

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 617 of 2003

in

SPECIAL CIVIL APPLICATION No 5087 of 2001

with

CIVIL APPLICATION No. 12604 of 2001

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT

and

Hon'ble MR.JUSTICE A.L.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 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 concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

DANG DISTRICT PANCHYAT

Versus

MAHENDRA D CHAUHAN

Appearance:

1. LETTERS PATENT APPEAL No. 617 of 2003
MR HARSHAD J SHAH for Appellant No.
..... for Respondent No. 1-2
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CORAM : ACTING CHIEF JUSTICE MR.JN BHATT

and

MR.JUSTICE A.L.DAVE

Date of decision: 30/06/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

The respondent, who was working as a multi-purpose health worker in the office of Dang District Panchayat and whose services came to be terminated by an order dated 30.1.1999 by the Additional District Health Officer, District Panchayat, Dang, pursuant to the directions of the Additional Director (Health), Gandhinagar dated 24.12.1998, questioned the order of termination by filing an appeal, being Appeal No. 300 of 1999 before the Gujarat Civil Services Tribunal, Gandhinagar, successfully. The order came to be passed by the appellate authority on 30.1.1999. The employee also had filed Special Civil Application No. 855 of 1999 in this Court and pursuant to the direction contained in the order of this Court dated 8.9.1999, the appeal came to be filed.

2. The impugned termination order of the authority dated 30.1.1999 pursuant to direction of the Additional Director (Health), Gandhinagar dated 24.12.1998 came to be quashed and set aside by allowing the appeal by the Tribunal, by its judgement dated 7.11.2000, which was challenged before this Court by filing SCA No. 5087 of 2001 and the learned Single Judge rejected the petition and directed the authority to comply with the directions of the Tribunal, by judgement dated 20.7.2001, which is challenged before us in this Letters Patent Appeal by invocation of Clause 15 of the Letters Patent.

3. The learned Advocate Mr. Shah for the appellant has reiterated the sole contention before us that termination of the employment was for non-fulfilment of the requisite criteria of experience of 10 years before assigning the work as a multi-purpose health worker, which has not found favour with by the Tribunal as well as in the judgement of the learned Single Judge. This is the view and finding based on assessment, evaluation and consideration of factual aspects. It is found on facts that the respondent did possess the requisite experience by doing work as casual worker. Nothing has been shown that the experience of ten years which the respondent has acquired is not valid under any Rule or provision. Therefore, in our opinion, the sole contention which is

reiterated also deserves to be rejected. The Letters Patent Appeal therefore is required to be dismissed at the out-set. Accordingly, this LPA shall stand dismissed.

4. As the appeal is dismissed, there shall be no order on the Civil Application, which stands disposed of accordingly.

(J.N.Bhatt, Acting C.J.) (A.L.Dave, J.)

*/Mohandas