

Gujarat High Court

Dilipkumar vs Chief on 11 May, 2011

Author: H.K.Rathod,&Nbsp

Gujarat High Court Case Information System

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SCA/2246/2011 2/ 2 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL
CIVIL APPLICATION No. 2246 of 2011

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DILIPKUMAR
LUNJABHAI BARIA - Petitioner(s)

Versus

CHIEF
OFFICER - Respondent(s)

=====

Appearance
:
MR
DIPAK R DAVE for
Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1,
MR
MEHUL H RATHOD for Respondent(s) :
1,
=====

CORAM

:

HONOURABLE

Date
: 11/05/2011

ORAL
ORDER

Heard learned advocate Mr. DR Dave on behalf of petitioner Dilipkumar Lunjabhai Baria, learned advocate Mr. MH Rathod appearing for respondent.

In present petition, award passed by Labour Court, Dahod in reference no. 922/2008 old reference no. 182/2005 dated 25/11/2010 is challenged in respect to denying 80% back wages of interim period by Labour Court, Dahod against present petitioner. In response to notice issued by this Court, on behalf of Chief Officer, Dahod Nagarpalika affidavit in reply is placed on record. Copy thereof is served to learned advocate Mr. Dave. The averment made in para 4 by respondent to the effect that Labour Court has passed an ex parte award, against which, Misc. Restoration application no. 6/2011 is filed by respondent before Labour Court, Dahod along with delay condone application, wherein notice has been issued by Labour Court, Dahod to petitioner returnable on 8/6/2011.

Considering fact that award in question itself is challenged by respondent filing an application for setting aside it under Rule 26(A) of I. D. Act, 1947. Therefore, at this stage, this Court is not entertained petition filed by petitioner denying 80% back wages of interim period to petitioner. However, an application preferred by respondent if it is ultimately decided then whatever relief is granted in favour of petitioner, for that, if petitioner is not satisfied then it is open for petitioner to challenge such direction before this Court by filing appropriate petition.

Therefore, this petition is disposed of by this Court in considering aforesaid subsequent events which will not come in way when application preferred by respondent is decided by Labour Court.

(H.K.RATHOD, J) asma Top