

STATE OF GUJARAT v. TALSIBHAI DHANJIBHAI PATEL , (2022-2)206 PLR 482 (SC) , 2022 SCeJ 0529, 2022 PLRonline 9364

Supreme Court of India

Before: Justice M.R. Shah, Mrs. Justice B.V. Nagarathna.

THE STATE OF GUJARAT & ORS. – Petitioners,

versus

TALSIBHAI DHANJIBHAI PATEL – Respondent.

Special Leave to Appeal (C) No. 1109/2022

Service matter-

Pensionary benefits - Ad- hoc employee - State continued to take his services as an ad-hoc for 30 years - State can not now contend that as the services rendered by the respondent are ad-hoc, he is not entitled to pension/pensionary benefit - As a welfare State, the State as such ought not to have taken such a stand.

(Arising out of impugned final judgment and order dated 13-10-2020 in LPA No. 762/2020 passed by the High Court Of Gujarat at Ahmedabad)

Ms. Archana Pathak Dave, Ms. Deepanwita Priyanka, AOR, for Petitioner. Mr. Manoj K. Mishra, AOR, Mr. Umesh Dubey, Mr. A.A. Bhasme, Mr. Prateek Som, Mr. Sudhir S. Rawat, Mr. Vishrov Mukerjee, for Respondent.

ORDER

(18.02.2022) – It is unfortunate that the State continued to take the services of the respondent as an ad-hoc for 30 years and thereafter now to contend that as the services rendered by the respondent are ad-hoc, he is not entitled to pension/pensionary benefit. The State cannot be permitted to take the benefit of its own wrong. To take the Services continuously for 30 years and thereafter to contend that an employee who has rendered 30 years continues service shall not be eligible for pension is nothing but unreasonable. As a welfare State, the State as such ought not to have taken such a stand.

2. In the present case, the High Court has not committed any error in directing the State to pay pensionary benefits to the respondent who has retired after rendering more than 30 years service.

3. Hence, the Special Leave Petition stands dismissed.

4. Pending application(s), if any, shall stand disposed of.

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