IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 8148 of 2026

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JESABHAI MANABHAI MARIVAD
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MS REENA M KAMANI(6007) for the Petitioner(s) No. 1
MS VILAS A PURANI(9038) for the Petitioner(s) No. 1
MS FORUM SHAH, AGP for the Respondent(s) No. 1,2,3

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CORAM:**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**

Date : 22/10/2026

ORAL ORDER

1. Heard learned Advocate Ms. Reena Kamani for the petitioner and learned AGP Ms. Forum Shah for the respondent-State.

2. **Rule** returnable forthwith. Learned AGP waives service of rule on behalf of the respondent-State.

3. By way of this petition, the petitioner inter alia raises a grievance as regards non-extension of benefits available to the petitioner under Government Resolution dated 17.10.1988 read with the Government Resolution dated 15.09.2014, more particularly considering the number of years worked by the petitioner. It is specifically the grievance of the petitioner that though the petitioner had joined

service since 01.12.1989 and as per the settled position, the petitioner having completed 10 years of working more than 240 days in the year 1999, he would be entitled for the benefit of permanency from the said year and whereas the petitioner would be entitled to all benefits as would be entitled to by a regularly appointed employee thereafter.

4. According to the petitioner, the respondent-department, by considering an erroneous figure of the petitioner having worked only for 7 years, has conferred a limited benefit to the present petitioner and whereas according to the learned Advocate for the petitioner, there is contemporaneous record available to show that the petitioner has worked for a total of 33 years from the year 1989 and whereas in each of the years, the petitioner having worked for more than 240 days, the petitioner would be entitled to all the benefits available under the Government Resolution dated 17.10.1988 read with the Government Resolution dated 15.09.2014.

5. As against the same, learned AGP Mr. Trivedi for the respondent- State would submit that the respondents having calculated the appropriate number of years put in by the petitioner as appearing from the order dated 27.01.2015, has extended to the petitioner the appropriate benefits

considering the number of years put in by the petitioner and whereas, according to the learned AGP, no error whatsoever has been committed by the respondent-department.

6. Considering the submissions made by learned Advocates for the parties, while it would appear that the respondent-department vide order dated 27.01.2015, has considered the case of the petitioner for grant of benefit under Government Resolution dated 17.10.1988 and subsequent Resolution dated 15.09.2014 in a truncated manner, more particularly having considered the petitioner as joined in service from 01.12.1989 only and also considering that the petitioner had worked for a period of 7 years for more than 240 days. On the other hand, it would appear that in a proceedings under the Payment of Gratuity Act, the Range Forest Officer, had produced details with regard to the service rendered by the present petitioner and whereas the chart of number of days having worked by the petitioner produced before the competent authority reflects the petitioner having worked for more that 240 days for 33 years starting from the year 1989. It also appears that the controlling authority under the Payment of Gratuity Act, vide order dated 18.01.2025, had directed payment of gratuity to the petitioner considering the period of service put in by the petitioner of 33 years.

7. Having regard to such situation, it would be evident that there is as such, no dispute about the petitioner having worked for 33 years for more than 240 days. It would also appear that having stated as such before the controlling authority, it was not open for the respondents to have truncated the period of service rendered by the petitioner only to 7 years.

8. At this stage, it would be relevant to refer to observations of the Hon'ble Apex Court in case of ***State of Gujarat Vs. Public Works Department and Forest Employees Union and Others, reported in (2019) 15 SCC 248***, more particularly Para 14 thereof, whereby the Hon'ble Apex Court has explained the working of the Government Resolution dated 17.10.1988. Having regard to the law explained by the Hon'ble Apex Court, it would appear that upon working for five years for more than 240 days, the employee who had originally been appointed as daily wager would be entitled to part benefits and whereas after putting in 10 years of service for more than 240 days, the employee concerned is entitled for being conferred with the status of permanency and as observed by the Hon'ble Apex Court, upon being made permanent, the employee is entitled to all the benefits as entitled to by an employee appointed on

regular basis after a selection process.

9. Having regard to the law laid down by the Hon'ble Apex Court and having considered the period of years having put in by the petitioner, more particularly the petitioner admittedly having worked for more than 240 days for 33 straight years, appropriate directions are required to be issued to the respondent authorities. Hence, the following directions are passed :

(A) The respondent i.e. the respondent No. 3 in consultation with the respondent No.2 shall re-work the entitlement of the petitioner, more particularly as per the admitted position of the petitioner having worked for more than 20 years putting into more than 240 days in each of the said years in view of the order dated 18.01.2025 passed by the Controlling Authority in Gratuity Application No. PGA/2024/SAB/2363. The exercise of re-working of the benefits shall be carried out by the respondents within a period of Eight weeks from the date of receipt of this order.

(B) The benefits including pensionary benefits as per old pension scheme from the calculation as above, shall be paid to the petitioner along with arrears within a period of Six weeks thereafter.

(C) It is clarified that in case the petitioner is aggrieved by the decision partly or fully that may be passed by the respondents, the petitioner would be entitled to agitate appropriate grievance before appropriate forum.

(D) In case the benefits flowing from the Government Resolution dated 17.10.1988 read with the Government Resolution dated 15.09.2014 as explained later on are not conferred to the petitioner within a period of Fourteen weeks, then the petitioner would be to claim interest at the rate of 6% from the date of filing of this petition.

10. With the above observations and directions, the present petition stands disposed of as allowed. Rule is made absolute to the aforesaid extent.

(ANIRUDDHA P. MAYEE, J.)

SALIM/

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MOHAMMAD SALIM(HC01108), STENO GR II, at High Court of Gujarat on 26/10/2026 11:17:07