
(2010) 08 GUJ CK 0195

In the Gujarat High Court

Case No : Special Civil Application No. 6080 of 1994

Mafatlal Industries Ltd.

APPELLANT

Vs

Pravinbhai Vithalbhai Patel

RESPONDENT

Date of Decision : 03-08-2010

Acts Referred:

Citation : (2010) 08 GUJ CK 0195

Hon'ble Judges : K. S. Jhaveri, J

Bench : Single Bench

Advocate : Trivedi and Gupta, for the Appellant; R.D. Raval, for the Respondent

Judgement

K.S. Jhaveri, J.—By way of this petition, the petitioner has prayed to quash and set aside the order passed by the Industrial Court, Ahmedabad in Appeal (IC) No. 120/1993 dated 31.03.1994, whereby, the said appeal was allowed and the judgment and award passed by the Labour Court, Nadiad in T. Application No. 35/1986 dated 28.09.1993 was modified to the extent that the direction qua granting reinstatement on the original post with continuity in service was confirmed and instead of 100% back wages, the respondent was awarded 70% back wages.

2. The facts in brief are that the respondent was working in the Printing Department of the petitioner-Company. On the ground that the respondent had misbehaved with his superiors, he was discharged from service vide order dated 07.07.1986, after following due process of law. Against the said order, the respondent approached the Labour Court, Nadiad, by way of T. Application No. 35/1986. The said application came to be disposed of vide judgment and award dated 28.09.1993, whereby, the petitioner was directed to reinstate the respondent on his original post with continuity of service and full back wages.

3. Being aggrieved by the said award, the petitioner moved the Industrial Court, Ahmedabad, by way of Appeal (IC) No. 120/1993. The said appeal came to be disposed of by way of impugned order dated 31.03.1994. Hence, this petition.

4. On 14.05.2009, this Court had passed the following order;

Mr. Mehta for Trivedi & Gupta for the Petitioner as well as Mr. Raval for the Respondent states that they will get instructions from their clients as to whether the parties would be agreeable for acceptance of 25% as back wages.

S.O. To 25.6.2009.

5. Today, learned Counsel appearing on behalf of the petitioner submitted that the petitioner-Company is agreeable to pay 25% back wages to the respondent, as against 70% awarded by the Industrial Court, while not assailing the direction qua granting reinstatement on the original post with continuity of service.

6. Learned Counsel for the respondent states that he is agreeable to the proposal made by the petitioner.

7. Thus, with the consent of both the sides, the impugned order passed by the Industrial Court, Ahmedabad is modified to the extent that the direction qua granting reinstatement on the original post with continuity in service is confirmed and instead of 70% back wages, as awarded by the Industrial Court, the petitioner shall pay 25% back wages to the respondent. The said payment to be made within a period of six months from today. With the above modification, the petition stands disposed of. Rule is made absolute to the above extent with no order as to costs.