

(2010) 10 GUJ CK 0084

In the Gujarat High Court

Case No : Special Civil Application No. 13994 of 2010

Divisional Controller, Gujarat State Road Transport Corp.

APPELLANT

Vs

Rupsinh G. Parmar

RESPONDENT

Date of Decision : 28-10-2010

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2010) 10 GUJ CK 0084

Hon'ble Judges : Mukesh R. Shah, J

Bench : Single Bench

Advocate : Kiran D. Pandey, for the Appellant; None, for the Respondent

Judgement

M.R. Shah, J.—Rule. Shri Rupsinh G. Parmar, party in person waives service of notice of Rule on behalf of the Respondent. With the consent of the learned advocate for the Petitioner and Respondent party in person and as the dispute is settled between the parties and Respondent workman has accepted to forgo 60% of back wages, present petition is taken up for final hearing today.

2. By way of this petition under Article 227 of the Constitution of India, the Petitioner has prayed for an appropriate writ, direction and order quashing and setting aside the impugned judgment and award dated 31.11.2008 passed by the Industrial Tribunal passed in Reference (ITN) No. 31 of 2001, by which the Labour Court has allowed the said reference by quashing and setting aside the order of punishment imposed by the disciplinary authority dated 29.10.1998 and further directed the Petitioner to pay all consequential benefits to the Respondent.

3. Today, when the petition is taken up for hearing, learned advocate for the Petitioner and Respondent-party in person have stated at the bar that parties have settled the dispute amicably and Respondent has accepted to forgo 60% amount due and payable under the impugned judgment and award in question. The aforesaid is explained to the Respondent in vernacular language and he has also agreed to the same. Therefore, in view of the aforesaid settlement, the

impugned judgment and award passed by the Industrial Tribunal is required to be modified to the aforesaid extent.

4. In view of the above settlement entered into between the Petitioner and Respondent-party in person, impugned judgment and award dated 31.11.2008 passed by the Industrial Tribunal passed in Reference (ITN) No. 31 of 2001 is hereby modified to the extent that Respondent shall be entitled to only 40% of the amount due and payable under the aforesaid award i.e. on quashing and setting aside the order of punishment imposed by the disciplinary authority dated 29.10.1998. Ms. Pandey, learned advocate for the Petitioner has submitted that whatever is due and payable to the Respondent under the present order shall be paid to the Respondent within a period of four weeks from today. Rule is made absolute to the aforesaid extent. No costs.