

[2022 LiveLaw \(SC\) 187](#)

IN THE SUPREME COURT OF INDIA
M.R. SHAH; B.V. NAGARATHNA, JJ.

Date : 18-02-2022

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

THE STATE OF GUJARAT & ORS.
VERSUS
TALSIBHAI DHANJIBHAI PATEL

Pension - High Court directed to pay pensionary benefits to an ad-hoc employee who has retired after rendering more than 30 years service - SLP filed by the State Dismissed - 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 continuous 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.

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

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

ORDER

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.

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.

Hence, the Special Leave Petition stands dismissed.

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

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