

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7122 of 1991

WITH

SPECIAL CIVIL APPLICATIONS NO.7254/91,
3347/96, 8262/96, 2566/97 with CA 9008/99, 2665/00,
2724/00, 3272/00, 3379/00, 3804/00, 3806/00,
3807/00, 3844/00, 3845/00, 3846/00, 3847/00,
3848/00, 3849/00, 3850/00, 3851/00, 4372/00,
4445/00, 4447/00, 10814/00,
13367/00, 8087/96, 8259/96 and 8261/96

HON'BLE MR.JUSTICE K.S.JHAVERI

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

DULAJI DHIRUJI

Versus

STATE OF GUJARAT

Appearance:

MR PH PATHAK for Petitioner No. 1-2
MR KAMAL B. TRIVEDI, ADDITIONAL ADVOCATE GENERAL
with Ms Sangeeta K. Vishen for Respondent
authorities.

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 30/07/2004

ORAL JUDGEMENT

1. In all the above petitions the prayers are to direct the respondents to regularise their services on their respective posts and to pay the consequential benefits.

2. In these petitions the petitioners alleged that they have been working since last many years, but are deprived of the benefits and status of the regular employees of the respondent Department. The further grievance is that the petitioners are not granted salary on the basis of "equal pay for equal work". The petitioners have also prayed to quash and set aside the Government Resolution dated 22.12.1999 and to declare the Government Resolution dated 17.10.1988 is applicable to the petitioners.

3. The learned counsel for the petitioners submitted that the Resolution dated 17.10-1988 was made applicable to the daily wagers who are working for maintenance and repairs of construction in various departments of the Government including the Forests and Environment Department and therefore the same benefits should be extended to the petitioners also.

4. Mr. Kamal B. Trivedi, learned Additional Advocate General pointed out that the issue involved in these petitions has been decided by a Full Bench of this Court in the case of Gujarat Forest Producers, Gatherers and Forests Workers Union Vs. State of Gujarat, reported in 2004 (2) GLH 302. In the said decision this Court has held that the Government Resolution dated 17.10.1988 is applicable to the daily wagers of the Forest and Environment Department engaged in the work of maintenance and repairs of constructions in that Department and not to the daily wagers engaged in other types of work in that department. The question no.3 referred to the Full Bench in this regard along with its answer is reproduced as under:

"Que-3 Whether the petitioners or similarly situated employees of the Forest Department are entitled to the benefit of Government Resolution dated 17-10-1988?"

Ans-3 The Government Resolution dated 17th October 1988 is applicable to the daily wagers of the Forest & Environment Department engaged in

the work of maintenance and repairs of constructions in that Department, and not to the daily wagers engaged in other types of work in that Department."

Admittedly the petitioners are not working as daily wagers of Forest & Environment Department engaged in the work of maintenance and repairs of constructions. Since the Government Resolution dated 17.10.1988 is not applicable to the case of the petitioners. none of the grievances raised in these petitions can be considered. These petitions are, therefore, devoid of any merit and require to be rejected.

5. In the premises aforesaid, the petitions are rejected. Rule is discharged with no order as to costs. Since the main matter is disposed of CA No.9008/99 does not survive and is accordingly disposed of.

[K.S. JHAVERI, J.]

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