

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4589 of 2002

WITH

SPECIAL CIVIL APPLICATION NO. 4730 OF 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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ASHISH M GUJJAR

Versus

STATE OF GUJARAT

Appearance:

MR AK CLERK for the Petitioners

MR HL JANI, AGP, for the respondents.

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 29/06/2002

ORAL JUDGEMENT

1. Heard learned Advocate for the petitioners and learned Assistant Government Pleader Mr. Jani for the respondents.

2. Rule. Mr. Jani waives service of notice of Rule on behalf of the respondents. With the consent of parties, the matters are taken up today for final hearing.

3. There is no dispute about the fact that the petitioners are identically situated with the petitioners in Special Civil Application No.12350 of 2001 and companion matters, wherein an order was passed by this Court following some directions that were given in an earlier group of petitions bearing Special Civil Applications No.6030, 6031, 6032, 6034 and 6035 of 1992. This Court (Coram: M.S. Parikh, J.), in the above petitions, gave the following directions :-

"In the facts and circumstances of the case, therefore, it is directed that the respondents should continue the present petitioners in service on the same terms and

conditions on which they were initially appointed by the Department, and the respondents are directed to continue them in service till the regularly selected candidates from G.P.S.C. are available or as and when the other regularly selected candidates are available. It will be open to the respondents to terminate the services of the petitioners in case such candidates are available or in case the petitioners services are not required for want of post or on account of non-availability of requisite strength of students. It is also clarified that as and when any termination order is required to be passed, the respondents shall follow the principles of LAST COME FIRST GO. Since the petitioners are already in service, it is not necessary to give any direction to reinstate the petitioners in service.

The effect of this order is that the petitioners are deemed to be continued in service irrespective of the orders which are passed, terminating their services."

4. These petitions can also be disposed of by issuing identical directions. Hence, it is directed that the respondents should continue the present petitioners in service on the same terms and conditions on which they were initially appointed by the Department, and the respondents are directed to continue them in service till the regularly selected candidates from G.P.S.C. are available or as and when the other regularly selected candidates are available. It will be open to the respondents to terminate the services of the petitioners in case such candidates are available or in case the petitioners services are not required for want of post or on account of non-availability of requisite strength of students. It is also clarified that as and when any termination order is required to be passed, the respondents shall follow the principles of LAST COME FIRST GO. Since the petitioners are already in service, it is not necessary to give any direction to reinstate the petitioners in service.

5. The effect of this order is that the petitioners are deemed to be continued in service irrespective of the orders which are passed, terminating their services.

6. The petitioners, who are terminated from the services, shall approach the respondents and the respondents shall comply with the above directions. With

the above directions the petitions stand allowed. Rule
is made absolute with no orders as to costs.

[A.L. DAVE, J.]

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