

(2011) 06 GUJ CK 0074

In the Gujarat High Court

Case No : Letters Patent Appeal No. 848 of 2011 in Special Civil Application No. 9858 of 2003

Prabhatbhai Dalabhai Desai

APPELLANT

Vs

Bharat Textile Works

RESPONDENT

Date of Decision : 20-06-2011

Acts Referred:

Industrial Disputes Act, 1947 — Section 17B

Citation : (2011) 06 GUJ CK 0074

Hon'ble Judges : V.M. Sahai, J;G.B. Shah, J

Bench : Division Bench

Advocate : Yogesh G. Kanade, for the Appellant; Varun K. Patel, for the Respondent

Final Decision : Dismissed

Judgement

V.M. Sahai, J.—The Board has been revised. No one appears for the Appellant to press this Appeal.

2. In this Appeal, order of learned Single Judge dated 20.7.2010 passed in Special Civil Application No. 9858 of 2003 has been challenged. In the writ petition, the Appellant had challenged award dated 8.8.2002 passed by Labour Court, Ahmedabad in Reference (LCA) No. 134 of 1988, wherein the Respondent was directed to grant reinstatement with 40% back wages.

3. The brief facts are that the Appellant was appointed as Temporary Watchman on probation, initially for a period of 6 months on 22.1.1987. On 7.9.1987, the Appellant submitted his resignation and it was accepted. The Appellant was also communicated about the acceptance of his resignation by letter dated 9.9.1987 sent by Registered A.D. Post.

4. After five years of termination of the services, the Appellant challenged his termination dated 7.9.1987, which found favour with the Labour Court and the Labour Court allowed the reference, directing reinstatement with 40% back

wages.

5. The Respondent filed writ petition, being Special Civil Application No. 9858 of 2003. The Appellant, who was party-in-person, was present in the Court. His lawyer, namely Mr. Viral Shah, was also appearing and in their presence, application u/s 17B of the Industrial Disputes Act at enhanced rate was disposed of as withdrawn.

6. A settlement was arrived at before the learned Single Judge between the Appellant and the Respondent, whereby the Appellant-workman has agreed to accept total sum of Rs. 30,000/- as full and final settlement. Therefore, in terms of the settlement, the writ petition appears to have been disposed of.

7. Thereafter, the Appellant filed review petition, being Misc. Civil Application No. 2772 of 2010, which has been rejected on 15.10.2010 by the learned Single Judge.

8. In the relief claimed in the Appeal, the Appellant has not challenged the order passed in the review petition on 15.10.2010. He has only prayed for setting aside order dated 20.7.2010.

9. Since the order passed by the learned Single Judge was passed in presence of the Appellant and his counsel and on the basis of the compromise arrived at before the Court, we are not inclined to interfere in the matter.

10. In the result, this Appeal fails and is accordingly dismissed. There shall be no order as to costs.