

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 70 of 1998

in

SPECIAL CIVIL APPLICATION No 6997 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA

and

HON'BLE MR.JUSTICE SHARAD D.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 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

DDO

Versus

KOKILABEN HARSHADRAI PANCHOLI

Appearance: 1. LETTERS PATENT APPEAL No. 70 of 1998

MR PATEL for MR HS MUNSHAW for Appellant No.

MS PAURAMI B SHETH for Respondent No. 1

MR HD DAVE AGP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

and

HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 30/11/2004

ORAL JUDGEMENT

Heard learned counsel for the parties.

Against the judgment and order dated 25.9.1997 passed by the learned Single Judge of this court (Coram : S.K.Keshote, J.) allowing the Special Civil Application No.6997/94, the present appeal is filed by the appellants-D.D.O. and T.D.O. of Surendranagar. The respondent-original petitioner is a widow, who was working as Junior Clerk in the office of the District Panchayat, Surendranagar. Apprehending her termination, she approached this court by way of Special Civil Application No.6997/94. While admitting the petition, learned Single Judge of this court protected her by way of interim relief by restraining the respondents-present appellants from implementing the order of termination. Ultimately, another learned Single Judge of this court allowed the petition and quashed the impugned order dated 17.5.1994. The same is challenged in this appeal.

The final order dated 25.9.1997 allowing the Special Civil Application filed by the original petitioner-respondent was challenged in this appeal. The same was admitted since long. However, Civil Application No.1818/98 for stay of the order of the learned Single Judge was rejected on 23.2.1998 by the Division Bench of this court.

From the order of the learned Single Judge allowing the main Special Civil Application, it appears that the petitioner was given appointment on compassionate ground on the death of her husband, who was working as Supervisor in P.W.D. of District Panchayat, Surendranagar, who expired on 29.6.1978, while in service, leaving behind him his widow-original petitioner, four minor daughters and a son. It also appears from the order of the learned Single Judge that in fact when the learned Single Judge allowed the petition, she had put on 17 years of service as Junior Clerk. The said order was passed on 25.9.1997. Today, we are in the end of November, 2004. Thus, seven more years period has been passed. By now, the respondent-original petitioner has put on 24 years of service.

Having regard to the facts and circumstances of the case, it would be a mockery of justice, if this court interferes with such just and reasoned order passed by the learned Single Judge in favour of the respondent-petitioner in a petition filed by her.

Having heard learned counsel Mr.Patel for Mr.Munshaw for the appellants and learned counsel for the respondents and having carefully gone through the judgment and order passed by the learned Single Judge allowing Special Civil Application of the respondent-original petitioner, we are of the considered opinion that no interference is called for by this court in this Letters Patent Appeal.

In view of the above discussion, this appeal fails and is hereby dismissed. However, there shall be no order as to costs.

(B.J.Shethna, J.)

(Sharad D. Dave, J.)

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