

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

Exh.78.

GJJM150000312025 GJJM150000322025 GJJM150000332025 GJJM150000342025



GJJM150000352025 GJJM150000362025 GJJM150000372025 GJJM150000382025



Received on :	11.06.1991		
Registered on :	11.06.1991		
Decided on :	24.07.2026		
Duration :	35	01	13
	Yrs.	Mths.	Days

**Before the Hon'ble In-charge Member and Presiding Officer
of Industrial Tribunal at Jamnagar.**

Ref. (I. T. C.) Nos.04/2025 to 11/2025.

[Old Ref. (I.T.C.) Nos.4/1991 to 11/1991]

<u>First Party::</u>	Director of Light House and Light Ships, Address: Pandit Nehru Marg, Jamnagar – 361008.
<u>V/S</u>	
<u>Second Parties::</u> <u>Ref.4/2025.</u>	Naran Tapu Makwana, Address: Bhilwas No.2, P.O. Jamnagar – 361008.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

<u>Ref.5/2025.</u>	Gautam Pithabhai Vaghela, Address: Bhimwas – 2, P.O. Jamnagar – 361008.
<u>Ref.6/2025.</u>	Legal Heir of deceased Nanji Tapu ¹ , Khimisuriya Shantaben Nanjibhai (wife), Address: Bhimwas No.3, P. O. Jamnagar – 361008.
<u>Ref.7/2025.</u>	Hemant Ghelubhai Jadeja, Address: Street No.2, Nr. Dela of Sampsinh Vohra, Limda Line, Jamnagar – 361008.
<u>Ref.8/2025.</u>	Devjibhai Chanabhai Makwana, Address: Bhimwas No.2, Jamnagar – 361008.
<u>Ref.9/2025.</u>	Legal Heir of deceased Manji Nathubhai Makwana ² , Dipak Manjibhai Makwana (son), Address: Bhimvas No.2, Jamnagar – 361008.
<u>Ref.10/2025.</u>	Legal Heir of deceased Samji Ladha ³ , Maru Jayeshbhai Samjibhai (son), Address: Navagam (Ghed), P.O. Jamnagar – 361008.

- 1 The original applicant / employee of Ref. (ITC) No.06/2025 has died during pending proceeding so his legal heir was joined as per order passed *vide* Exh.33 in said case.
- 2 The original applicant / employee of Ref. (ITC) No.09/2025 has died during pending proceeding so his legal heir was joined as per order passed *vide* Exh.38 in said case.
- 3 The original applicant / employee of Ref. (ITC) No.10/2025 has died during pending proceeding so his legal heir was joined as per order passed *vide* Exh.38 in said case.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

<u>Ref.11/2025.</u>	Legal Heir of deceased Govind Amarsinh ⁴ , Vaghela Rajiben Govindbhai (wife), Address: Bhilwas No.1, P.O. Jamnagar – 361008.
----------------------------	--

#####

Reference under sec.10 of the I. D. Act.

#####

For First Party : Ld. advocate Mr. S. N. Misra.

For Second Parties : Ld. representative Mr. P. R. Joshi.

=====

: Award :

(1). The first party herein is the Director of Light House and Light Ship, Jamnagar and the second parties are the employees. The above first as well as second parties for the sake of brevity and deciding these industrial disputes are referred as '*the opponent*' and '*the applicants*', respectively.

(2). The present industrial disputes were forwarded for adjudication by the Ministry of Labour under the Government of India to the then Industrial Tribunal, Rajkot, as the conciliation proceedings before it could not fructify. The details of letter numbers and order numbers along with the terms of reference of each case are as under:

Ref. Case	Date of	Order Number of	Schedule / Terms of
-----------	---------	-----------------	---------------------

⁴ The original applicant / employee of Ref.(ITC) No.11/2025 has died during pending proceeding so his legal heir was joined as per order passed vide Exh.41 in said case.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

