

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6800 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  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

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A S SALUNKE

Versus

STATE OF GUJARAT  
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Appearance:

MR DARSHAN SHAH for MR YN OZA for Petitioner  
MR KG SHETH AGP for Respondent No. 1, 2  
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CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 30/03/2001

ORAL JUDGEMENT

1. By means of filing this petition under Article 226 of the Constitution, petitioner who had joined the service of respondent No.2 Department as Police Sub Inspector by way of direct recruitment with effect from July 15, 1968 and continued in service, challenges the

orders dated January 23, 1987 and dated December 2, 1989, at Annexures E and A respectively, by which, case of the petitioner for giving deemed date of seniority for the post of Police Inspector from April 1979 came to be rejected, and prays to issue a writ of mandamus or any other appropriate writ, order or direction by quashing and setting aside the orders dated January 23, 1987 and December 2, 1989 and further to direct the respondents to consider the case of the petitioner for deemed date of seniority for the post of Police Inspector from April 1979 when his immediate junior came to be promoted to the post of Police Inspector.

2. The petition is resisted by respondent No.2 by filing reply affidavit, wherein, inter alia, he has denied all the averments and allegations made in the petition and tried to justify both the orders impugned in the petition.

3. Today when the matter is called out, Mr. Darshan Shah, learned advocate for the petitioner and Mr. K.G. Sheth, learned A.G.P. for respondents are present.

4. Mr. Darshan Shah, upon written instruction dated March 7, 2001, in the form of a fax message received from the petitioner, states that the petitioner does not want to prosecute the petition since the petitioner is going to retire from service with effect from September 30, 2001. Mr. Shah has also produced the fax message dated March 7, 2001 received by him on the record and it is ordered to be taken on the record. He, therefore, seeks leave to withdraw the petition to which Mr. Sheth, learned A.G.P. has no objection.

5. In view of the aforesaid state of affairs, leave to withdraw the petition is granted. Resultantly, the petition stands rejected as it is withdrawn. Rule is discharged with no order as to costs.

(A.M.Kapadia, J.)

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(karan)