
(2010) 08 GUJ CK 0037

In the Gujarat High Court

Case No : Special Civil Application No. 256 of 2002

Deputy Executive Engineer

APPELLANT

Vs

Bhupatsinh Vajhsinh Solanki and Others

RESPONDENT

Date of Decision : 10-08-2010

Acts Referred:

Industrial Disputes Act, 1947 — Section 25F

Citation : (2010) 08 GUJ CK 0037

Hon'ble Judges : K. S. Jhaveri, J

Bench : Single Bench

Advocate : G.C. Mazmudar, for the Appellant; Nikhil D. Joshi, for the Respondent

Final Decision : Dismissed

Judgement

K.S. Jhaveri, J.—By way of this petition, the petitioner has prayed to quash and set aside the judgment and award passed by the Labour Court, Nadiad in Reference (LCN) No. 236/1990 dated 16.03.2001, whereby, the said reference was partly allowed and the petitioner has been directed to reinstate the respondent-workmen on their original post without any back wages.

2. The facts in brief are that the respondent-workmen were engaged as daily wage labourers by the petitioner for its canal project at Dakor site. On 01.01.1989 their services were brought to an end by the petitioner. Against the said action, the respondents raised a dispute, which, ultimately, culminated into a reference before the Labour Court, Nadiad. The Labour Court, after considering the evidence on record, partly allowed the reference by way of the impugned award. Hence, this petition.

3. Heard learned Counsel for the respective parties and perused the documents on record. After appreciating the entire evidence on record, particularly, the cross-examination of Bhupatsinh Vajesinh Solanki at Ex.17, the Court below came to the conclusion that the respondent-workmen had worked for more than 240 days in the preceding year. There is nothing on record from which it could be

inferred that the respondent-workmen were given any Notice or paid any Notice Pay of retrenchment compensation before terminating their services. Hence, the action of the petitioner was in breach of the provisions of Section 25F of the I.D. Act.

4. In view of the above, the Court below was completely justified in passing the impugned award. I am in complete agreement with the reasonings given by and the findings arrived at by the Court below in the impugned award and hence, find no reasons to interfere with the same.

5. For the foregoing reasons, the petition is dismissed. Rule is discharged.