

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 506 of 2003

For Approval and Signature:

HON'BLE MISS JUSTICE R.M.DOSHIT

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

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AMBAJI GRAM PANCHAYAT

Versus

TUSHAR J DAVE

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Appearance:

1. Special Civil Application No. 506 of 2003  
MR MEHUL H RATHOD for Petitioner.  
MR JV JAPPEE for Respondent.
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CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT

Date of decision: 30/09/2003

ORAL JUDGEMENT

1. Heard the learned Advocates.

2. Rule, returnable today.

3. The learned Advocate Mr. Japee, waives service of rule. With the consent of the learned Advocates, the matter is heard and disposed of today.

4. The petitioner before this Court is the Ambaji Gram Panchayat. The respondent-workman had raised industrial dispute in respect of his discontinuance from service since 17th October, 1988. The said dispute was referred to the learned Labour Judge, Ahmedabad, and was registered as Reference (LCA) no.89 of 1989. Since then, the same was transferred to the Labour Court, Palanpur and renumbered as Reference (LCP) no. 150 of 1996. The said Reference came to be decided against the petitioner-Panchayat virtually ex parte. Feeling aggrieved, the Panchayat preferred Misc. Application no.8/2001 under Rule 26-A of the Industrial Disputes (Gujarat Rules,1966 for setting aside the ex parte order and restoration of Reference. The same came to be rejected on 13th November, 2002. Therefore, the present petition.

5. On the facts and in the circumstances of the case, the petition is allowed. The impugned order dated 13th November, 2002 made by the Labour Judge, Palanpur, in Misc.Application no.8 of 2001 is quashed and set aside. The Misc. Application no.8 of 2001 is allowed. The judgment and award dated 22nd November, 2000 passed by the learned Labour Judge, Palanpur in Reference (LCP) no.150 of 1996 is quashed and set aside. The Reference is revived. The learned Labour Judge, Palanpur, shall hear and decide the Reference afresh. Both the parties shall be at liberty to lead evidence.

6. This order is made ad invitem on condition that the petitioner-Gram Panchayat shall scrupulously attend the Reference hereafter. Neither the Gram Panchayat nor its Advocate shall ask for avoidable adjournments. The petitioner-Gram Panchyat shall pay cost of Rs.7500/-to the respondent-workman. Rule is made absolute accordingly.

(Miss R.M.Doshit,J.)

stanley-rmd.