

(2026) 03 GUJ CK 0593

In the Gujarat High Court

Case No : R/Special Civil Application No. 10053 Of 2025

State Of Gujarat Through Range Forest Officer

APPELLANT

Vs

Prabhakarbhai Hirjibhai Chaudhary

RESPONDENT

Date of Decision : 03-03-2026

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2026) 03 GUJ CK 0593

Hon'ble Judges : Hemant M. Prachchhak, J

Bench : Single Bench

Advocate : Mrunal Dholaria, Yogen N Pandya

Final Decision : Partly Allowed

Judgement

Hemant M. Prachchhak, J

1. RULE returnable forthwith. Learned counsel Mr. Yogen Pandya, waives service of notice of Rule for and on behalf of the respondent.

2. Present petition is filed by the petitioner-State under Articles 226 & 227 of the Constitution of India read with the provisions of the Industrial Disputes Act, 1947 (hereinafter be referred to as "the Act") challenging the judgment and award dated 20.02.2024 passed by the learned Presiding Officer, Labour Court, Valsad (hereinafter be referred to as "the Labour Court") in Reference (LCV) No. 134 of 2016, whereby, the learned Judge has partly allowed the Reference in favour of the respondent-workman granting 50% in lieu of reinstatement and consequential benefits.

3. Brief facts giving rise to the present petition are that, the respondent-workman was working with the petitioner department as a Watchman since last ten years and drawing wages of Rs. 4,000/- per month. It is alleged that, the services of the respondent-workman came to be terminated orally on 01.07.2015 and therefore, the respondent-workman filed claim statement before the Labour Court, Valsad. That, the petitioner opposed the reference by filing a detailed

Written Statement before the Labour Court, Valsad. After hearing all the concerned parties and after examining the oral as well as documentary evidence produced on record, the Labour Court passed the impugned judgment and award dated 20.02.2024 in Reference (LCV) No. 134 of 2016, whereby, the learned Judge partly allowed the Reference as aforesaid.

4. Being aggrieved and dissatisfied with the impugned judgment and award dated 20.02.2024 passed by the learned Presiding Officer, Labour Court, Valsad in Reference (LCV) No. 134 of 2016, the petitioner has preferred this petition.

5. Heard Mr. Mrunal Dholaria, learned Assistant Government Pleader, appearing for the petitioner-State and Mr. Yogen Pandya, learned counsel appearing for the respondent-workman.

6. Learned AGP Mr. Dholaria has submitted that the impugned judgment and award passed by the Labour Court is illegal, unjust, arbitrary, erroneous and contrary to the facts and material on record and the provisions of the Act and therefore, the same is required to be quashed and set aside. He has submitted that the Labour Court has not considered the fact that work was based on the grant issued by the High Authority and there was no permanent work available and the petitioner had also produced relevant documents showing grants issued by the High Authority from the period of 2012-2015, however, without considering the aforesaid aspect the Labour Court has granted compensation to the respondent which is without application of mind and without proper apprehension of evidence. He has submitted that the respondent -workman had not worked for 240 days in a given year and therefore, there was no violation of provisions of Industrial Dispute Act, 1947. He has submitted that it was the primary duty of the respondent -workman before the Labour Court to prove that he had worked for 240 days however, no such documents were produced before the Labour Court and therefore, the impugned award passed by the Labour Court is erroneous, illegal and unjust and without proper application of mind. Over and above the grounds agitated in the memo of petition, learned AGP Mr. Dholaria has urged that the impugned award is required to be quashed and set aside and the present petition is required to be allowed.

7. As against that, learned counsel Mr. Yogen Pandya, appearing for the respondent, has opposed the present petition and submitted that there is no any infirmity or any illegality in the impugned judgment and award passed by the Labour Court and therefore, no interference is required to be called for in the present petition. Learned counsel Mr. Pandya has referred and relied upon the decision of the Division Bench of this Court rendered in Letters Patent Appeal No. 908 of 2023 and other allied matters, more particularly the observations made in paras-7, 10 and 11 and urged that appropriate orders be passed.

