

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.16069 OF 2004

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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

KRIPASHANKER JAGDAMBA PRASAD

Versus

COLLECTOR - AHMEDABAD & ORS.

Appearance:

1. Special Civil Application No. 16069 of 2004
MS. HINA DESAI for Petitioner
MS. PAURAMI SHETH, AGP for Respondent No. 1
MR. I.A. PATEL for Respondent Nos. 2-6

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 28/02/2005

ORAL JUDGEMENT

1. Rule.

Mrs.Paurami Sheth, learned AGP, and Mr.I.A.Patel, learned Advocate, appear and waive service of Rule on behalf of respondent no.1 and respondent nos.2 to 6 respectively.

2. The petitioner has approached this Court being aggrieved of inaction on the part of respondent no.1, Collector-Ahmedabad, and has sought for a direction against respondent no.1 to collect the amount of Recovery Certificate, a copy of which is produced at Annexure-C to this petition.

3. On 4th February, 2005, after hearing Mr.I.A.Patel, learned Advocate appearing for respondent nos.2 to 6, an order was passed to the effect that 'interest of justice will be best served if the petitioner is compensated by way of cost and the matter is remanded to the learned Judge of the Labour Court for deciding the matter afresh', on condition that present respondents no.2 to 6 shall pay a sum of Rs.12,000=00 by way of cost to the petitioner on or before 25th February, 2005.

4. Pursuant to Order dated 4th February, 2005, the petitioner is paid an amount of Rs.12,000=00 by respondent nos.2 to 6 towards costs.

With the consent of the parties, Judgement and Award dated 30th July, 2001 in Reference (LCA) No.141 of 1996 is hereby quashed and set aside. The matter is remanded to the learned Presiding Officer of the Labour Court, Ahmedabad to decide the matter afresh. Taking into consideration the fact that the matter is pending since long, the learned Presiding Officer is directed to give priority to the hearing of the matter and decide the same as early as possible, but, not later than four months from the date of receipt of this order.

It is clarified that payment of Rs.12,000=00 is de hors any claim, which may be ascertained in favour of the petitioner. The petition is disposed of accordingly. Rule is made absolute.

(Ravi R. Tripathi, J.)
kamlesh*