

Gujarat High Court

Divisional vs Ratilal on 4 August, 2010

Author: Ks Jhaveri,&Nbsp

Gujarat High Court Case Information System

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SCA/1323/2004 3/ 3 JUDGMENT

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL
CIVIL APPLICATION No. 1323 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 ?

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DIVISIONAL
CONTROLLER - Petitioner(s)

Versus

RATILAL
ARJANBHAI VACHHANI - Respondent(s)

=====

Appearance :
MS
SEJAL K MANDAVIA for
Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1,
MR MUKESH
H. RATHOD & MR GK RATHOD for Respondent(s) :
1,
=====

CORAM

:

HONOURABLE

MR.JUSTICE KS JHAVERI

Date
: 04/08/2010

ORAL
JUDGMENT

1. By way of this petition, the petitioner has prayed to quash and set aside the order passed by the Labour Court, Junagadh in Recovery Application No.55/1991 dated 22.07.2003, whereby, the said application filed u/s.33(C)2 of the I.D. Act by the respondent was allowed and the petitioner-Corporation was directed to pay an amount of Rs.11,312.40 to the respondent.
2. The facts in brief are that the respondent was appointed as a 'temporary worker' by the petitioner-Corporation. The respondent filed Recovery Application No.55/1991 before the Labour Court, Junagadh claiming wages for the period from 01.07.1989 to 21.03.1990. The Labour Court, after hearing both the sides and after considering the evidence on record, allowed the said application. Hence, this petition.
3. Heard learned counsel for the respective parties and perused the documents on record. Before the Court below, the respondent had produced documentary evidence, vide Exs.13 to 24, in order to show that he had rendered services with the petitioner-Corporation. Further, from his cross-examination, it was established that the petitioner had not paid the outstanding wages to him and had, thereby, had not followed the time-scale.
4. Looking to the facts of the case and the evidence on record, I am of the view that the Court below was completely justified in allowing the application of the respondent. I am in complete agreement with the reasonings given by the Court below in the impugned order and hence, find no reasons to interfere with the same. Even otherwise, looking to the smallness of the amount involved, this Court does not find it fit to disburse the order passed by the Court below.
5. For the foregoing reasons, the petition is dismissed. Rule is discharged. Interim relief, if any, stands vacated. The payment to be released within a period of two months from today.

[K.

S. JHAVERI, J.] Pravin/* Top