

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 10410 of 2025**

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VARSHABEN JITENDRABHAI RAVAL

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR RAMNANDAN SINGH(1126) for the Petitioner(s) No. 1

MS TANUSHREE SHRIMAL, AGP for the Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 31/07/2025****ORAL ORDER**

1. Heard learned Ms. Pallavi Patel for learned Advocate Mr. Ramnandan Singh on behalf of the petitioner and learned Assistant Government Pleader Ms. Tanushree Shrimal on behalf of the respondent – State.

2. Learned Advocate Ms. Patel for the petitioner would submit that the issue in the present petition pertains to grant of salary in minimum of pay scale to petitioner who is working on temporary basis for four hours and more with the respondents. Learned Advocate would submit that the issue is no more *res integra* more particularly learned Advocate would submit that vide a decision dated 19.07.2022 in Special Civil Application No. 8766 of 2021 and allied matters a learned Co-ordinate Bench of this Court had divided the temporary workman who would be entitled to benefit of minimum of pay scale as per Government Resolution dated 16.07.2019 into eight categories and had inter alia observed that the employees working in the said categories would be entitled to the said benefit. Learned Advocate would submit that the decision dated 19.07.2022 by the learned Co-ordinate Bench had been challenged by the respondent – State by preferring Letters

Patent Appeal No. 724 of 2023 and allied matters. It is submitted that Letters Patent Appeal had been restricted to one of the categories i.e. as regards payment of minimum of pay scale to workmen who were working for minimum of four hours or more with the respondents as temporary workmen. It is submitted that the Division Bench vide judgment dated 11.08.2023 had confirmed the decision of the learned Co-ordinate Bench more particularly holding that workmen who are working for four hours or more with the concerned respondents as temporary employees would be entitled to grant of salary in minimum of pay scale as per Government Resolution dated 16.07.2019.

3. Learned Advocate would submit that the issue being settled by Division Bench of this Court, and whereas since the present petitioner is working for four hours or more, this Court may direct the respondents to forthwith pay to the petitioner salary in minimum of pay scale, more particularly with effect from 01.01.2019 as per Government Resolution dated 16.07.2019.

4. As against the same learned Assistant Government Pleader would submit that while the legal proposition as emanating from the decisions of this Court as submitted by learned Advocate may not be disputable, yet, this Court may inter alia direct the concerned respondents to verify the fact of the number of hours being worked by the petitioner on each day and whereas appropriate orders with regard to payment of salary minimum scale may thereafter be passed.

5. Having heard learned Advocate for the petitioner and learned Assistant Government Pleader on behalf of the respondent- State and

having perused the documents including judgment of the learned Coordinate Bench as well as the Division Bench, insofar as the entitlement of persons who are working for four hours or more as temporary employees for minimum of pay scale, the same is undisputable and undeniable. If the petitioner is working for four hours or more, then the petitioner would be entitled to salary in minimum of pay scale as per Government Resolution dated 16.07.2019 with effect from 01.01.2019. The only aspect which requires verification is as regards the number of hours for which the petitioner is working. Again, it requires to be mentioned here that as per learned Advocate and as also coming out from the record there are orders issued by appointing authorities themselves, whereby the petitioner's working hours have been fixed initially for a period of one hour and thereafter for a period of six hours. Therefore, while this Court would permit the respondents to undertake a verification the same would be only of limited nature, considering the observations as above, and within a specific period of time frame. The said observations would also be applicable in case where proposal has been already sent by the concerned Departments.

6. Having regard to the above observations, the following directions are passed:

- (a) It is found that the petitioner has placed orders on record whereby it appears that petitioner has been initially appointed as temporary workmen to work for one hour and thereafter for a period of six hours per day. It is also the contention that as such the petitioner is working for much more than four hours as of now. The appointing authorities in this case only need to

verify whether the original appointment order and or later orders /service particulars certified by authorities specify whether the petitioner is appointed for working for four hours or more with the respondents.

- (b) Such verification shall be completed within a period of two weeks by the concerned appointing authorities. Upon such verification being completed, if the petitioner is deemed to be entitled, the petitioner shall be paid salary in minimum of pay scale with effect from 01.01.2019 within a period of four weeks thereafter.
- (c) In case, the decision of the respondents is adverse to the interest of the present petitioner, then a reasoned order shall be passed. It would be open for the petitioner to assail the same before the appropriate forum in accordance with law.

With the above observation and direction present petition stands disposed of as allowed. Direct service is permitted.

BDSONGARA

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHUPENDRASINH DHANESINH SONGARA(HC01082), Private Secretary, at High Court of Gujarat on 31/07/2025 19:08:56