



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 1197 of 2025

In R/SPECIAL CIVIL APPLICATION/14995/2024

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/LETTERS PATENT APPEAL NO. 1197 of 2025**

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE A.S. SUPEHIA

**and
HONOURABLE MR.JUSTICE L. S. PIRZADA**

=====		
Approved for Reporting	Yes	No
=====		

DEPUTY DIRECTOR, ANIMAL HUSBANDRY & ANR.
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:
MR PRADIP J PATEL(5896) for the Appellant(s) No. 1,2
MS SHRUTI DHRUVE AGP for the Respondent(s) No. 1
MR DIPAK R DAVE(1232) for the Respondent(s) No. 2

=====

**CORAM:HONOURABLE MR. JUSTICE A.S. SUPEHIA
and
HONOURABLE MR.JUSTICE L. S. PIRZADA**

Date : 03/11/2025

**ORAL JUDGMENT
(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. The present appeal is directed against the order dated 25.06.2025 passed by the learned Single Judge in the captioned writ petition, wherein the learned Single Judge had directed the present appellant - authorities to verify the working hours of the part-time employees and in case, if it is found that working



hours are four hours or more, the respondent no.2 and 3 shall submit an appropriate report to respondent no.1, within a period of four weeks, for extending the benefits under the Circular dated 16.07.2019, conferring the minimum pay-scale with effect from 01.01.2019.

2. **ADMIT.** Learned AGP waives service of notice of admission for and on behalf of respondent-State. Learned advocate Mr.Dipak R. Dave waives service of notice of admission on behalf of respondent no.2.

3. Learned advocate Mr. Pradip J. Patel appearing for the appellant-authorities has submitted that the aforesaid Circular dated 16.07.2019 was considered by the Division Bench in the group of matters being Letters Patent Appeals No. 724 of 2023 and allied matters and by the judgment dated 11.08.2023, the Division Bench has held that the part-time employees, who were working for less than four hours, are not entitled to the pay-scale as conferred by the Government Resolution dated 16.07.2019. It is submitted that though the respondent – original petitioner is working for four hours, he is not entitled to the benefits arising from the Circular dated 16.07.2019, as the Circular mentions that the pay-scale of a part time employees who were working for more than four hours are only entitled to such benefits. Thus, it is urged that the order passed by the learned Single Judge may be quashed and set aside.

4. In response to the aforesaid submissions, learned advocate Mr. Dipak R. Dave appearing for respondent no.2 – original petitioner has submitted that the order passed by the learned

Single Judge may not be interfered with as the same aligns with the Circular dated 16.07.2019 and since the appellants have not disputed that the respondent no.2 is not working less than four hours, he is entitled to the benefits of pay as per the Circular dated 16.07.2019.

5. Learned AGP Ms. Shruti Dhruve has submitted that the expression used in the Circular dated 16.07.2019, would mean that the part-time employees have to minimum complete four hours work in order to get themselves or himself entitled for the minimum wages of Rs.14,800/-.

6. We have heard the learned advocates appearing for the respective parties.

7. It is not in dispute and in fact, admitted by the appellant that the respondent-original petitioner was working for four hours as a part-timer. Learned Single Judge has also recorded the same in paragraph no.7 of the impugned order dated 25.06.2025 and after recording the same the learned Single Judge has held thus:

“7(i) The petitioner is declare to be entitled for grant of benefit under circular dated 16.07.2019 subject to the respondent no.2 & 3 verifying that the petitioner is still working for four hours.

(ii) In case the petitioner is found to be working for four hours or more, the respondent no.2 and 3 shall submit appropriate proposal to respondent no.1 within a period of four weeks from the date of receipt of this order and as regards making payment of benefits under circular dated 16.07.2019 i.e. minimum pay scale w.e.f 01.01.2019, the respondent no.1, upon receiving such proposal, shall examine the same and ensure that appropriate payment of the entitlement is made to the petitioners within a period of six weeks thereafter.”

8. Thus, in view of the specific submissions canvassed before the learned Single Judge that the respondent – original petitioner was working for four hours, the learned Single Judge had directed the appellants to verify his working hours and in case if it is found that he was working for four hours or more, he would be entitled to the benefit of pay as envisaged under the Circular dated 16.07.2019.

8.1 A copy of the Circular dated 16.07.2019, has been forwarded by learned advocate Mr. Patel. A bare perusal of the said Circular reveals that the State Government (Finance Department) has promulgated that a part time employee, who were working for more than four hours, were initially being paid Rs.220/- per day and those who were working actually for four hours, were paid Rs.110/- per day and ultimately, the State Government has consolidated the wages/salary and declared that all the part time employees will be entitled to a fix pay of Rs.14,800/-. Thus, the Circular nowhere mentions that an employee, who is working less than four hours, is entitled to the fixed pay of Rs.14,800/-. The contents of the Circular are self explanatory and it specifically mentions that the employees, who are working for four hours or more, are entitled for the fixed wages of Rs.14,800/-.

8.2 We may incorporate the Circular dated 16.07.2019. The relevant paragraph of the said Circular reads thus:

“As per the judgment rendered in PIL No. 244 of 2014, with reference to the above read item no.(6), it was decided to pay Rs.220/- per day to the part-time employees working for more than four hours and Rs.110/- per day to the part-time employees who are working upto four hours.”

9. At this stage, we may refer to the judgment dated 11.08.2023 passed by the Coordinate Bench in Letters Patent Appeal No. 724 of 2023 and the allied matters on which, reliance is placed by the appellants. The Division Bench has categorically mentioned and held that the Circular dated 16.07.2019 issued to grant remuneration benefit to the part-time employees working in the State Government offices for less than four hours is based on wrong assumptions. Hence, as per the decision of the Coordinate Bench, a part-time employee, who is working less than four hours, is not entitled to the benefits of the fixed wages of Rs.14,800/- as per the Circular dated 16.07.2019.

10. Furthermore, the expression used in the Circular dated 16.07.2019 that, "*the part-time employees who are working upto four hours*", has to be construed that the employees in order to claim the pay of Rs.14,800/- have to actually work minimum for four hours and not less than four hours. If the expression is construed otherwise, then it would mean that a part-time employee who has worked even less than four hours, i.e the moment he is employed till he is relieved within four hours will also be entitled to claim benefit of fixed pay of Rs.14,800/-, which cannot be the intention of the State Government.

11. The benefit of the pay/wage, as per the Circular, is only extended to those part-time employees who have actually worked for four hours or more, as observed by the learned Single Judge. In the present case, it is not denied by the appellants that the respondent no.2 is working for minimum four hours. It is observed by the learned Single Judge that it will be open for the appellant – authorities to verify the working hours of the



respondent-employee and in case it is found that he is working for four hours, i.e. rendering actual four hours of service and not below four hours, the part-time employee would be entitled to the benefits of the Circular dated 16.07.2019.

12. In light of the foregoing observations, we do not find any infirmity or illegality in the order passed by the learned Single Judge. Accordingly, the present Letters Patent Appeal stands dismissed. As a sequel, the connected civil application also stands disposed of.

(A. S. SUPEHIA, J)

(L. S. PIRZADA, J)

Radhika / 2