

(2010) 12 GUJ CK 0262
In the Gujarat High Court

Case No : Special Civil Application No's. 7351, 14601 and 15607 to 15610 of 2010

Bhurabhai Vejabhai Agath

APPELLANT

Vs

President/Chief Officer

RESPONDENT

Date of Decision : 23-12-2010

Acts Referred:

Citation : (2010) 12 GUJ CK 0262

Hon'ble Judges : K.A. Puj, J

Bench : Single Bench

Advocate : H.M. Prachchhak, for the Appellant; Murali N Devnani, for the Respondent

Judgement

K.A. Puj, J.—Since in all these six matters a common issue is involved, the same are heard and being disposed of together by this common order.

2. The Petitioners in their respective petition have challenged the impugned award passed by the Labour Court granting adhoc compensation ranging between Rs. 10,000=00 to Rs. 13,000=00 in lieu of reinstatement and backwages.

3. The Court has issued notice for final disposal. Pursuant to the notice, Mr. Murali Devnani, the learned advocate appears on behalf of the Respondent Nagarpalika in all the six matters.

4. Heard Mr. H.M. Prachchhak, the learned advocate appearing for the Petitioners and Mr. Murali Devnani, the learned advocate appearing for the Respondent in all these six matters.

5. Considering the submissions made by the learned advocates and the judgments of the Hon'ble Apex Court as well as the impugned awards passed by the Labour Court, the Court is of the view that the Labour Court is justified in awarding adhoc compensation in lieu of reinstatement and backwages. However,

the amount of compensation is required to be enhanced considering the length of service of the Petitioners in the Respondent Nagarpalika.

6. Having regard to the parameters laid down by the Hon"ble Apex Court while awarding adhoc compensation, the Court is of the view that interest of justice would better be served if the adhoc compensation of Rs. 50,000=00 each is awarded to the Petitioners who have completed services of more than 8 to 10 years and Rs. 30,000=00 each is awarded to the Petitioners who have completed services of less than 5 years.

7. Considering this criteria, the Petitioners of Special Civil Application Nos. 7351/2010 and 15610/2010 are awarded compensation of Rs. 50,000=00 each whereas, the remaining Petitioners of other four petitions are awarded compensation of Rs. 30,000=00 each.

8. The Respondent Nagarpalika is accordingly directed to pay the said amount to the respective Petitioners within 30 days from the date of receipt of the writ or from the date of receipt of the certified copy, whichever is earlier.

9. With these directions, all these petitions are accordingly disposed of without any order as to cost.