

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 27324 of 2007**

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FULBA BHANUBHA JADEJA WD/O BANUBHA VELUBHA JADEJA
Versus
EXECUTIVE ENGINEER

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Appearance:

MR KALPESH N SHASTRI(1739) for the PETITIONER(s) No. 1
GOVERNMENT PLEADER(1) for the RESPONDENT(s) No. 1,2
RULE SERVED(64) for the RESPONDENT(s) No. 1,2

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CORAM: HONOURABLE MR.JUSTICE MOHINDER PAL

Date : 31/07/2018

ORAL ORDER

1. The petitioner in this petition has challenged the order dated 20.02.2007 passed by the respondent No.1, whereby, leave encasement payable to the husband of the petitioner has been declined.

2. The petitioner is a widow of late Shri Bhanubha Velubha Jadeja, who was working with the respondent No.1 as a permanent daily wager. The services of the husband of the petitioner was regularized and he was paid all the benefits. The husband of the petitioner expired during the service tenure i.e. on 18.07.2004 and after the death, the retiral benefits such as gratuity, family pension, etc., were released to the family of the petitioner. Pension payable to the widow

of the deceased was already fixed, however, the petitioner was denied the benefit of leave encasement, as was granted to the other employees. Aggrieved from this decision of the respondent, the petitioner has approached this Court by way of this petition.

3. During the course of arguments, learned counsel appearing on behalf of the petitioner has referred to the oral judgment passed by this Court on 30.01.1998 in Special Civil Application No.3807 of 1982, wherein, leave encasement to the similarly situated employees has been granted by this Court. The said judgment, relied upon by the learned counsel appearing on behalf of the petitioner, is made part of the court file.

4. Learned Assistant Government Pleader appearing on behalf of the respondent was informed about this judgment. Copy of this judgment was also supplied to him on the previous date of hearing. Nothing adverse has been pointed out regarding applicability of this judgment in the present case.

5. In view of the aforementioned circumstances, there is no reason of denying the same benefit to the petitioner.

6. Resultantly, this petition is allowed in same terms as mentioned in the Special Civil

Application No.3807 of 1982, decided by this Court on 30.01.1998. The arrears payable to the petitioner will be paid within a period of four weeks from the date of receipt of a copy of this order. Rule is made absolute.

(MOHINDER PAL, J.)

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