IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 789 of 2019
In R/SPECIAL CIVIL APPLICATION NO. 19160 of 2017
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2019
In R/LETTERS PATENT APPEAL NO. 789 of 2019
With
CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2020
In R/LETTERS PATENT APPEAL NO. 789 of 2019

FOR APPROVAL AND SIGNATURE:

HONOURABLE THE CHIEF JUSTICE MR. VIKRAM NATH Sd/-

and
HONOURABLE MR. JUSTICE J.B.PARDIWALA Sd/-

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?	No
2	To be referred to the Reporter or not ?	No
3	Whether their Lordships wish to see the fair copy of the judgment ?	No
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	No

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PADHIYAR MUNAF SATARBHAI
Versus
STATE OF GUJARAT

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Appearance:
MR GAUTAM JOSHI, SENIOR ADVOCATE ASSISTED BY MR VAIBHAV A VYAS(2896) for the Appellant(s) No. 1
MR DM DEVNANI, AGP (1) for the Respondent(s) No. 1,2
MR SHIVANG J SHUKLA(2515) for the Respondent(s) No. 3
MR ABHISST K THAKER(7010) for the Respondent(s) No. 4
MR DIPEN DESAI(2481) for the Respondent(s) No. 5
MS HARSHAL PANDYA, ADVOCATE for the Applicant in Civil Application No.1 of 2020

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CORAM: **HONOURABLE THE CHIEF JUSTICE MR. VIKRAM NATH**
and
HONOURABLE MR. JUSTICE J.B.PARDIWALA

Date : 11/09/2020

ORAL JUDGMENT
(PER : HONOURABLE THE CHIEF JUSTICE MR. VIKRAM NATH)

1. We have heard Mr. Gautam Joshi, the learned Senior Counsel assisted by Mr. Vaibhav Vyas, the learned counsel for the appellant, Mr. Dipen Desai, the learned counsel representing the respondent Nos.4 and 5, Ms. Harshal N. Pandya, the learned counsel appearing for the party seeking impleadment vide Civil Application No.1 of 2020 and Mr. Dharmesh Devnani, the learned AGP for the State respondents.

2. With the consent of the learned counsels for the parties, we have heard the appeals as also the pending applications.

3. The appeal was preferred assailing the correctness of an interlocutory order passed by the learned Single Judge declining to grant interim relief in the writ petition. At some stage, the Division Bench passed an order on 3.5.2019 holding that it will be open for the Departmental Promotion Committee to

take a decision regarding promotions but not to implement the same without permission of this Court.

4. The matter has come up before us upon an application filed by Ms. Harshal Pandya alleging that the entire promotion of a large number of Town Planners to the post of Senior Town Planners which also includes the consideration of the promotion of the appellant himself has been withheld on account of the interim order.

5. For two reasons, we are not inclined to continue with this appeal; firstly, that the order impugned is of an interlocutory nature and it does not decide any of the rights of the parties and secondly, in the matter of promotion where the appellant himself is also to be considered along with others who are awaiting promotion, there would be no justification for any interference by way of an interim order.

6. For the reasons recorded above, we dismiss the appeal. All the connected Civil

Applications stand disposed of. Interim relief, if any, stands vacated.

7. We further request the learned Single Judge to make an endeavour to decide the main Special Civil Application expeditiously.

(VIKRAM NATH, CJ)

(J. B. PARDIWALA, J)

RADHAN/DRASHTI K. SHUKLA