

(2011) 09 GUJ CK 0101
In the Gujarat High Court

Case No : Special Civil Application No. 7974 of 2011

Amreli District Panchayat and Others

APPELLANT

Vs

Chhaganbhai Mohanbhai Siddhpura

RESPONDENT

Date of Decision : 26-09-2011

Acts Referred:

Citation : (2011) 09 GUJ CK 0101

Hon'ble Judges : R.R. Tripathi, J

Bench : Single Bench

Advocate : HS Munshaw for Petitioners 1 - 2, for the Appellant; PP Kasvala for Respondent(s) 1, for the Respondent

Final Decision : Allowed

Judgement

Honourable Mr. Justice Ravi R. Tripathi

1. The petitioner - Amreli District Panchayat along with Taluka Development Officer, Taluka Panchayat, Amreli, is before this Court being aggrieved by award and order dated 11.04.2011 in Reference (LCA) No. 65 of 2003, whereby the learned Judge of Labour Court, Amreli, was pleased to order payment of Rs. 1 lac as lump sum compensation in lieu of reinstatement as well as back wages.

2. Notice was issued on 30.06.2011. The same is served and learned Advocate Mr. Kasvala appears for the respondent workman.

2.1 The matter requires consideration.

3. RULE. Learned Advocate Mr. Kasvala waives service of Rule on behalf on behalf of the respondent-workman.

At the request of learned Advocate Mr. Munshaw for the petitioners, the matter is taken up for final disposal, to which learned Advocate Mr. Kasvala for the respondent has no objection.

4. Learned Advocate for the petitioners submitted that the respondent-workman

was serving as part-time peon in an Ayurvedic Clinic at village Gokharwala, Tal. & Dist. Amreli. It is not in dispute that he was service since 01.03.1987 and he continued in service till 28.02.2002, the period comes to about 15 years. The respondent-workman was getting Rs. 900/- per month as remuneration. The date of birth of the respondent-workman is 05.03.1958, i.e. he is of 53 years of age approx. and retirement age is 58 years.

4.1 Learned Advocate for the petitioners submitted that even the "Vaidhya", who was attending this Ayurvedic Clinic, was also on part-time basis and Clinic was run by him in one room, at his residence, as was expected by the authorities.

4.2 Learned Advocate for the petitioner submitted that if this amount of Rs. 1 lac is maintained, that will work harsh on the public exchequer and it will be setting a wrong precedent, more particularly when the respondent workman was a part-timer and was getting Rs. 900/- per month.

5. As against this, learned Advocate for the petitioner submitted that the respondent-workman was in service for 15 years, he remained out of service for 9 years and still, he has about 5 years to go and therefore, the amount awarded is absolutely just and proper. In support of his submission, he submitted that on the basis of Rs. 900/- per month, if back wages are to be calculated, it will come roughly about Rs. 97,200/- and therefore, the amount awarded by way of lump sum compensation in lieu of reinstatement and back wages is just and proper.

6. Taking into consideration the aforesaid facts, with rival submissions of the learned Advocates for the parties, the Court is of the opinion that the amount awarded is little on higher side and is required to be reduced, more particularly when this amount is to come from a public body like Gram Panchayat, which in turn will be getting the amount from Taluka Panchayat and District Panchayat.

6.1 Taking into consideration the fact that it was absolutely on part-time basis that the respondent-workman was employed and he was getting Rs. 900/- per month, meaning thereby his duty hours were restricted to a few hours in a day and for remaining hours, he was supposed to attend his own other work, this Court is of the opinion that if the amount is reduced to Rs. 60,000/- (Rupees Sixty Thousand Only), it will serve the ends of justice.

7. Accordingly, the petition is partly allowed. The petitioners are directed to pay an amount of Rs. 60,000/- (Rupees Sixty Thousand Only) to the respondent-workman. Rule is made absolute. No costs.

At the request of the learned Advocate for the respondent workman it is directed that the petitioners shall pay this amount as expeditiously as possible, but not later than 15.10.2011. This time limit is prescribed taking into consideration the ensuing Diwali.

A copy of this judgment and order be made available to learned Advocate Mr. Munshaw for its onward communication for compliance.