

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8533 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

- =====
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

DIRECTOR

Versus

U B GOSAI

Appearance:

MS MANISHA LAVKUMAR, AGP for Petitioner
MR HJ NANAVATI for Respondent No. 1
RULE SERVED for Respondent No. 2
NOTICE SERVED for Respondent No. 3
MR MITUL K SHELAT for Respondent No. 4

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 28/02/2001

ORAL JUDGEMENT

1. Heard Ms. Manisha Lavkumar for the petitioner and Shri HJ Nanavati for the respondent no.1. None appeared for respondent nos.2 and 3 despite service. Respondent no.4 is represented by Shri MK Shelat, who is not present even in the second round.

2. The petitioner has challenged the impugned order Annexure-'A', which is nothing but interim order passed by the Gujarat Affiliated Colleges Service Tribunal. Normally, interference in such interim order is not made in exercise of jurisdiction under Art.226 of the Constitution of India.

3. The contention of learned AGP is that, while granting this order, the Tribunal has not only granted interim relief but, has practically decided the pending appeal. Be that as it may, interference in the interim order is hardly justified in exercise of jurisdiction under Art.226 of the Constitution of India. However, considering the arguments of learned AGP and also the contention of Shri HJ Nanavati that respondent no.1 has retired and he has no objection if the Tribunal is directed to decide Application No.43/99 in the nature of appeal within fixed time, and since the learned AGP has also no objection to this suggestion of Shri Nanavati, this petition can be finally decided at this stage.

4. As such, the writ petition is finally disposed of with direction to Gujarat Affiliated Colleges Service Tribunal to decide Application No.43/99 in the nature of appeal within a period of two months from the date of receipt of copy of this order. The interim order dated 22-6-1999 shall remain intact till disposal of appeal.

5. Since the interim relief is operating in favour of the respondent no.1, he is directed to co-operate in early hearing of the application aforesaid and shall not seek unnecessary adjournments.

February 28, 2001. [D.C. Srivastava, J.]

/sakkaf