

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5594 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
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? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

JASHWANTBHAI AMBALAL PATEL

Versus

THE DIVISIONAL CONTROLLER

Appearance:

1. Special Civil Application No. 5594 of 1992
MR BHARAT T RAO for Petitioner No. 1
MR MD PANDYA for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 29/11/2001

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner has challenged the judgment and award dated 20.5.1992 passed by the Labour Court, Baroda in Reference (LCB) No. 6 of 1989 rejecting the reference wherein the petitioner had challenged the

decision of the respondent Corporation deleting the petitioner's name from the waiting list for the post of Driver.

2. The petitioner was a badli driver employed by the respondent Corporation between November, 1984 and December, 1986. The petitioner was entrusted with the duty of driving the bus, but he was responsible for two accidents within a span of four months. In view of the same, the Corporation discharged the petitioner and removed his name from the waiting list.

3. It is contended in the petition that no damage was caused to any person or property and the inquiry was not held properly.

4. Considering the fact that the petitioner was a badli worker and was not regularly appointed to the post in question and that he was found to have committed two accidents in a span of four months, the decision taken by the Corporation after holding an inquiry and the said finding given by the Labour Court in favour of the Corporation cannot be said to be illegal nor does it suffer from any error apparent on the face of the record.

5. In view of the above, the petition deserves to be dismissed and is accordingly dismissed.

Rule is discharged with no order as to costs.

(M.S. Shah, J.)

sundar/-