

(2010) 09 GUJ CK 0173
In the Gujarat High Court

Case No : Special Civil Application No. 10622 of 2010

Parbatbhai Mulubhai Nanera

APPELLANT

Vs

Porbandar Nagar Palika

RESPONDENT

Date of Decision : 21-09-2010

Acts Referred:

Citation : (2010) 09 GUJ CK 0173

Hon'ble Judges : Mukesh R. Shah, J

Bench : Single Bench

Advocate : U.T. Mishra, for the Appellant; Murali Devnani, for the Respondent

Judgement

M.R. Shah, J.—Rule. Mr. Murali Devnani, learned advocate waives service of notice of Rule on behalf of the respondent.

2. With the consent of the leaned advocates appearing on behalf of the respective parties and in the facts and circumstances of the case, the present petition is taken up for final hearing today.

3. The present petition has been preferred by the petitioner challenging the impugned judgment and award dated 11/03/2010 passed by Labour Court, Junagadh, Camp at Porbandar in Reference (LCJ) No. 135 of 2000, by which, Labour Court, Junagadh has directed to pay lumpsum monetary compensation of Rs. 15,000/- in lieu of reinstatement and backwages to the petitioner herein.

It is to be noted that this Court issued Notice only for the purpose of enhancing the amount of compensation in lieu of reinstatement and backwages considering seven years service as daily wager.

4. Mr. Mishra, learned advocate appearing on behalf of the petitioner has requested to enhance the amount of compensation looking to the length of service of the petitioner. It is submitted that Labour Court has awarded meager amount of Rs. 15,000/- as compensation in lieu of reinstatement and backwages, and, therefore, it is requested to enhance the amount of

compensation in lieu of reinstatement and backwages.

5. Mr. Murali Devnani, learned advocate appearing on behalf of the respondent is not in a position to satisfy the Court that the amount of Rs. 15,000/ - as compensation in lieu of reinstatement and backwages, can be justified.

6. Having heard learned advocates appearing on behalf of the respective parties and considering the length of service of seven years as daily wager and considering the recent decision of the Hon"ble Supreme Court rendered in the case of Senior Superintendent Telegraph (Traffic) Bhopal Vs. Santosh Kumar Seal and Others, , it appears to the Court that instead of Rs. 15,000/ -, if the petitioner is awarded lumpsum amount of Rs. 40,000/ - as compensation in lieu of reinstatement and backwages, it will meet the ends of justice.

7. In view of the above, the petition succeeds in part. The impugned judgment and award dated 11/03/2010 passed by Labour Court, Junagadh, Camp at Porbandar in Reference (LCJ) No. 135 of 2000 is hereby modified to the extent that instead of Rs. 15,000/ -, the respondent is hereby directed to pay Rs. 40,000/ - to the petitioner as compensation in lieu of reinstatement and backwages. The aforesaid amount shall be paid to the petitioner within a period of six weeks from today, failing which, it will carry interest at the rate of 9% per annum. Rule is made absolute to the aforesaid extent. No costs.