

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7683 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed : NO  
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

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GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

VITTHALBHAI K PRAJAPATI

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Appearance:

MR HARDIK C RAWAL for Petitioner

NOTICE SERVED for Respondent No. 1

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CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 30/03/2001

#### ORAL JUDGEMENT

The petitioner is Gujarat State Road Transport Corporation and the respondent was working as a Conductor with the petitioner Corporation. The respondent had been placed on a waiting list, prepared by the petitioner Corporation, and as and when job was available, the respondent had been offered the job of a conductor.

2. On 25th May, 1983 during the course of his duty as a Conductor in a bus plying as contract carriage between Kalol to Khatsna, the checking party found that

there were 13 passengers without ticket, and that though the number of passengers in the contract carriage was fixed at 72, the total number of passengers travelling were 85. The petitioner Corporation issued a show cause notice to the respondent and after considering his explanation, deleted the name of the respondent from the waiting list.

3. The respondent approached the Assistant Labour Commissioner who ordered reinstatement of the respondent along with backwages. Against the said order dated 22nd May, 1984 the petitioner Corporation approached the Labour Court and vide order dated 27/01/1988, the Labour Court confirmed the order of reinstatement without backwages.

4. The petitioner has challenged the aforesaid award by way of this petition. In view of the settled legal position, it is not necessary for us to elaborately deal with the case of the petitioner. In light of the decision of this Court in the case of Gujarat State Road Transport Corporation & Anr. V/s Chandulal G. Rasadiya & Anr., reported in 1993(2) GLH 204, we decline to interfere with the award of Labour Court. This petition is accordingly rejected with no order as to costs. The order of interim relief dated 25/01/1991 directing that the name of the respondent Workman shall be reinserted in the list of 'Badli' workers is, therefore, confirmed.

Rule is discharged.

(D.A. Mehta, J)

'Bhavesh'