

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No 9018 of 2016**

**State of Gujarat & Anr.**

**.... Appellant(s)**

**Versus**

**Banuben Rameshbhai Dhakan & Ors**

**....Respondent(s)**

**WITH**

**Civil Appeal No 531 of 2017**

**Special Leave Petition (Civil) No \_\_\_\_\_ of 2021**

**(D No 39277 of 2019)**

**Special Leave Petition (Civil) No 9615 of 2020**

**ORDER**

- 1 Delay condoned in filing the Special Leave Petition.
- 2 Delay condoned in filing the application for substitution of Respondent No 185, B I Shah. The application for substitution is allowed.
- 3 A Single judge of the High Court of Gujarat allowed a batch of Special Civil Applications on 3 February 2016, the lead Special Civil Application being No 14953 of 2015. On 1 August 2016, the High Court allowed Special Civil Application No 6317 of 2015. On 29 June 2016, the High Court allowed a third batch of Special Civil Applications, led by Special Civil Application No 3250 of 2009. On 11 July 2017, the

High Court allowed a fourth batch of Special Civil Applications with the lead Special Civil Application being No 5006 of 2016. The State of Gujarat preferred Letters Patent Appeals against the judgments of Single Judges in the four batches of Special Civil Applications :

- (i) Letter Patent Appeals Nos 258 of 2017, 811 of 2017 and 1357 of 2017;
  - (ii) Letters Patent Appeal No 2412 of 2017;
  - (iii) Letters Patent Appeals Nos 94 of 2018, 2180 of 2017, 2291 to 2308 of 2017; and
  - (iv) Letters Patent Appeal No 2259 of 2017 and Letters Patent Appeals Nos 2260 and 2261 of 2017 with Letters Patent Appeal No 2263 of 2017 to Letters Patent Appeal No 2284 of 2014.
- 4 The Division Bench of the High Court dismissed the Letters Patent Appeals by a judgment dated 2 May 2019.
- 5 It is common ground that certain Special Leave Petitions have already been dismissed by this Court against the judgment of the Division Bench, namely:
- (i) SLP (C) No 9531 of 2015;
  - (ii) SLP (C) No 10503 of 2015; and
  - (iii) SLP (C) Nos 7123-7124 of 2016.
- 6 Of the above batch, it has been stated before this Court that in SLP(C) Nos 7123-7124 of 2016, the question of law was kept open by the order of this Court dated 9 March 2016.

- 7 The position which emerges is that the judgment of the High Court has attained finality in respect of one batch of pensioners. No distinction exists in fact between the cases of the pensioners who are respondents to the present batch of cases with the pensioners in the earlier batches, who are governed by the orders by which the Special Leave Petitions by the State of Gujarat were dismissed. Consequently, it would be wholly iniquitous to apply a different yardstick to a batch of pensioners who are respondents to these proceedings, when the judgment of the High Court has attained finality in respect of a similar batch of pensioners who are governed by the same judgment. They are receiving pensions.
- 8 In the above situation, we find no reason to entertain the present Civil Appeals and Special Leave Petitions. The Civil Appeals and the Special Leave Petitions shall stand dismissed. Compliance with the judgment of the High Court be effected within a period of two months from today.
- 9 Pending application, if any, stands disposed of.

.....J.  
[Dr Dhananjaya Y Chandrachud]

.....J.  
[A S Bopanna]

**New Delhi;**  
**December 17, 2021**  
**-S**



Mr. Prateek Som, Adv.  
Mr. Alok Pandey, Adv.  
Dr. Bheem Pratap Singh, Adv.

Ms. Anushree Prashit Kapadia, AOR  
Ms. Priyanka Rathi, Adv.

Mr. Amar Nath Gupta, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

Ms. Khushboo Vinodray Malkan, AOR

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

- 1 Delay condoned in filing the Special Leave Petition.
- 2 Delay condoned in filing the application for substitution of Respondent No 185, B I Shah. The application for substitution is allowed.
- 3 The Civil Appeals and the Special Leave Petitions are dismissed in terms of the signed order. Compliance with the judgment of the High Court be effected within a period of two months from today.
- 4 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
AR-CUM-PS

**(SAROJ KUMARI GAUR)**  
COURT MASTER

**(Signed order is placed on the file)**