

(2010) 09 GUJ CK 0120

In the Gujarat High Court

Case No : Special Civil Application No. 8873 of 2010

Micron Laboratories

APPELLANT

Vs

Jigneshbhai Kanaiyalal Liya

RESPONDENT

Date of Decision : 06-09-2010

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2010) 09 GUJ CK 0120

Hon'ble Judges : Mukesh R. Shah, J

Bench : Single Bench

Advocate : Samir Gohil, for the Appellant; Siraj Gori, for Amar D. Mithani, for the Respondent

Final Decision : Dismissed

Judgement

M.R. Shah, J.—By way of this petition under Article 227 of the Constitution of India, the petitioner-employer has prayed for an appropriate writ, order and/or direction, quashing and setting aside the impugned judgment and award dated 05/04/2010 passed by the Labour Court, Junagadh in Reference L.C.J. No. 23/98 in so far as awarding 20% backwages to the respondent while allowing the said Reference and set aside the action of the petitioner in terminating the services of the respondent.

2. Having heard Mr. Samir Gohil, learned advocate appearing on behalf of the petitioner and Mr. Siraj Gori, learned advocate for Mr. Amar Mithani, learned advocate appearing on behalf of the respondent and considering the impugned judgment and award and more particularly considering the fact that the order of reinstatement is not challenged by the petitioner and the findings given by the Labour Court with respect to illegal termination has not been challenged by the petitioner, it cannot be said that the Labour Court has committed any error in awarding 20% backwages. On the contrary, something can be said with respect to denying 80% of backwages to the respondent. However, the respondent is satisfied with the impugned judgment and award passed by the Labour Court.

Considering the aforesaid facts and circumstances of the case, awarding 20% backwages only, cannot be said to be illegal and arbitrary, which calls for interference of this Court in exercise of power under Article 227 of the Constitution of India. Under the circumstances, the present petition deserves to be dismissed and is accordingly dismissed.

3. Mr. Siraj Gori, learned advocate appearing on behalf of the respondent has submitted that despite the order of reinstatement passed by the Labour Court, Junagadh, the petitioner is not reinstating the respondent. As the order of reinstatement has not been challenged by the petitioner, it will be open for the respondent to initiate appropriate proceedings for non-compliance of the judgment and award passed by the Labour Court, Junagadh.

With this, the present petition is dismissed. Rule is discharged. Ad-interim relief, if any, stands vacated forthwith. No costs.