

(2010) 09 GUJ CK 0081

In the Gujarat High Court

Case No : Special Civil Application No. 2689 of 2003

Indian Textile Traders

APPELLANT

Vs

Narendra Babubhai Patel

RESPONDENT

Date of Decision : 14-09-2010

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2010) 09 GUJ CK 0081

Hon'ble Judges : Mukesh R. Shah, J

Bench : Single Bench

Advocate : Nirav Joshi, for Nanavati Associates, for the Appellant; A.J. Yagnik, for the Respondent

Judgement

M.R. Shah, J.—By way of this petition under Article 227 of the Constitution of India, the petitioner has prayed for an appropriate writ, order and/or direction, quashing and setting aside the impugned judgment and award dated 13/08/2002 passed by Labour Court, Ahmedabad in Reference (LCA) No. 729 of 1987, by which, Labour Court, Ahmedabad allowed the said Reference directing the petitioner to reinstate the respondent with full backwages and with continuity in service.

2. Mr. Nirav Joshi, learned advocate appearing on behalf of the petitioner has stated at the bar that from very beginning the case of the petitioner is that there was no termination of the respondent at all and it was the respondent, who abandoned the work and left the job. It is submitted that the petitioner is ready and willing to take back the respondent on duty if the respondent is still ready to work and join the duty with the petitioner. However, it is submitted that there is no question of any backwages. It is submitted that continuity in service can be provided and it is left to the Court.

3. Learned advocate appearing on behalf of the respondent, under the instruction received from the respondent, has stated at the bar that the respondent is very much interested in doing the work and is ready and willing to join the duty from

20/09/2010. It is submitted that if the backwages are not awarded, in that case, continuity in service be granted.

4. In view of the above broad consensus between the learned advocates appearing on behalf of the respective parties, the present petition is allowed and the impugned judgment and award dated 13/08/2002 passed by the Labour Court, Ahmedabad in Reference (LCA) No. 729 of 1987 is hereby quashed and set aside and is further modified by directing the petitioner to reinstate the respondent immediately with continuity of service and other consequential benefits but without backwages. As stated by Mr. Nayan Parekh, learned advocate appearing on behalf of the respondent, respondent may join the duty from 20/09/2010. Rule is made absolute to the aforesaid extent. No costs.

Direct service is permitted.