

(2014) 06 GUJ CK 0057
In the Gujarat High Court

Case No : Letters Patent Appeal No. 546 of 2014 in Special Civil Application No. 5473 of 2014

Glorious Petroleum Mazdoor Sangh

APPELLANT

Vs

Vishwanbi Security Agency Pvt. Ltd.

RESPONDENT

Date of Decision : 18-06-2014

Acts Referred:

Citation : (2014) LabIC 3047

Hon'ble Judges : V.M. Sahai, J; R.P. Dholaria, J

Bench : Division Bench

Advocate : K.R. Mishra, Advocate for the Appellant; A.K. Clerk, Advocate for Respondent No. 1. and Mr. Rituraj M. Meena, Advocate for Respondent No. 3, Advocate for the Respondent

Final Decision : Dismissed

Judgement

V.M. Sahai, J.—We have heard Mr. K.R. Mishra, learned counsel appearing for the appellant, Mr. A.K. Clerk, learned counsel appearing for the respondent No. 1 and Mr. Rituraj Meena, learned counsel appearing for the respondent Nos. 2 & 3.

2. This Letters Patent Appeal has been filed challenging the interim order granted by learned Single Judge dated 17.4.2014 in Special Civil Application No. 5473 of 2014 by which the learned Single Judge has stayed the impugned order dated 26.3.2014 passed by the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad on application Exh. 7 in Reference (CGITA) No. 52 of 2013.

3. The Division Bench of this Court by order dated 1.4.2014 passed in Letters Patent Appeal No. 1057 of 2013 has held that Letters Patent Appeal against interlocutory order is not maintainable. The said judgment is extracted below:-

The present Letters Patent Appeal has been filed against an interlocutory order passed by the learned single Judge in the captioned petition. In view of the decision rendered by the Full Bench of this Court in Gujarat State Road Transport Corporation v. Firoze M. Mogal and Another, 2014(1) G.L.H. 47, this appeal is not

maintainable. Hence, the appeal stands disposed of. Interim relief, if any, stands vacated.

4. Another Division Bench of this Court by order dated 12.3.2014 passed in Letters Patent Appeal No. 334 of 2014 has held that Letters Patent Appeal against such interim order is not maintainable. The said judgment is extracted below:-

1. By way of this appeal, the appellant has challenged the interim order passed by the learned Single Judge, Dated: 11.04.2012, in SCA No. 2012 of 2012.

2. Heard. Mr. Joshi, learned Advocate for the appellant, submitted that the judgment of the Full Bench of this Court rendered in Letters Patent Appeal No. 1149 of 2002, Dated: 26.12.2013, in the case of "Gujarat State Road Transport Corporation Vs. Firoze M. Mogal & Others" and the allied matters, will not apply to the facts of the case on hand, since, learned Single Judge has granted the interim relief, which amounts to granting of final relief and which is beyond the scope of the writ-petition.

3. We are unable to accept the aforesaid submission of Mr. Joshi, since, as per Section 179 of the Gujarat High Court Rules, interim reliefs granted by this Court are not writs. Hence, in view of the Full Bench decision of this Court, this appeal is DISMISSED summarily, as being without merit.

4. Since, main matter is dismissed, Civil Application shall not survive and it stands DISPOSED OF, accordingly.

5. The Five Judges Full Bench of this Court in Gujarat State Road Transport Corporation v. Firoze M. Mogal and another, 2014(3) GLH 47 has also held that Letters Patent Appeal challenging the order passed by the Labour Court is not maintainable.

6. In view of the aforesaid judgments, this Letters Patent Appeal is not maintainable and is accordingly dismissed as not maintainable with a liberty to the appellant to seek his remedy in an appropriate forum. Interim relief granted earlier stands vacated.