

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 13531 of 2004****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE KS JHAVERI**

- =====
- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?
- =====

GUJARAT STATE MACHINE TOOLS CORPROATION LTD.....Petitioner(s)

Versus

K.M.PATEL C/O.VASANTBHAI PAMNANI....Respondent(s)

=====

Appearance:

MRS MAUNA M BHATT, ADVOCATE for the Petitioner(s) No. 1

MR TR MISHRA, ADVOCATE for the Respondent(s) No. 1

=====

CORAM: HONOURABLE MR.JUSTICE KS JHAVERI

Date : 28/02/2013

ORAL JUDGMENT

1. By way of present petition, the petitioner has prayed to quash and set aside the judgement and award dated 12.02.2004 passed by the

Presiding Officer, Labour Court, Bhavnagar, in Reference (LCB) No. 184 of 1991, wherein the Labour Court has partly allowed the said reference and directed the petitioner to treat the period from the date of dismissal of the respondent-workman i.e. 14.10.1990 to 30.9.1997 as having been in service and also granted benefits as per the settlement arrived at between the petitioner and its workmen.

2. The facts in brief are that the respondent-workman raised an industrial dispute on the ground that the petitioner had terminated his services in complete breach of the provisions of the Industrial Disputes Act, 1947. The dispute the numbered as Reference (LCB) No. 184 of 1991. However, during the pendency of the proceeding the petitioner-Company was closed. The Labour Court vide its judgement order dated 12.2.2004 decided the reference as stated herein above. Being aggrieved by the same, present petition has been preferred.

3. Heard learned counsel for the parties and perused the material on record. Considering the fact that the petitioner-Company had closed down its operation prior to passing of the impugned award, this Court is of the view that it will be appropriate to grant lump sum amount to the respondent-workman in lieu of impugned judgement and award of the Labour Court.

4. Learned counsel for the petitioner-Company submitted that in lieu of of the impugned award of the Labour Court, the petitioner-

Company is ready and willing to pay lump sum amount of Rs.35,000/- (Thirty Five thousand only) to the respondent-workman.

5. Considering the facts and circumstances of the case, the proposal made by the learned counsel for the petitioner-Company appears to be just and reasonable. In view of the same, present petition is partly allowed. The impugned judgment and award of the Labour Court is substituted by way of total compensation of Rs.35,000/- (Rupee Thirty Five Thousand only). The petitioner-Company is directed to pay an amount of Rs.35,000/- (Thirty Five thousand only) to the petitioner-workman within a period of **one months** from today. Rule is made absolute accordingly with no order as to costs.

[K.S.JHAVERI,J.]

pawan.