IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5649 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed   : YES
   to see the judgements?

2. To be referred to the Reporter or not?   : NO

3. Whether Their Lordships wish to see the fair copy   : NO
   of the judgement?

4. Whether this case involves a substantial question   : NO
   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?   : NO

   GUJARAT STATE HANDLOOM   DEVELOPMENT CORPORATION
Versus
   RAJESH BABUBHAI GAJJAR

   Appearance:
       MR SHRISH M TRIVEDI for Petitioners
       MR PRABHAKAR UPADHYAY for Respondent

   CORAM : MR.JUSTICE Y.B.BHATT
   Date of decision: 31/01/2000

ORAL JUDGEMENT

   1. Rule. Mr. Prabhakar Upadhyay waives service of
   rule for the respondent. On a joint request of learned
   counsel for the respective parties, this petition is
   taken up for final hearing today.

2. As a result of the hearing and discussion it becomes apparent that the impugned judgement and award passed by the Labour Court, Ahmedabad is virtually an exparte award inasmuch as learned counsel appointed by the petitioner to defend its case had remained absent during the proceedings before the Labour Court.

3. As a result of the hearing and discussion a consensus has been arrived at between the learned counsel, on the basis of which the impugned judgement and award is quashed and set aside and the case is remanded back to the Labour Court for a fresh hearing on merits and in accordance with law. This is, however, subject to the present petitioner paying the cost of the respondent quantified at Rs.4000 (as volunteered by the learned counsel for the petitioner). This amount of quantified costs shall be deposited in the registry within 30 days from today. Liberty to the respondent to withdraw this amount by account payee cheque, which may be handed over to learned counsel for the respondent.

4. Rule is made absolute accordingly.

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