

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 18825 of 2007
With
SPECIAL CIVIL APPLICATION NO.18826 OF 2007
TO
SPECIAL CIVIL APPLICATION NO. 18840 OF 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

=====

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
?

=====

PATEL AMBALAL JETHALAL & 15 - Petitioners
Versus

STATE OF GUJARAT & 7 - Respondents

=====

Appearance :

MR BM MANGUKIYA for Petitioners : 1 - 16.

MS. BHAVIKA KOTTECHA, LD. AGP for Respondents : 1 - 4.

NOTICE SERVED BY DS for Respondents : 1 - 8.

=====

CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 28/09/2007

COMMON ORAL JUDGMENT

1. Rule. Ms. Bhavika Kotecha, learned AGP waives service of notice of rule for respondent State. With the consent of learned counsels for the parties, this group of petitions is heard finally.
2. The petitioners in this group of petitions have challenged the order dated 30/6/2007 on the ground that the petitioners were working on deputation and by the impugned order they are sought to be posted on further deputation which was not open to the respondents.
3. Keeping this contention in mind, this Court (Coram: S.R. Rahmbhatt, J) has passed the following order on 7/8/2007.

" Mr. Mangukiya, learned counsel appearing for the petitioners submits that the petitioners are working on deputation and by the impugned order, they are sought to be posted on further deputation, which is not open to the respondents. Mr. Mangukiya submits that they are surplus in the department wherein they are deputed. Therefore, the petitioners could be repatriated to their parent department/cadre and if they are adhering the principle of seniority, they may be dealt with in accordance with law and they are prepared to face the consequences accordingly.

Notice pending admission returnable on 21.8.2007. In the meantime and till the returnable date, the order impugned i.e. order dated 30.6.2007 is hereby stayed.

It is however, open to the respondents to repatriate the present petitioners to parent department/cadre and if in the parent department/cadre they are found to be surplus after applying the principle of seniority, then, as per the submission of Shri Mangukiya, they may be dealt with in accordance with law as they are prepared to face the consequences. Direct service permitted. "

4. Today, Ms. Kotecha has placed on record the order dated 18/9/2007 and the order rectifying one name passed on 27/9/2007. Copy is given to Shri Mangukiya and the orders are taken on record.

5. In view of the interim order passed on 7/8/2007 and the statement of Mr. Mangukiya recorded therein this petition has now therefore become infructuous as the petitioners grievances would not survive any more. Accordingly this group of petitions is disposed of. Rule discharged in each of the petitions. Interim relief granted earliest stands vacated. No cost.

6. Mr. Mangukiya submits that liberty be reserved

to approach this Court in case of difficulty. Said request is accepted. Liberty is reserved to the petitioners in this group of petitions to approach this Court in case of difficulty.

[S.R. BRAHMBHATT, J]

/vgn