

The State Of Gujarat vs Talsibhai Dhanjibhai Patel on 18 February, 2022

Bench: M.R. Shah, B.V. Nagarathna

ITEM NO.10

Court 12 (Video Conferencing)

SECTION III

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition for Special Leave to Appeal (C)

No. 1109/2022

(Arising out of impugned final judgment and order dated 13-10-2020 in LPA No. 762/2020 passed by the High Court Of Gujarat at Ahmedabad)

THE STATE OF GUJARAT & ORS.

Petitioner(s)

VERSUS

TALSIBHAI DHANJIBHAI PATEL

Respondent(s)

(IA No.11914/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.11915/2022-EXEMPTION FROM FILING O.T.)

Date : 18-02-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s)

Ms. Archana Pathak Dave, Adv.
Ms. Deepanwita Priyanka, AOR

For Respondent(s)

Mr. Manoj K. Mishra, AOR
Mr. Umesh Dubey, Adv.
Mr. A.A. Bhasme, Adv.
Mr. Prateek Som, Adv.
Mr. Sudhir S. Rawat, Adv.
Mr. Vishrov Mukerjee, Adv

UPON hearing the counsel the Court made the following
O R D E R

It is unfortunate that the State continued to take the services of the respondent as an ad-hoc for 30 years and thereafter now to contend that as the services rendered by the respondent are ad-hoc, he is not entitled to pension/pensionary benefit. The State cannot be permitted to take the benefit of its own wrong. To take the Services continuously for 30 years and thereafter to contend that an employee who has rendered 30 years continues service shall not be eligible for pension is nothing

but unreasonable.

welfare State, the State as such ought not to have taken such a stand.

Contd.

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In the present case, the High Court has not committed any error in directing the State to pay pensionary benefits to the respondent who has retired after rendering more than 30 years service.

Hence, the Special Leave Petition stands dismissed. Pending application(s), if any, shall stand disposed of.

(NEETU SACHDEVA)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER