D.N. Patel for respondents.

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 10/05/2000

COMMON ORAL JUDGEMENT :

With the consent of the parties, the matters are taken up for final hearing today.

2. In Special Civil Application No.579 of 1998, Mr.Kanabar, learned advocate seeks permission to delete respondents nos.2 and 3. The request is granted. Respondents nos.2 and 3 shall stand deleted.

3. The petitioners are the employees of Barwala Gram Panchayat. The petitioners are employed and continued in the Gram Panchayat on their respective posts since long. The employment of the petitioners is in permanent need of the Gram Panchayat in view of the fact that the work has remained available for them for all these years and in future also there is no question of the same being not available. Thus, the petitioners are indispensable for the Panchayat. So far, the petitioners are not considered to be permanent employees of the Gram Panchayat either on account of pendency of these petitions or the decision to that effect is not taken by the Gram Panchayat. It is also pointed out by the petitioners that in case of similarly situated employees the respondent has considered their cases and regularised their services in consonance with the judgments passed either by Labour Court and/ or this Court. The above facts are not disputed by the respondent in the affidavit in reply filed by the respondent. Be that as it may, the interest of justice will be met if the following directions are issued.

4. The Gram Panchayat, in the above view of the matter, shall consider the petition itself as a representation of the petitioners concerned and decide the same within six weeks from today. The respondent Gram Panchayat shall also consider the request of the petitioners to grant benefits of permanent appointment from the date of their entry in the service and shall pay the arrears, if payable in accordance with law, within four weeks after decision is taken.

5. With the aforesaid observations the present petitions stand disposed of with a liberty to revive in the case of necessity. Rule is made absolute to the aforesaid extent only with no order as to costs.

(Ravi R. Tripathi, J.)

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