

(2003) 12 GUJ CK 0057

In the Gujarat High Court

Case No : Special Civil Application No. 13532 of 2003

Gujarat State Road Transport Corporation

APPELLANT

Vs

S.T. Workers Union

RESPONDENT

Date of Decision : 09-12-2003

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2003) 12 GUJ CK 0057

Hon'ble Judges : R.R. Tripathi, J

Bench : Single Bench

Advocate : Hardik C. Rawal, for the Appellant; Prabhakar Upadhyay, for Respondent Nos. 1-6, for the Respondent

Final Decision : Dismissed

Judgement

Ravi R.Tripathi, J

1. While hearing the matter for confirmation of the ad interim relief, the learned Advocates for the parties requested that the matter is likely to take the same time even if finally heard. Hence, at the joint request of the learned Advocates, the matter is taken up for final hearing today.

2. The present petition is filed by the Gujarat State Road Transport Corporation ("the Corporation") challenging the judgement and award dated 20th October, 1999 passed by the Industrial Tribunal, Ahmedabad in Reference (IT) No.123 of 1993 whereby the learned Member was pleased to partly allow the Reference and direct the Corporation to appoint the concerned workmen on permanent basis against the vacant posts of permanent helpers with effect from 1st January, 1994 and grant time scale. However, the learned Member of the Industrial Tribunal was pleased to reject the request made by the respondents-workmen of granting them full wages for the days starting from 27th October, 1991, on which permanent Helpers remained absent and for which no workman was engaged. The learned Member was pleased to order that the respondents-workmen be paid

all the benefits to which they are entitled, treating them to be on time-scale with effect from 1st January, 1994 within 60 days. The judgement and order rejecting Miscellaneous Civil Application No.14 of 2000 in Reference (IT) No.123 of 1993 whereby the judgement and award in Reference (IT) No.123 of 1993 is confirmed and costs of Rs.1,000=00 is awarded, is also challenged.

3. Mr.H.C.Rawal, learned Advocate appearing for the petitioner-Corporation, submitted that it was on account of non-effective representation of the case of the Corporation that the impugned award came to be passed and the Miscellaneous Application No.14 of 2000 in Reference (IT) No.123 of 1993 was rejected by the learned Member of the Industrial Tribunal. He submitted that the amount payable under the impugned judgement and award will come around Rs.3,58,000=00. He further submitted that in fact, the respondents-workmen would not have been entitled to such benefits even under the settlement between the Union and the petitioner-Corporation.

4. Mr.Prabhakar Upadhyay, learned Advocate for the respondents-workmen, submitted that what is granted by the Industrial Tribunal is just the minimum and the same is not required to be reduced any further. He further submitted that as the learned Member of the Industrial Tribunal has exercised his discretion, this Court may not interfere with the impugned judgement and award while exercising the jurisdiction under Articles 226/227 of the Constitution of India.

5. After having given thoughtful consideration to the facts of the case, this Court is of the opinion that the ends of justice will meet if the judgement and award of the Industrial Tribunal is modified to the extent that instead of giving benefits arising under the time scale from 1st January, 1994, the same should be given with effect from 1st November, 1999, and the period between 1st January, 1994 to 1st November, 1999 be taken into account only for the purpose of granting notional benefits and no benefit in terms of money be paid for this period. Order accordingly. It is clarified that seniority will be accorded to these workmen in accordance with the policy of the Corporation at par with all other employees. The petition is accordingly disposed of. Rule is made absolute to the aforesaid extent. No order as to costs.