

ITEM NO.9

COURT NO.4

SECTION III

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).3849/2017

(Arising out of impugned final judgment and order dated 10-11-2009  
in SA No. 3/2007 passed by the High Court of Gujarat at Ahmedabad)

JITHARABHAI PARTHIBHAI BAMANYA

Petitioner(s)

VERSUS

PROJECT ADMINISTRATOR, DAHOD

Respondent(s)

Date : 13-03-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Gaurav Agrawal, AOR

For Respondent(s) Ms. Hemantika Wahi, AOR  
Ms. Jesal Wahi, Adv.  
Ms. Vishakha, Adv.  
Ms. Shodhika Sharma, Adv.

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

The concerned officers of the State of Gujarat are present in Court.

It is unfortunate that because of a lack of instructions given to the Standing Counsel for the State of Gujarat, we were required to direct the presence of the concerned officials. Communication failure is a matter that needs to be looked into by the Chief Secretary of the State of Gujarat with regard to the management of litigation.

We require the Chief Secretary of the State of Gujarat to file a status report on the management of litigation by the State Government in the Supreme Court so that such defaults do not occur and officers are not inconvenienced by remaining present in Court. The status report may be filed within a period of four weeks.

Insofar as the merits of the case are concerned, since there is no response filed by the State of Gujarat, we take it as correct that the persons working on temporary basis or on daily wages for a period of five or ten years were being granted terminal benefits.

Insofar as the petitioner is concerned, he had worked for about 29 years and is now about 70 years of age.

In view of the absence of any response from the State Government, in our opinion, it would be appropriate if a lump sum amount of Rs.2,00,000/- (Rupees two lakhs only) is directed to be paid to the petitioner within a period of four weeks from today towards full and final settlement of all his terminal benefits. From the month of March, 2018 onwards, the petitioner will be entitled to the regular pension in accordance with the applicable provisions.

To the above extent, the impugned judgment and order is set aside.

The travelling and other incidental expenses borne by the officers should be paid by the State Government.

List the matter after four weeks by which time the Chief Secretary of the State of Gujarat should file his status report.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER