

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17753 of 2025****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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Approved for Reporting	Yes	No
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STATE OF GUJARAT THROUGH RANGE FOREST OFFICER

Versus

MANGALBHAI BHAVANBHAI SOLANKI

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Appearance:

MS ROSHNI PATEL AGP for the Petitioner(s) No. 1

MR BHAVESH J PATEL(6801) for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK****Date : 02/03/2026****JUDGMENT**

1. RULE. Ms. Roshni Patel, learned AGP waives service of notice of rule on behalf of the petitioner.

2. Present petition is filed by the petitioner under Articles 226 and 227 of the Constitution of India read with the provisions of the Industrial Disputes Act, 1947 seeking following reliefs:

“(A) YOUR LORDSHIPS may be pleased to admit and allow the present petition;

(B) YOUR LORDSHIPS may be pleased to quash and set aside the order passed in Reference (L.C.N.) No. 28 OF 2019 dated 30.01.2024;

(C) Pending the hearing your lordship be pleased to stay the order passed in Reference (L.C.N.) No. 28 OF 2019 dated 30.01.2024;

(D) Be please to pass any further orders."

3. Brief facts giving rise to the present petition are that, the respondent was working as a Rojamdard with the petitioner since 1998. The workman was orally terminated by the petitioner on 01.10.2016. That, consequently, the respondent raised an industrial dispute before the Labour Court, Nadiad being Reference (LCN) No. 28 of 2019 whereby, the Labour Court vide order dated 30.01.2024 partly allowed the reference of the respondent and directed the petitioner to reinstate the respondent to his original post.

4. Being aggrieved and dissatisfied with the impugned order dated 30.01.2024 passed by the Labour Court, the petitioner has preferred the present petition.

5. Heard Ms. Roshni Patel, learned AGP for the petitioner and Mr. Bhavesh Patel, learned counsel for the respondent. Perused the materials available on record.

6. Learned AGP Ms. Patel has submitted that the impugned judgment and order passed by the Labour Court is illegal, unjust, arbitrary, erroneous and contrary to the facts and material on record and the provisions of the Act and therefore, is required to be quashed and set aside. She has submitted that the Labour Court has erred in observing that the respondent was in continuous service with the petitioner, as per Section 25(B) of

the ID Act, therefore, there was no breach of section 25(F) of the aforesaid Act, committed by the petitioner. She has submitted that the Labour Court has not considered the fact that there was no evidence led by the respondent to prove his claim before the Labour Court. She has submitted that the Labour Court has not considered the fact that the respondent was appointed on contractual basis for seasonal work and thus, he will not be entitled for regular benefits which are available to a regular government employee. She has submitted that the Labour Court has not considered the fact that since the respondent was a daily wager and was paid as per the day's work, therefore, there was no record of any attendance card, pay slip, leave encashment and he was not entitled for other consequential benefits and no notice was required to be given.

7. As against that, learned counsel Mr. Patel, appearing for the respondent-workman, has opposed the present petition and submitted that there is no any infirmity or any illegality in the impugned judgment and order passed by the Labour Court and therefore, no interference is required to be called for in the present petition. He has submitted that the impugned judgment and order passed by the Labour Court is in consonance with the settled principles of law and is passed after following due procedure and therefore, the same is required to be confirmed and the present petition is required to be dismissed and no interference is required to be called for while exercising jurisdiction under Article 227 of the Constitution of India.

8. Considering the submissions canvassed by learned counsel appearing for the respective parties and the impugned order

passed by the Labour Court, it appears that the Labour Court has rightly appreciated the evidence while coming to the conclusion and without there being any rebuttal. In view of the decision of the Hon'ble Supreme Court in the case of **Maharashtra State Cooperative Marketing Federation Limited Versus Suresh S/o Dadarao Gadge** reported in **(2015) 4 SCC 542** and the oral order dated 18.04.2024 passed by the Division Bench of this Court in **Letters Patent Appeal No. 908 of 2023 and allied appeals** where it has been held that in all the case where the termination is found illegal, the order of reinstatement cannot be passed automatically and more particularly para - 10 and the order dated 18.04.2024 passed by the Division Bench of this Court in **Letters Patent Appeal No.1091 of 2023 and allied appeals** more particularly paras - 5 and 6, this Court is of the opinion that the purpose would be served if lump sum compensation to the tune of Rs.5,00,000/- is awarded.

9. The relevant para - 10 of the oral order dated 18.04.2024 passed by the Division Bench of this Court in Letters Patent Appeal No. 908 of 2023 and allied appeals reads thus:-

10. Having come to the conclusion that the lump sum compensation would be appropriate remedy for the families of the deceased workmen, the other aspects which comes for consideration is quantum of lump sum compensation. Though learned advocate Mr. Bhatt has contended that there was delay in preferring the complaint and the subsequent reference, it can be observed from the pleadings that the averments with regard to delay and laches in preferring the reference were not made before the labour court as well as the learned Single Judge. Therefore, the argument of learned advocate Mr. Bhatt with regard to delay and laches in preferring reference cannot be countenanced and what needs to be seen is that almost all the workmen have put in 16-20 years of service for the respondent and their services were terminated without following due procedure of law. Therefore, the families of the deceased workmen needs to be compensated proportionally as to the number of years of service put

in by them. However, in order to balance the equation, we have considered to give effect of delay in preferring the reference while enhancing the amount of compensation. Thus, while calculating the number of years of services, we proposed to deduct the number of years service for which there is delay in preferring reference. After deduction of such number of service, we propose to give compensation in the following tabular form:

<i>Sr.No.</i>	<i>Total no. of years for lump sum compensation</i>	<i>Amount of lump sum compensation</i>
<i>1</i>	<i>5 to 10 years</i>	<i>Rs.3.00 lacs</i>
<i>2</i>	<i>10-15 years</i>	<i>Rs.5.00 lacs</i>
<i>3</i>	<i>15-20 years</i>	<i>Rs.7.5 lacs</i>

10. The relevant paras 5 and 6 of the oral order dated 18.04.2024 passed by the Division Bench of this Court in Letters Patent Appeal No. 1091 of 2023 and allied appeals reads thus:-

"5. Therefore, looking to the gap which intervened between the date of termination and the date of granting reinstatement, the approach of the learned Single Judge granting lump sum compensation cannot be faulted with.

6. Looking to the various aspects and factors which are considered above, like the nature of employment, time gap intervened, length of service, the compensation awarded to the tune could not be said to be unreasonable. Therefore, Letters Patent Appeals preferred by the Municipality on the question of amount of compensation as well as appeals preferred by the workmen seeking reinstatement are liable to be dismissed. However, in one of the matters being Letters Patent Appeal No. 701 of 2023 in Special Civil Application No. 18334 of 2021 in the case of workman being Koli Vairaginiben Ramkumar, we observe that the compensation given by the learned Single Judge is to the tune of Rs.6,25,000/- for 11 years of service. It can be observed from the order passed by the learned Single Judge that such amount is proportionally different from the other set of amounts which are given as compensation. However, for the identical years of work i.e. 11 years of service, the other workmen are granted an amount of Rs.3,25,000/- as lump sum compensation. Thus, we are inclined to modify the amount of lump sum compensation in Letters Patent Appeal No. 701 of 2023 to the tune of Rs.3,25,000/- from Rs.6,25,000/-. Hence, Letters Patent Appeal No. 701 of 2023 is partly allowed to the aforesaid extent, whereas, all the other Letters Patent

Appeals stand dismissed as no ground is made out to interfere with the order of the learned Single Judge."

11. Now, considering the materials placed on record and the peculiar facts of this case and considering the fact that the respondent had worked for more than 15 years however, it appears that there was a delay of 3 years in preferring the reference, this Court is of the opinion that instead of granting any back wages and reinstatement in service as prayed for, it would be just and proper to pay lump sum compensation of Rs.5,00,000/- as full and final settlement to the respondent, which will serve the ends of justice.

12. With the aforesaid conclusion, the petition stands allowed in part. The impugned order passed by the Labour Court is hereby quashed and set aside and the award is modified accordingly. An amount of Rs.5,00,000/- as lump sum compensation shall be paid to the respondent by the petitioner after proper verification of the identity and bank details through RTGS within a period of eight weeks from the date of receipt of the writ of this order. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

(HEMANT M. PRACHCHHAK,J)

ANUSRI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANUSRI VASU(HC02352), ENGLISH STENO GRADE-II, at High Court of Gujarat on 03/03/2026 16:48:44