

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 621 of 2003

in

SPECIAL CIVIL APPLICATION No 4383 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

and

Hon'ble MR.JUSTICE AKSHAY H.MEHTA

- =====
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 concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

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STATE OF GUJARAT

Versus

ASHOKKUMAR KANCHANLAL RANA  
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Appearance:

1. LETTERS PATENT APPEAL No. 621 of 2003  
MS NANDINI JOSHI, AGP for Appellant No.  
MR PM BHATT for Respondent No. 1
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CORAM : MR.JUSTICE B.J.SHETHNA

and

Date of decision: 27/06/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

Admit. Service of notice is waived by Mr. P.M. Bhatt, learned counsel for the respondent.

2. Against the judgment and order dated 13/10/2000 passed by the learned Single Judge of this Court in Special Civil Application No. 4383 of 1987, this appeal is filed by the present appellant.

3. The service of the respondent-workman was terminated and, therefore, the respondent workman approached the Labour Court by way of Reference (LCN) No. 898 of 1983. However, Labour Court rejected the reference. Therefore, the respondent - workman approached this Court by way of Special Civil Application No. 4383 of 1987. That petition came to be allowed by the learned Single Judge on 13/10/2000 and the present appellant was directed to reinstate the petitioner on his original post with 50% back wages to be counted on the basis of the minimum rate of wages applicable to him.

4. The above order passed by the learned Single Judge has been challenged in this appeal which was barred by the period of limitation of 589 days, but on the statement made by the appellant and the learned counsel for the respondent - workman, we have condoned the delay, as consensus was arrived at between the parties that as a special case the respondent - workman will be reinstated in service latest by 31st July, 2003 and the respondent workman shall not claim any back wages except reinstatement in service.

5. Under the circumstances, this appeal is partly allowed and the judgment and order passed by the learned Single Judge directing the present appellant to reinstate the respondent-workman in service is upheld and it is directed that the workman shall be reinstated in service latest by 31st July, 2003. However, the order passed by the learned Single Judge awarding 50% back wages to the respondent-workman is hereby quashed and set aside on the concession given by the learned counsel Mr. Bhatt appearing for the respondent - workman, on the instructions of the respondent - workman, who is personally present before the Court.

6. Accordingly, this appeal is partly allowed with no order as to costs. Civil Application for interim relief is dismissed as main appeal is disposed of.

[ B.J. SHETHNA, J. ]

[ AKSHAY H. MEHTA, J.]

\* Pansala.