

HIGH COURT OF GUJARAT

**BABUBHAI JAGJIVANDAS PARMAR
V/S
STATE OF GUJARAT**

Date of Decision: 04 December 2007

Citation: 2007 LawSuit(Guj) 3000

Hon'ble Judges: [S R Brahmbhatt](#)

Case Type: Special Civil Application

Case No: 5434 of 1999

Final Decision: Petition disposed

Advocates: [G M Joshi](#), [Hemant Makwana](#)

Judgement Text:-

S R Brahmbhatt, J

[1] Shri Joshi, learned counsel appearing for the petitioner submits that in fact the petitioner had preferred two petitions challenging the order of dismissal and order of punishment in the present petition for recovering a sum of Rs.25,000=00 from his salary.

[2] This Court (Coram: S.K.Keshote, J.)(as he then was) on 26.7.1999 while issuing Rule did not grant interim relief on the premise that the amount of Rs.25,000=00 can always be ordered to be refunded in case petitioner succeeds in the matter.

[3] Shri Joshi, learned counsel for the petitioner submits that the another matter

challenging the dismissal order was allowed. Thereafter, the petitioner as per his information did not continue in service. Shri Joshi further submits that despite his repeated attempt to receive instructions in respect of this matter, whether petitioner is interested in proceeding further or not, he has not received any instructions from the petitioner. He submits that in view of this, the matter be disposed of with a liberty to revive the same in case of any difficulty.

[4] Shri Makwana, learned AGP submits that this petition may be disposed of as having been infructuous as petitioner has not sent any instructions to his counsel.

[5] Accordingly, this matter is disposed of for want of instructions. However, liberty is reserve to the petitioner to revive the same in case of difficulty and said liberty shall be availed within reasonable time only. Rule discharged. No costs.