
(2010) 07 GUJ CK 0031

In the Gujarat High Court

Case No : Special Civil Application No. 6223 of 2004

Divisional Controller G.S.R.T.C.

APPELLANT

Vs

Pratapsinh Somabhai Dabhi

RESPONDENT

Date of Decision : 28-07-2010

Acts Referred:

Citation : (2010) 07 GUJ CK 0031

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

Bench : Single Bench

Advocate : Sejal K. Mandavia, for the Appellant; Kishor M. Paul, for the Respondent

Judgement

K.S. Jhaveri, J.—The challenge in this petition is against the judgement and award dated 23rd December 2003 passed by the Presiding Officer, Labour Court, Nadiad, in Reference (LC) No. 5 of 2000 whereby the respondent was directed to be reinstated with continuity of service and 25% back wages.

2. The respondent was chargesheet for unauthorized absent and after departmental proceedings his services came to be dismissed. The respondent raised a dispute which culminated into aforesaid reference and the impugned judgement and award as stated hereinabove.

3. Heard the learned Advocates for the respective parties and perused the relevant documents on record. As a result of this exercise I am of the view that no case is made out to interfere with the award of reinstatement with continuity of service.

4. However, there was no plea nor evidence or proof to show that from the alleged discontinuation of his service till the date of the award, the respondent was not in gainful employment. Therefore I am of the view that there was no justification for grant of back wages, especially when the workman has not worked on the post during the interregnum period.

5. In the premises aforesaid, the impugned judgement and award qua the back wages is quashed and set aside. The rest of the award is not disturbed. Rule is made absolute accordingly with no order as to costs. The respondent shall implement the award within four months from today.