

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) .8815 OF 2017
(Arising out of SLP (C) No(s). 17143/2011)

STATE OF GUJARAT THROUGH
THE SECRETARY & ANR.

APPELLANT(S)

VERSUS

GAJAJI GOPALJI JADEJA & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NOS.8816-8928 OF 2017
(Arising out of SLP(C) Nos. 23105-23217/2011)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

These appeals arise out of claim of the Border Wing Home Guards in the State of Gujarat for regularization.

When the matter came up before this Court on 15.07.2013, following order was passed:-

“Heard learned counsel for the parties.

The dispute in these matter is about the appropriate payments to be given to the Border Wing Home Guards working in the State of Gujarat. This Court while issuing notice has confined the notice only to the benefits to be given to him meaning thereby their absorption into regular service was to be effected, as directed in the impugned judgment. It is not disputed that they have all been absorbed. It is also not disputed that they

are being given the benefit of the scheme framed by the State Government on 6th April, 2009 w.e.f. 6.4.2009. The counsel for the respondents submitted that they will be agreeable to settle the controversy once and for all, if the benefits are given from 6.4.2009 while counting their service from their initial date of joining.

Mr. L.N. Rao, learned senior counsel appearing for the petitioners wants to take instructions.'

Adjourned to 29.7.2013."

Thereafter on 29.07.2013, following order was passed:;

"Heard the learned counsel appearing for the parties. Mr. Rao, learned senior counsel appearing for the State of Gujarat states that the State Government is agreeable to consider giving the monetary benefits from 6.4.2009 by taking into account the service of the concerned Home Guards from 30.07.2003, as directed by the learned Single Judge. In this arrangement, some 75 persons would be left and it would be for the Court to look into as to what should be done for them. Counsel for the respondents may take instructions in this regard.

List these matters on 8th August, 2013."

Learned Additional Solicitor General, Mr. P.S. Narsimha appearing for the State of Gujarat submits that he stands by the submission recorded in the order dated 29.07.2013.

Learned counsel for the respondents, however, submitted that the benefit should be given from the date of appointment itself.

In view of the statement already made on behalf of the respondents that the benefits are to be given from 06.04.2009 which was acceptable to the respondents, we are unable to accept the said submissions. Moreover, as per order dated 29.07.2013, the service of the Home Guards from

30.07.2003 will be taken into account though monetary benefits will be given from 06.04.2009.

The appeals are disposed of in terms of statement recorded in the order dated 29.07.2013.

Pending applications, if any, shall also stand disposed of.

.....J.
[ADARSH KUMAR GOEL]

.....J.
[UDAY UMESH LALIT]

NEW DELHI
10TH JULY, 2017

ITEM NO.6

COURT NO.12

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 17143/2011

(Arising out of impugned final judgment and order dated 06-04-2011 in LPA No. 712/2005 passed by the High Court of Gujarat at Ahmedabad)

STATE OF GUJARAT THROUGH THE SECRETARY & ANR. Petitioner(s)

VERSUS

GAJAJI GOPALJI JADEJA & ORS. Respondent(s)

(With application for exemption from filing c/c of the impugned judgment)

WITH

SLP(C) Nos. 23105-23217/2011 (III)

Date : 10-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. P.S. Narshima, ASG.
Mr. Preetesh Kapoor, Adv.
Ms. Hemantika Wahi, AOR
Mr. Jesal Wahi, Adv.
Ms. Mamta Singh, Adv.

For Respondent(s) Mr. Sanjay R. Hegde, Sr. Adv.
Mr. S. Nithin, Adv.
Mr. Pramjal Kishore, Adv.
Mr. Anil Kumar Mishra-i, AOR

Mr. P.H. Parekh, Sr. Adv.
Ms. Rukhmani Bobde, Adv.
Ms. Ritika Sethi, Adv.
Ms. Sonal Gupta, Adv.
for M/s. Parekh & Co., AOR

Mrs. V. Mohana, Sr. Adv. (Not present)
Mrs. Rashmi Malhotra, Adv.
Mr. B. Raghunath, Adv.
Mrs. Kiran Bhardwaj, Adv.
Mrs. B. Krishna Prasad, AOR

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

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending applications, if any, shall also stand disposed
of.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(VEENA KHERA)
ASSISTANT REGISTRAR
(Signed order is placed on the file)