

# **Mehandrasinh Gayaprasad Mali vs State Of Gujarat Thru. Brajesh Kumar Jha on 15 April, 2019**

**Author: Anant S. Dave**

**Bench: Anant S. Dave, Biren Vaishnav**

C/MCA/339/2019

ORDER

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/MISC. CIVIL APPLICATION NO. 339 of 2019  
In  
R/SPECIAL CIVIL APPLICATION NO. 2224 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 346 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 1170 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 347 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 3953 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 348 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 10240 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 349 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 3644 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 350 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 6178 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 351 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 3831 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 352 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 4320 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 353 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 10250 of 2013  
With

R/MISC. CIVIL APPLICATION NO. 354 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 11663 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 355 of 2019  
In

Page 1 of 7

C/MCA/339/2019

ORDER

SPECIAL CIVIL APPLICATION NO. 7939 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 356 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 3952 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 357 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 12372 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 358 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 12371 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 359 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 10391 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 360 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 4693 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 361 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 1371 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 362 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 7938 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 363 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 1647 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 364 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 13139 of 2017  
With  
R/MISC. CIVIL APPLICATION NO. 365 of 2019  
In

SPECIAL CIVIL APPLICATION NO. 3443 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 366 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 7940 of 2012

Page 2 of 7

C/MCA/339/2019

ORDER

With  
R/MISC. CIVIL APPLICATION NO. 367 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 10145 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 368 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 11660 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 369 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 11054 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 370 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 474 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 371 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 3189 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 372 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 12370 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 373 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 12660 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 374 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 2003 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 375 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 12740 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 376 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 2241 of 2013  
With

R/MISC. CIVIL APPLICATION NO. 377 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 948 of 2013  
With

Page 3 of 7

C/MCA/339/2019

ORDER

R/MISC. CIVIL APPLICATION NO. 378 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 11663 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 379 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 4322 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 380 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 3120 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 381 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 3693 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 382 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 12369 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 383 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 12079 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 384 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 1149 of 2013  
With  
R/MISC. CIVIL APPLICATION NO. 385 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 9890 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 386 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 4081 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 387 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 873 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 388 of 2019  
In

Mehandrasinh Gayaprasad Mali vs State Of Gujarat Thru. Brajesh Kumar Jha on 15 April, 2019  
SPECIAL CIVIL APPLICATION NO. 2334 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 389 of 2019

Page 4 of 7  
C/MCA/339/2019

ORDER

In  
SPECIAL CIVIL APPLICATION NO. 4370 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 390 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 2601 of 2012  
With  
R/MISC. CIVIL APPLICATION NO. 391 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 6558 of 2014  
With  
R/MISC. CIVIL APPLICATION NO. 392 of 2019  
In  
SPECIAL CIVIL APPLICATION NO. 1370 of 2012

=====

MEHANDRASINH GAYAPRASAD MALI

Versus

STATE OF GUJARAT THRU. BRAJESH KUMAR JHA

=====

Appearance:

MR JAYANT P BHATT(169), MR JEET J BHATT(6154), ADVOCATES, for the  
Applicants (In all MCAs)  
MR. CHINTAN DAVE, ASSTT. GOVT. PLEADER for the Respondents (In MCA  
339/2019 to 360/2019)  
MS. NISHA THAKORE, ASSTT. GOVT. PLEADER for the Respondents (In MCA  
361/2019 to 376/2019)  
MS. AISHWARYA GUPTA, ASSTT. GOVT. PLEADER for the Respondents (In MCA  
377/2019 to 392/2019)

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE  
and  
HONOURABLE MR.JUSTICE BIREN VAISHNAV

Date : 15/04/2019

COMMON ORAL ORDER

(PER : HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE) Heard learned advocate  
for the applicants and learned Assistant Government Pleader.

The grievance of the applicants in these Misc. Civil Applications is that the following directions issued by learned Single Judge vide common oral judgment dated 13.07.2018, rendered in Special Civil Application No.2224/2012 and allied petitions, have not been complied with though more than eight months have elapsed:

"21. Admittedly, all the petitioners have spent best part of their life in service of the respondents. They have worked for about 30 years when they have been dismissed from service. By now, most of them might have reached to the age of superannuation and might have found alternative job though such jobs are difficult to get at the end of the life. However, keeping in view the circumstances of these cases, the order of dismissal can be substituted with the order of voluntary retirement.

22. As a result of foregoing discussions, these petitions are partly allowed. Petitioners are ordered to be treated as voluntary retired in place of dismissal. The petitioners will be treated to have retired from service. They will be entitled to pension and other pensionary benefits from that date, but they will not be paid any arrears for the aforementioned period i.e. from the date of retirement till the decision by this Court. However, they will be entitled to full pension after this date i.e. decision of this Court. Rule is made absolute to the aforesaid extent in all these petitions."

It is stated by learned Assistant Government Pleader that the respondents are in the process of filing Letters Patent Appeal against the above judgment.

Be that as it may, if the respondents are desirous of challenging the above oral judgment rendered by learned Single Judge, they may do so within a period of six weeks from today, or comply with the directions issued by learned Single Judge.

With the aforesaid observations, the present Misc. Civil Applications stand disposed of.

Direct Service is permitted.

(ANANT S. DAVE, ACJ) (BIREN VAISHNAV, J) sunil