

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/MISC. CIVIL APPLICATION (FOR CONTEMPT) NO. 748 of 2024  
In R/SPECIAL CIVIL APPLICATION NO. 10396 of 2023**

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GEMARBHAI DALABHAI DESAI &amp; ORS.

Versus

S.K.PATEL, SUPERINTENDING ENGINEER, IRRIGATION MECHANICAL &amp; ORS.

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Appearance:

MR SWAPNESHWAR GOUTAM(9051) for the Applicant(s) No. 1,10,11,2,3,4,5,6,7,8,9

MR MB GOHIL(2702) for the Opponent(s) No. 3

NOTICE SERVED BY DS for the Opponent(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE A.S. SUPEHIA**

and

**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 03/02/2025

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)

1. During the course of hearing of the present application, a shocking fact has come to our notice that though the contempt proceedings are initiated for non-compliance of the directions issued by the learned Single Judge in the captioned Writ Petition and upon verification, we have come to know that the department in which the applicants were serving, is not made party respondent i.e. Sardar Sarvovar narmada Nigam Ltd. and instead Narmada, Water Resources, Water Supply and Kalpasar Department has been made a party. Thus, both the departments are distinct and having a different identity.

2. On the basis of the order passed by the learned Single Judge, the benefit of one increment has been extended to the present applicants. When such error was pointed out by the learned advocate Mr. Swapneshwar Goutam for the applicants and also learned AGPs, they have tendered apology and have submitted that the applicants may not be made to suffer for the error committed by the learned advocates in the present proceedings as well as before the learned Single Judge.

3. Time and again, it is noticed by us that the orders are obtained in group of petitions, where numerous employees are made parties who also belong to different departments and correct facts are not pointed out before the learned Single Judges. This is one of such matter. The learned AGPs have also failed to point out the correct status of the petitioners before the learned Single Judges. Though it is noticed that a chart has been annexed in the Writ Petition, however, the same is also incomplete as it does not show under which department the applicants were serving.

4. Today when the matter is taken up for hearing, it is also submitted by the learned AGPs that the applicants are already extended the benefit of one increment. When we were inclined to impose exemplary cost for misleading the learned Single Judge and this Court, learned advocate Mr. Goutam as well as the learned AGPs have tendered an apology and have assured that such things will not be repeated again. He requests for withdrawal of the present application.

5. Request is acceded to. Accordingly, the present application stands disposed of as withdrawn with a warning to the learned advocate Mr. Goutam as well as learned AGPs to remain careful as and when number of petitions are filed and the correct facts of each of the petitioners shall be tendered in such petitions.

**(A. S. SUPEHIA, J)**

**(GITA GOPI,J)**

Maulik/67