IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/LETTERS PATENT APPEAL NO. 1121 of 2025
In
R/SPECIAL CIVIL APPLICATION/21139/2016
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In
R/LETTERS PATENT APPEAL NO. 1121 of 2025

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JETPUR NAVAGADH NAGARPALIKA
Versus
YAKUB MUSABHAI DOSANI

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Appearance:
MR BHAVESH P TRIVEDI(2731) for the Appellant(s) No. 1
MR RR TRIVEDI(941) for the Appellant(s) No. 1
MR DM THAKKAR(894) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE ILESH J. VORA**
and
HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 17/07/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE R. T. VACHHANI)

By way of this Letters Patent Appeal under clause 15 of the Letters Patent, the petitioner - Jetpur Navagadh Nagarpalika through its Chief Officer has challenged the order dated 07/07/2025 passed in SCA No.21139 of 2016, whereby the respondent – original petitioner has been granted the pay-scale of Rs.5000/- to Rs.8,000/- as was extended to his predecessors in the office holding the same post prior to him.

2. The bone contention of the learned Advocate appearing for the appellant is that the person holding to the same post prior to the respondent – original petitioner were granted the pay-scale of Rs.5000/- to Rs.8000/- as they have approached the learned Tribunal; whereas the petitioner has been granted lower pay-scale of Rs.4,500/- to Rs.7,000/-

which was approved by the Director of Municipality and therefore, the petitioner cannot claim a higher pay-scale. It was also argued that since the three other persons who have been granted the higher pay-scale had approached the learned Tribunal where after adjudication of the issue, the learned Tribunal has granted such benefits; whereas in the case on hand, the respondent–original petitioner has not approached the learned Tribunal and therefore, he could not have been extended such benefits.

2.1 Attention of this Court is also invited to the fact that the respondent – original petitioner has not raised such claim in time and there was a delay and latches in raising such issue and in support of such contentions relied upon the decision of the Hon'ble Apex Court in case of ***U.P. Jal Nigam & Anr., vs. Jaswant Singh & Anr., [(2006) 11 SCC 464]***. It is further submitted that since the delay has been caused in raising such issue, the original petitioner may not be entitled to claim such benefits and therefore, the appeal may be allowed and the impugned order may be quashed and set aside.

3. Opposing the contentions raised by the learned advocate for the appellant, learned Advocate for the respondent – original petitioner would submit that merely because the petitioner has not approached the learned Tribunal he may not be entitled to such higher pay scale which has been granted to his predecessor for the same post cannot be the ground for denial of such benefits. He would further submit that in fact on the basis of parity also the petitioner is entitled to such higher pay scale.

3.1 He would further submit that granting of higher pay-scale by the learned Tribunal to the predecessors of the petitioner has been challenged before this Hon'ble Court by filing SCA No.11940 of 2022 and allied matters and the decision of the learned Tribunal has attained the finality

and therefore, the question of denying any higher pay-scale to the petitioner does not arise.

3.2 Insofar as the arguments on the aspect of delay and latches raised by the learned Advocates appearing for the appellant is concerned, he would submit that such argument cannot be accepted as the same was not raised before the learned Single Judge and therefore, he would submit to dismiss the appeal.

4. Having heard the learned Advocates appearing for the respective parties and examining the record of the case, the facts not in dispute are that the predecessors of the petitioner have been granted the higher pay-scale by the learned Tribunal after adjudication of the issue for the same post which the petitioner was holding on being promoted; the order of the learned Tribunal granting higher pay-scale has attained the finality by this Court in a group of writ petitions. Thus, merely because the petitioner has not approached the learned Tribunal, he cannot be granted the higher pay-scale; is no ground for denying such relief. The learned Single Judge has discussed the very said aspect in paragraph No.6 of the impugned order which is reproduced herein below and this Court is in complete agreement with the said finding.

> *"6. It is settled law that if the right to a particular scale to a particular post has been determined by a competent Court, the employer would have to necessarily extend the benefit to all the employees who are holding that post and the employer cannot contend that the other employees should also approach the Court to secure the benefit. Having regard to this settled position, it is but necessary to direct the petitioner to the Municipality to extend the pay scale of Rs. 5,000/- to Rs. 8,000/- to the petitioner as was*

extended to his predecessor in office i.e. Shri U. G. Makwana."

5. The argument of the learned Advocate for the appellant on the aspect of delay in raising such issue also cannot be countenanced in view of the fact that such argument has never been raised before the learned Single Judge and therefore the same cannot be entertained at this stage. However, even considering the said aspect of delay and latches equiting with the facts on the case on hand, the same does not come to the rescue of the appellant and therefore, it is not sustainable in the eye of law.

6. For the foregoing reasons, the present appeal fails and is accordingly dismissed while confirming the order of the learned Single Judge.

In view of the dismissal of the appeal, the civil application for stay would not survive and stands dismissed.

(ILESH J. VORA,J)

(R. T. VACHHANI, J)

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Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: MANISHKUMAR JYOTINDRA SOMPURA(HC00189), Principal Pvt. Secretary, at High Court of Gujarat on 17/07/2026 17:01:15