

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 5179 of 1996****For Approval and Signature:****HONOURABLE MR.JUSTICE M.R. SHAH**

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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RAMESHKUMAR L PATEL - Petitioner(s)**Versus****JAMNAGAR AGRI PRODUCE MARKET COMMITTEE & 2 -
Respondent(s)**

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Appearance :

MR HARSHAD J SHAH for Petitioner(s) : 1,

MR SK JHAVERI for Respondent(s) : 1,

MR DIPEN DESAI, ASST. GOVERNMENT PLEADER for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH**Date : 31/01/2007****ORAL JUDGMENT**

1. By way of this petition under Article 226 of the
Constitution of India, the petitioner has prayed

for an appropriate writ, order and/or direction quashing and setting aside the order of reversion dated 28th March, 1996 reverting the petitioner from the post of Secretary of APMC, Jamnagar to the post of Clerk. It is also further prayed for an appropriate order directing the respondents to allow the petitioner to work as a Secretary as if no order of reversion has been passed.

2. It was the contention on behalf of the petitioner that after the petitioner was appointed as a Clerk, he was given the charge of Secretary for more than 7 years and thereafter pursuant to the advertisement issued in the local newspapers inviting the applications for the post of Secretary, he was selected and was appointed and therefore, there was no question of any reversion. It was the contention on behalf of the APMC that the appointment of the petitioner was not approved by the Director, Agriculture Marketing & Rural Finance.

3. After the petition was admitted, the learned Single Judge of this Court heard the learned advocates on interim relief and passed the following interim order on 28th April, 1997, as under :-

"Heard learned Advocates on interim relief.

By way of interim order it is directed that the respondent No.1 Committee shall place a proposal for approval of appointment of the petitioner as Secretary of the Market committee to the respondent No.3 within three weeks from today. Upon receipt of such proposal, respondent No.3 shall consider the same and decide in accordance with law within eight weeks from the date of the receipt of the proposal.

The petitioner shall have a right to make a representation to respondent No.1.

In the event the petitioner's appointment as a Secretary is approved by the respondent No.3 the petitioner shall be appointed as "Secretary" and

be permitted to discharge duties as such. In the even the respondent No.2 disapproves the appointment of the petitioner as Secretary of the respondent No.1 Committee he shall make a speaking order and the petitioner shall be entitled to challenge the same."

4. Today, when the matter is called out, Shri Dipen Desai, learned AGP as well as Ms. Jhaveri, learned advocate appearing for the Marketing Committee have produced on record the order passed by the Director, Agriculture Marketing & Rural Finance dated 18th June, 1997 by which the appointment of the petitioner as a Secretary was confirmed and they have also produced on record one another order. It is also further submitted that after the Director confirmed the appointment of the petitioner as a Secretary, for some other misconducts departmental inquiry was initiated and by order dated 13th May, 1998 being order No.1393/98, the appointment of the petitioner as a Secretary has been cancelled. It is also further submitted that being aggrieved

and dissatisfied with the order passed by the Director dated 13th May, 1998, the petitioner preferred revision application No. 87 of 1998 before the Deputy Secretary, Agriculture & Co-operative Dept. and the revisional authority by order dated 7th December, 1999 dismissed the said revision application confirming the order passed by the Director, Agriculture Marketing & Rural Finance dated 13th May, 1998. They have produced on record the order dated 13th May, 1998 and 7th December, 1999 passed by the Director as well as the revisional authority respectively. All the orders are directed to be taken on record. It is submitted that after the order passed by Director dated 13th May, 1998 by which the appointment of the petitioner as a Secretary was cancelled, the petitioner is serving as a Clerk. It is reported that the order passed by the Director dated 13th May, 1998 cancelling the appointment of the petitioner as a Secretary has become final and the order passed by the revisional authority confirming the said order has not been challenged further. In view of the

changed circumstances and the subsequent developments when appropose the order passed by this Court the appointment of the petitioner as a Secretary was confirmed and thereafter due to some other misconducts and for some other reasons, the appointment of the petitioner as a Secretary has been cancelled which has been confirmed by the revisional authority and the said orders have become final, the cause for the present special civil application will not survive and the present special civil application has become infructuous due to subsequent developments, which are narrated hereinabove.

5. Under the circumstances, the present special civil application is dismissed as having become infructuous. Rule discharged. No costs.

[M.R.Shah, J.]

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