

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4877 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GSRTC

Versus

HIMATBHAI P RAVANI

Appearance:

MRS VASAVDATTA BHATT for Petitioner

MR HK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 30/09/97

ORAL JUDGEMENT

Rule was issued in this matter by my brother Calla J. on 1/9/1997 making it returnable on 23/9/1997. On 23/9/1997, Ms. Bhatt informed me that while admitting the matter on 1/9/1997, Calla J. passed some interim directions against which the petitioner has filed an appeal. The matter was, therefore, adjourned for one week.

2. I have heard Ms.Bhatt for the petitioner on merits of the matter, as also Mr. Rathod for the respondent. The respondent workman suffered paralytic stroke during service, and therefore, was terminated from service. On his raising dispute, the learned Labour Judge has directed that he should be reinstated in the post equivalent to that of Conductor, wherein he was working. Ms. Bhatt states that there is no post equivalent to that of Conductor. The Conductor's grade begins from Rs.775/-, whereas that of Peon begins from Rs.750/-. Mr.Rathod says that he is agreeable to go in the post of Peon which is slightly lesser. There are no other submissions of Ms. Bhatt. The learned Judge has passed the impugned award on the basis of Clause 37/7 of the Settlement operating between the parties which is referred to in Para 5 of his judgment. It is also on the basis of the guidelines laid down by the Supreme Court in the case of Narendra Vs. State of Hariyana, AIR 1995 SC 519 which is also specifically referred to in the judgment. The impugned order is, therefore, modified to the extent that instead of Conductor's post, the person concerned will be appointed in the post of peon. All other aspects of the order will remain undisturbed. The Corporation is expected to comply with the award passed by the Labour Court within four weeks from today. Rule is made absolute accordingly , with no order as to costs.