8. I have heard the learned counsel appearing for the respective parties and perused the material placed on record. I have also gone through the impugned judgment and award passed by the Labour Court. Considering the submissions

canvassed by learned counsel appearing for the respective parties and the impugned judgment and award passed by the Labour Court, it appears that the Labour Court has rightly appreciated the evidence while coming to the conclusion and without there being any rebuttal, on the other hand, the Labour Court has awarded the aforementioned relief. In view of the decision of the Hon'ble Supreme Court in the case of Maharashtra State Cooperative Marketing Federation Limited Versus Suresh S/o Dadarao Gadge reported in (2015) 4 SCC 542 and the oral order dated 18.04.2024 passed by the Division Bench of this Court in Letters Patent Appeal No. 908 of 2023 and allied appeals more particularly para – 10 and the order dated 18.04.2024 passed by the Division Bench of this Court in Letters Patent Appeal No.1091 of 2023 and allied appeals more particularly paras – 5 and 6, this Court is of the opinion that interest of justice would be subserved, if lump sum compensation is awarded in favour of the workman.

8.1 The relevant para – 10 of the oral order dated 18.04.2024 passed by the Division Bench of this Court in Letters Patent Appeal No. 908 of 2023 and allied appeals reads thus:-

"10. Having come to the conclusion that the lump sum compensation would be appropriate remedy for the families of the deceased workmen, the other aspects which comes for consideration is quantum of lump sum compensation. Though learned advocate Mr. Bhatt has contended that there was delay in preferring the complaint and the subsequent reference, it can be observed from the pleadings that the averments with regard to delay and laches in preferring the reference were not made before the labour court as well as the learned Single Judge. Therefore, the argument of learned advocate Mr. Bhatt with regard to delay and laches in preferring reference cannot be countenanced and what needs to be seen is that almost all the workmen have put in 16-20 years of service for the respondent and their services were terminated without following due procedure of law. Therefore, the families of the deceased workmen needs to be compensated proportionally as to the number of years of service put in by them. However, in order to balance the equation, we have considered to give effect of delay in preferring the reference while enhancing the amount of compensation. Thus, while calculating the number of years of services, we proposed to deduct the number of years service for which there is delay in preferring reference. After deduction of such number of service, we propose to give compensation in the following tabular form:

Sr.No.

Total no. of years for lump sum compensation

Amount of lump sum compensation

1

5 to 10 years

Rs.3.00 lacs

2

10-15 years

Rs.5.00 lacs

3

15-20 years

Rs.7.5 lacs

8.2 The relevant paras 5 and 6 of the oral order dated 18.04.2024 passed by the Division Bench of this Court in Letters Patent Appeal No. 1091 of 2023 and allied appeals reads thus:-

"5. Therefore, looking to the gap which intervened between the date of termination and the date of granting reinstatement, the approach of the learned Single Judge granting lump sum compensation cannot be faulted with.

6. Looking to the various aspects and factors which are considered above, like the nature of employment, time gap intervened, length of service, the compensation awarded to the tune could not be said to be unreasonable. Therefore, Letters Patent Appeals preferred by the Municipality on the question of amount of compensation as well as appeals preferred by the workmen seeking reinstatement are liable to be dismissed. However, in one of the matters being Letters Patent Appeal No. 701 of 2023 in Special Civil Application No. 18334 of 2021 in the case of workman being Koli Vairaginiben Ramkumar, we observe that the compensation given by the learned Single Judge is to the tune of Rs.6,25,000/- for 11 years of service. It can be observed from the order passed by the learned Single Judge that such amount is proportionally different from the other set of amounts which are given as compensation. However, for the identical years of work i.e. 11 years of service, the other workmen are granted an amount of Rs.3,25,000/- as lump sum compensation. Thus, we are inclined to modify the amount of lump sum compensation in Letters Patent Appeal No. 701 of 2023 to the tune of Rs.3,25,000/- from Rs.6,25,000/- . Hence, Letters Patent Appeal No. 701 of 2023 is partly allowed to the aforesaid extent, whereas, all the other Letters Patent Appeals stand dismissed as no ground is made out to interfere with the order of the learned Single Judge."

9. Now, considering the materials placed on record and the peculiar facts of this case, this Court is of the opinion that considering the tenure of 10 years' service, illegal appointment, etc., it will be in the fitness of things if, the award passed by the Labour Court is suitably modified in light of the aforestated position of Law by granting lumpsum compensation of Rs.3,00,000/- towards full and final settlement of all the dues of the employee.

10. In view of above, present petition is partly allowed. The impugned judgment

and award dated 20.02.2024 passed by the learned Presiding Officer, Labour Court, Valsad in Reference (LCV) No. 134 of 2016 is hereby modified accordingly. An amount of Rs. 3,00,000/- as lump sum compensation shall be paid to the respondent-workman by the petitioner-State, after proper verification of the identity and bank details through RTGS/NEFT, within a period of eight weeks from the date of receipt of the writ of this Order. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.