

(2018) 02 GUJ CK 0007

In the Gujarat High Court

Case No : 871 of 2016?In?SPECIAL CIVIL APPLICATION NO 9103 of 2015

LAXMIBEN DHANJIBHAI CHAUHAN

APPELLANT

Vs

GENERAL MANAGERSTEELCAST LIMITED & ANR

RESPONDENT

Date of Decision : 01-02-2018

Acts Referred:

Citation : (2018) 02 GUJ CK 0007

Hon'ble Judges : M.R. Shah, Biren Vaishnav

Bench : Division Bench

Advocate : YV SHAH, DIPESH D CHHAYA, KHUSHBU D CHHAYA

Final Decision : Allowed

Judgement

1. Admit. Shri Dipesh Chhaya, learned advocate waives service of notice of admission on behalf of the respondent. In the facts and circumstances

of the case and with the consent of the learned advocates for the respective parties and more particularly, considering the fact that there is broad

consensus between the learned advocates for the respective parties to modify the impugned judgment and order passed by the learned Single

Judge by awarding lump sum compensation of Rs.1,20,000/, present appeal is taken up for final hearing today.

2. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the learned Single Judge dated 26.11.2015 passed in

Special Civil Application No.9103 of 2015, by which, the learned Single Judge allowed the said petition preferred by the respondent employer

and has quashed and set aside the judgment and award passed by the learned Labour Court, Bhavnagar dated 23.01.2014 passed in Reference

(LCB) No. 269 of 1999 of reinstatement with 50% back wages, the original

workman has preferred present Letters Patent Appeal under Clause 15 of the Letters Patent.

3. Today, when the present Letters Patent Appeal is taken up for further hearing, it is reported that there is an agreement between the parties to pay Rs.1,20,000/by way of lump sum compensation in lieu of reinstatement, back wages etc. and on such payment there shall be no claim by the appellant against the respondent company. Therefore, it is requested to modify the impugned judgment and order passed by the learned Single Judge accordingly.

4. In view of the above broad consensus between the learned advocates for the respective parties recorded herein above, present appeal is partly allowed. The impugned judgment and order passed by the learned Single Judge passed in Special Civil Application No.9103 of 2015 is hereby modified by awarding Rs.1,20,000/to the appellant herein original workman by way of lump sum compensation in lieu of reinstatement, back wages etc. and by way of full and final settlement of the claim by the appellant against the respondent company. The aforesaid amount of Rs.1,20,000/nw to be deposited by the respondent company with the Registry of this Court within a period of four weeks from today and on such deposit, the same be paid to the appellant herein by the Registry by Account Payee Cheque forth with and on filing note. As agreed between the parties on payment of aforesaid amount of Rs.1,20,000/, there shall not be any claim by the appellant herein against the respondent company and the aforesaid payment shall be in full and final settlement of the claim of the appellant against the respondent company. With this, present Letters Patent Appeal is partly allowed to the aforesaid extent. No costs.