

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2949 OF 2018  
[@ SPECIAL LEAVE PETITION (C) NOS. 15576 OF 2016]

KARSHANBHAI RAMJIBHAI JALADIYA Appellant (s)

VERSUS

DISTRICT DEVELOPMENT OFFICER AND ANR. Respondent(s)

WITH

CIVIL APPEAL NO. 2950 OF 2018  
[@ SPECIAL LEAVE PETITION (C) NOS. 15678 OF 2016]

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellants are aggrieved since they have not been granted reinstatement in service while their juniors were retained by the first respondent. During the pendency of the litigation, spanning over three decades, Sh. Khimjibhai Muljibhai Mahida (appellant in Civil Appeal No. 2950/2018) expired and hence, the litigation is pursued by his legal representative.

3. When this matter came up for admission before this Court, we directed Sh. H.P. Raval, learned senior counsel appearing for the respondents, to get

instruction as to whether there are any vacancies available, either as Work Charged Clerk or Carpenter. Today, on instruction, Sh. Raval submits that there is no vacancy available as of now. It is also explained that one junior happened to be retained in service pursuant to the directions issued by the High Court in the facts of that case. Be that as it may, we find that the workmen had around five years of service and, therefore, compensation awarded to them to the tune of Rs. 1,85,000/- (Rupees One Lakh and Eighty Five Thousand) seems to be on the lower side. Having regard to the entire facts and circumstances of the case, particularly the prolonged litigation pursued by the parties reaching upto this Court, we are of the view that the interest of justice would be met if the compensation is fixed at Rs. 6,50,000/- (Rupees Six Lakhs and Fifty Thousand) each, in addition to the amounts already paid, in full and final settlement of the entire claims of the appellants. The appeals are allowed to the above extent.

4. We make it clear that in the case of Sh.Karshanbhai Ramjibhai Jaladiya (appellant in Civil Appeal No. 2949/2018), he shall be entitled to preferential appointment in case any future vacancy arises, either as Work Charged Clerk or as Carpenter,

subject to eligibility.

5. We make it clear that this amount shall be paid in addition to the amount already paid to the appellants as per the directions of the High Court. The amount shall be paid within a period of six weeks from today.

6. We further make it clear that this Judgment is passed in the peculiar facts of this case and, therefore, shall not be treated as a precedent.

.....J.

[ KURIAN JOSEPH ]

.....J.

[ MOHAN M. SHANTANAGOUDAR ]

New Delhi;  
MARCH 19, 2018.

ITEM NO.5

COURT NO.5

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). 15576/2016

(Arising out of impugned final judgment and order dated 13-04-2016 in LPA No. 2097/2007 13-04-2016 in SCA No. 8684/2000 passed by the High Court Of Gujarat At Ahmedabad)

KARSHANBHAI RAMJIBHAI JALADIYA

Petitioner(s)

VERSUS

DISTRICT DEVELOPMENT OFFICER AND ANR.

Respondent(s)

WITH

SLP(C) No. 15678/2016 (III)

Date : 19-03-2018 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mrs. Saroj Haresh Raichura, Adv.  
Mr. Kalp Raichura, Adv.  
Mr. Haresh Raichura, Adv.

For Respondent(s) Mr. H. P. Raval, Sr. Adv.  
Mr. Anirudh Sharma, Adv.  
Mr. Abhaid Parikh, Adv.

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

Leave granted.

The appeals are allowed to the extent indicated in the signed non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)