

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3911 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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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? : 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 concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

K K BHATT STORE KEEPER

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3911 of 1993
MR ND GOHIL for Petitioner No. 1-11
GOVERNMENT PLEADER for Respondent No. 1-2
RULE SERVED for Respondent No. 3
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CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 31/03/2003

ORAL JUDGEMENT

The petitioners, in this petition, have
challenged the resolution dated 8-1-1993, whereby

recommendation was made to change the nomenclature of the petitioners from Store-keeper to Senior Clerk (Store) and their inclusion in the Ministerial cadre. The petitioners have challenged this nomenclature and the effect of the same in the present petition. It is stated in the petition that the petitioners were initially appointed for the post of Store-keepers and their grievance was that they should be given pay scale of Rs.1400-Rs.2600, which was equivalent to the post of Store-keepers working in Drugs Controller Laboratory, Forensic Science Laboratory and Cottage Industries, Health and Family Welfare Department, etc. However, the same was not considered and instead of that they have done grave injustice to the petitioners by putting them in pay scale of Rs.1200/- to Rs.2040/- for which the petitioners had made grievance. It was further stated that instead of revising their pay scales, their nomenclatures were changed by the High Power Committee, which was not within the purview of the said Committee. It was further stated that nomenclature of Store-keeper was recognised since very beginning of the Department and as per the Manual of store-keepers, the Store-keepers were required to maintain stores in altogether different manner. It was further stated that by virtue of Resolution dated 8-1-1993 recommendation was made to change the nomenclature of the petitioners from Store-keeper to Senior Clerk (Stores) and they were to be included in the Ministerial cadre with effect from 1-1-1993. It was further stated that the seniority list of Store-keeper and of Senior Clerk were separately maintained by the respondents. Since the Store-keepers were sought to be re-designated as Senior Clerk (Stores), the petitioners and other similarly situated persons working as Store-keepers in common cadre, were met with injustice and hence, the said action was violative of Articles 14 and 16 of the Constitution of India.

2) At the time of admission of this petition, this Court has observed that issue involved in the present petition was similar to the issue involved in Special Civil Application NO.2141/1990 and the same was admitted by this Court and the Court has granted interim relief in terms of para 13 (B) of the petition and directed to hear this matter along with Special Civil Application No.2141/1992.

3) It is further brought to the notice of the Court that Special Civil Application No.2141/1992 was heard and disposed of by this Court on 5-4-2002, wherein learned Assistant Government Pleader appearing for the respondents had made a statement that as per the

Government instructions, persons from the general cadre would not be transferred in the post of Store-keeper/Senior Clerk (Stores). In view of the said statement this Court held that under the order of the Court, while granting interim relief on 3-4-1992 the position, which was prevailing then would continue and Rule was made absolute to that extent. Since identical issue was involved in the earlier matter and after having followed the said view taken by me, I hold that the persons from the general cadre would not be transferred on the post of Store-keeper or Senior Clerk (Stores), ad-interim relief which was granted earlier by this Court in terms of para 13(B) shall be made final and it is held that the petitioners' nomenclature as Store-keepers working with respondent Nos.1, 2 and 3 would not be changed.

4) In view of the aforesaid directions and since no other issue is raised, this petition is disposed of. Rule is made absolute to the above extent with no order as to costs.

(K.A.Puj, J.)

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