



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 18050 of 2021

FOR APPROVAL AND SIGNATURE:

HONOURABLE MRS. JUSTICE MAUNA M. BHATT

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?	
2	To be referred to the Reporter or not ?	
3	Whether their Lordships wish to see the fair copy of the judgment ?	
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	

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JETPUR NAVAGADH MUNICIPALITY

Versus

NARSHIBHAI MAVJIBHAI JETHVA

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Appearance:

MR BHAVESH P TRIVEDI(2731) for the Petitioner(s) No. 1

MR RR TRIVEDI(941) for the Petitioner(s) No. 1

MR PANKAJ R DESAI(3120) for the Respondent(s) No. 1

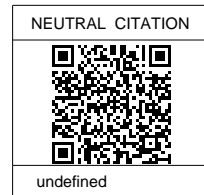
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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 08/05/2024

ORAL JUDGMENT

1. Municipality as petitioner has filed this petition

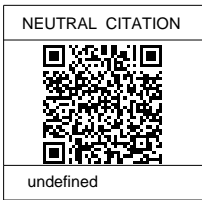


challenging the award of Labour Court, Rajkot dated 04.12.2019 in Reference (LCR) No.140 of 2015, wherein Municipality is directed to reinstate the workman with 20% backwages. Continuity was awarded w.e.f. 01.08.2015.

2. Mr.Bhavesh Trivedi, learned advocate for the petitioner submitted that the award is contrary to the facts and evidence on record. However, he could not dispute the fact that there were more than 30 workmen working with the petitioner-Municipality and all were similarly situated as respondent herein. The award of reinstatement with backwages in similarly situated workmen was subject matter of challenge in Special Civil Application No.17941 of 2021 with other allied writ petitions, wherein the co-ordinate bench of this Court under order dated 02.03.2023, directed as under:

“8. It is also relevant to reproduce relevant paragraphs of order passed in Special Civil Application No.2711 of 2023 and allied matters on 23.2.2023, which read as under:

“3. Considering the submissions made by learned Advocate Mr.Joshi, it would appear that in case of similarly situated persons, whose reference had been rejected by the learned Labour Court on the ground of delay and which decision had been upheld by learned Single Judge, the learned Division Bench relying upon decision of the Hon’ble Apex Court in case of B.S.N.L. vs Bhurumal reported in 2014(7) SCC page No.177



had directed grant of compensation at the rate of Rs.50,000/- to the appellants therein.

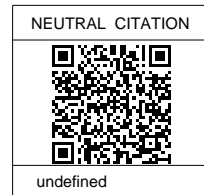
3.1 It also appears that relying upon the law laid down by the Hon'ble Division Bench, a learned Co-ordinate Bench of this Court in Special Civil Application No.4630 of 2022 and allied matters had directed grant of compensation at the rate of Rs.25,000/- per year of service. It would also appear that while the petitioners of Special Civil Application No.2711 of 2023 and Special Civil Application No.2712 of 2023 have put in 4 years of service, petitioner of SCA No.2776 of 2023 has put in 5 years of service.”

9. In view of the above and considering the nature of work done by respondents-workmen, the following order is passed.

9.1 All these petitions are partly allowed.

9.2 The impugned awards stand modified to the extent the petitioner municipality shall pay a lump-sum compensation in lieu of the award passed by learned trial Court, as per the table below to the respondents' workmen of each petition.

SPECIAL CIVIL APPLICATION NO.	NAME OF WORKMAN	AMOUNT
17941 OF 2021	Labhuben Bhagwanjibhai Gangadi	Rs.2,50,000/-
18440 of 2021	Jayantibhai Bhupatbhai Jadav	Rs.1,50,000/-
18336 of 2021	Shree Gitaben Kantilal	Rs.4,25,000/



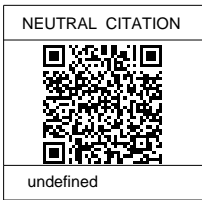
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17944 of 2021	Pathan Yunuskhan Kanyalkhan	Rs.3,50,000/-
1794 of 2022	Sitapara Sanjay Kanubhai	Rs.2,25,000/-

9.3 All these petitions are disposed of accordingly. In view of the disposal of the main petitions, civil applications does not survive and they are disposed of accordingly.”

3. Further, the order dated 02.03.2023 in Special Civil Application No.17941 of 2021 and allied matters was subject matter of challenge in Cross Appeals filed by Municipality as well as workmen. The Division Bench of this Court, under order dated 18.04.2024 in Letters Patent Appeal No.1091 of 2023 and allied matters, while dismissing the appeals and while confirming the order of Special Civil Application No.17941 of 2021 has held as under:

“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

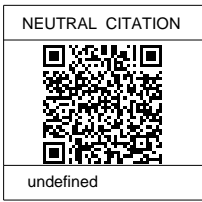


to be dismissed. However, in one of the matters being Letters Patent Appeal No. 701 of 2023 in Special Civil Application No. 18334 of 2021 in the case of workman being Koli Vairaginiben Ramkumar, we observe that the compensation given by the learned Single Judge is to the tune of Rs.6,25,000/- for 11 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.

7. All the appeals, except Letters Patent No. 701 of 2023 are accordingly dismissed. No order as to costs. Consequentially, connected civil applications also stand disposed of.”

4. Thus, in view of above and in view of the order of Division Bench of this Court in Letters Patent Appeal No. 1091 of 2023 and allied matters, following order is passed,

(i) The award of the Labour Court, Rajkot dated 04.12.2019 in Reference (LCR) No.140 of 2015 is hereby quashed and set aside.



(ii) The workman would be entitled to Rs.25,000/- for each year of his service and it is not in dispute that the workman had completed 15 years of service and, therefore, he would be entitled to Rs.4,00,000/- as lumpsum compensation. Therefore, the petitioner is directed to pay lumpsum compensation of Rs.4,00,000/- to the respondent – workman within a period of four weeks from the date of receipt of the order.

5. With the above, the petition is disposed of. Rule is made absolute to the aforesaid extent.

(MAUNA M. BHATT,J)

NAIR SMITA V.