

Gujarat High Court

Whether vs Dawood on 28 September, 2011

Author: V. M. Jhaveri,

Gujarat High Court Case Information System

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LPA/788/2011 4/ 4 JUDGMENT

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS

PATENT APPEAL No. 788 of 2011

In

SPECIAL

CIVIL APPLICATION No. 15422 of 2010

TO

LETTERS

PATENT APPEAL No. 791 of 2011

In

SPECIAL

CIVIL APPLICATION No. 15425 of 2010

WITH

CIVIL

APPLICATION No. 6071 of 2011

In

LETTERS

PATENT APPEAL No. 788 of 2011

TO

CIVIL
APPLICATION No. 6074 of 2011

In

LETTERS
PATENT APPEAL No. 791 of 2011

For
Approval and Signature:

HONOURABLE
MR.JUSTICE V. M. SAHAI

Sd/-

HONOURABLE
MR.JUSTICE KS JHAVERI

Sd/-

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1.

Whether

Reporters of Local Papers may be allowed to see the judg

NO

2.

To

be referred to the Reporter or not ?

NO

3.

Whether

their Lordships wish to see the fair copy of the judgmen

NO

4.

Whether

this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any law made thereunder ?

NO

5.

Whether

it is to be circulated to the civil judge ?

NO

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BHUJ
MUNICIPALITY THROUGH CHIEF OFFICER - Appellant

Versus

DAWOOD
UMAR KUMBHAR - Respondent

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Appearance

:

MR

BY MANKAD for Appellant.

MR MEHUL SHAH for

Respondent.

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CORAM

:

HONOURABLE

MR.JUSTICE V. M. SAHAI

and

HONOURABLE

MR.JUSTICE KS JHAVERI

Date
: 28/09/2011
COMMON ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE V. M. SAHAI) Though only Civil Applications are listed today for hearing, with the consent of the parties, we have taken up the main appeals for final disposal.

2. We have heard Mr. B. Y. Mankad, learned counsel for the appellant and Mr. Mehul Shah, learned counsel appearing for the respondent.

3. These Letters Patent Appeals have been filed by the appellant - original petitioner challenging the judgment and order dated 21.03.2011 passed by the Learned Single Judge in Special Civil Application Nos.15422 to 15425 of 2010 whereby the Learned Single Judge has issued the following directions :-

"(1) The petitioner - Nagarpalika may file appropriate applications under Rule 26A of the Rules of 1966 before the Labour Court praying for setting aside the ex-parte order, within a period of fifteen days from the date of receipt of this order. It will also open for the petitioner - Nagarpalika to prefer appropriate applications under Rule 26B of the Rules of 1966 praying for stay of the operation of the ex-parte orders till the applications under Rule 26A of the Rules of 1966 are finally disposed of.

(2) The Labour Court, on filing of such applications, shall decide the same in accordance with law after giving opportunity of hearing to the respondents-workmen, within a period of six weeks thereafter.

(3) The Labour Court shall decide such applications which may be preferred by the petitioner - Nagarpalika without being influenced by the present order as this Court has not expressed any opinion on the merits of the rival claims and contentions."

4. In view of the above directions, since the Learned Single Judge has only directed the appellant to file appropriate application for setting aside the ex-parte order before the Labour Court, we do not find to interfere in the order passed by the Learned Single Judge. It is open for the appellant to raise all the grievances available under the law before the Labour Court and if such applications are filed by the appellant, the Labour Court shall decide the same in accordance with law.

5. With the aforesaid direction, all these Letters Patent Appeals stand disposed of.

6. In view of disposal of main appeals, Civil Applications do not survive and they are accordingly disposed of.

Sd/-

[V. M. SAHAI, J.] Sd/-

[K. S. JHAVERI, J.] Savariya Top