

ITEM NO.31

COURT NO.13

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). 2707/2019

(Arising out of impugned final judgment and order dated 15-10-2018 in LPA No. 1305/2018 passed by the High Court Of Gujarat At Ahmedabad)

THE STATE OF GUJARAT & ORS.

PETITIONER(S)

VERSUS

ASHABEN R. SHIVDASANI

RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.14905/2019-EXEMPTION FROM FILING O.T.)

Date : 11-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Ms. Aastha Mehta, Adv.
Ms. Vishakha, Adv.
Ms. Deepanwita Priyanka, AOR

For Respondent(s) Mr. Mehmood Umar Faruqui, AOR

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

We have heard learned Counsel for the parties and taking into consideration the material on record and so also the fact that the alleged absence from duty of the respondent, which indeed was a misconduct and the authority could have proceeded after holding a domestic inquiry in accordance with disciplinary rules which indeed

has not been followed in the instant case, this what has been considered by the High Court in the judgment impugned.

In addition to it, we have been informed that the respondent-employee has attained the age of superannuation by this time.

After hearing learned counsel for the parties and taking into consideration the material on record and so also the additional fact that she has attained the age of superannuation, we are not inclined to interfere in the judgment impugned under Article 136 of the Constitution.

The Special Leave Petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

Since we have dismissed the petition, let the petitioners shall pass necessary orders in compliance of the judgment impugned dated 15th October, 2018 and release arrears and other benefits to the respondent within a period of eight weeks from today.

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)