

## IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 762 of 2020  
In R/SPECIAL CIVIL APPLICATION NO. 20185 of 2018  
With  
CIVIL APPLICATION (FOR STAY) NO. 1 of 2020  
In R/LETTERS PATENT APPEAL NO. 762 of 2020

STATE OF GUJARAT  
Versus  
TALSIBHAI DHANJIBHAI PATEL

Appearance:  
MR CHINTAN DAVE, ASST. GOVERNMENT PLEADER(1) for the  
Appellant(s) No. 1,2,3  
MR VAIBHAV A VYAS(2896) for the Respondent(s) No. 1

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

Date : 13/10/2020

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

1. We have heard Shri Chintan Dave, learned AGP for the State appellant and Shri Vaibhav Vyas, learned counsel appearing for the respondent.

2. The learned Single Judge after considering the material on record came to the conclusion that in terms of Rule 25 of the Pension Rules, 2002, the temporary services were liable to be counted for determining the qualifying period of service and accordingly held that the writ petitioner (respondent herein) had worked for 30 years and 9 months and therefore he would be entitled to pension. Accordingly, the writ petition was allowed. We do not find any infirmity in the order passed by the learned Single Judge as the same is in consonance with the

statutory provisions.

3. The appeal lacks merit and is accordingly dismissed. Consequently, the connected Civil Application stands disposed of.

(VIKRAM NATH, CJ)

(J. B. PARDIWALA, J)

A. B. VAGHELA / GAURAV THAKER