No.	letter	reference	reference.
Ref. (ITC) No.4/2025	03.06.1 991	L-42012/169/90- IR(DU)	Whether the action of the management of Director of Light House and Light Ships, Jamnagar in terminating the services of Shri Naran Tapu Makwana, casual worker w.e.f. dt.01.03.1982 is justified? If not, what relief the workman concerned is entitled to ?
Ref. (ITC) No.5/2025	---do---	L-42012/173/90- D-2(B)	---do---
Ref. (ITC) No.6/2025	---do---	L-42012/170/90- IR(DU)	---do---
Ref. (ITC) No.7/2025	---do---	L-42012/171/90- IR (DU)	---do---
Ref. (ITC) No.8/2025	---do---	L-42012/172/90- D-2(B)	---do---
Ref. (ITC) No.9/2025	---do---	L-42012/166/90- IR (DU)	---do---
Ref. (ITC) No.10/2025	---do---	L-42012/167/90/ IR (DU)	---do---
Ref. (ITC)	---do---	L-42012/168/90-	---do---

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

No.11/2025		IR (DU)	
------------	--	---------	--

Note: The names of individual employees of each case is to be read in above terms of reference.

(3). Now before going to the chequered history of these reference cases, it is required to note that the present disputes have emerged in the year 1982 and since the first party / opponent was the establishment under the control of Central Government so as per sec.2(a) of the Industrial Dispute Act, the appropriate Government for it is the Central Government, hence the disputes were raised before the authority under the Central Government. At the said relevant time there was no existence of Central Government Industrial Tribunal (hereinafter referred as CGIT) so the disputes were referred to the Industrial Tribunal at Rajkot for adjudication. Then after as and when the CGIT came in to existence the cases were transferred to CGIT, Ahemdabad. Further on looking to the proceedings of these cases it transpires that subsequently the cases were again transferred to the State Government Industrial Tribunal and again were re-transferred to CGIT.

(3.1). Lastly again as per the Order No.L-20025/01/2025-IR(CM-I) dtd.02.05.2025 and Corrigendum No.L-20025/01/2025-IR(CM-I) dtd.07.08.2025 of the Deputy Director, Ministry of Labour and Employment, Government of India and on basis of the Office Order No.ADT/1/2025/5516 dtd.29.08.2025 passed by the President, Industrial Court, Ahemdabad, the present cases along with other cases were

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

transferred to this Tribunal i.e. Industrial Tribunal, Jamnagar for adjudication since the disputes were pertaining to territorial jurisdiction of this Tribunal. Hence, the present cases were issued new numbers viz, Ref. (I.T.C.) Nos.04/2025 to 11/2025. Further as per office order No.EST/2/2025/5345 dtd.19.08.2025 of hon'ble President, Industrial Court, Ahemadabad, since the post of Member, Industrial Tribunal, Jamnagar is vacant so the charge of Judicial work of the said Court / Tribunal is assigned to Industrial Tribunal, Rajkot, hence accordingly the present matters have been tried and adjudicated as an in-charge Presiding Officer of the said Tribunal.

(3.2). So the present case records like a punching bags have been transferred and re-transferred from one Tribunal to another Tribunal which has effected the future of the litigants and has kept them waiting for the result of the cases, which has taken long years and decades in some cases like the present cases.

(3.3). After the cases were transferred to this Tribunal they were registered by issuing new numbers and the notices were issued to the parties, wherein both the sides have remained present through their respective advocates / representative and since the cases were pending at the stage of final arguments so they were proceeded from the said stage. Further in four of these cases the original applicants / employees have died during pending proceedings so their legal heirs were joined before this Tribunal in said respective concerned cases as is reflected from the title clause herein above.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

It is even pertinent to note that as per the application submitted at Exh.31 in Ref. (ITC) No.4/2025, all these cases were to be tried by consolidating with the main case and looking to the trial of the cases after said application all these eight cases are tried together.

(4). Now if we peruse the case proceedings then the applicants have submitted statement of claims at different exhibits in the respective cases. The facts mentioned therein is identical which in nutshell is as below:

The applicants have stated that they were working as workers since many years before their respective termination in the construction branch of the opponent and were paid lesser wages than which were prescribed by the establishment. The establishment of the opponent is the department under the Central Government. It is contended that the opponent is liable to pay wages prescribed for the workers working in the Construction department as per the provisions of the Minimum Wages Act, 1948 and the Act applicable for the same by the Government of Gujarat but such wages were not paid but they were paid nominal wages of Rs.10/- per day. The applicants have stated that they have joined services in the establishment some where on dt.01.06.1980. The recruitment was done on large scale in different cadres for Construction Department by the opponent and work related to construction was done at different places through these workers. The applicants have stated that their services is of more than one year and the opponent without issuing any notice or paying any rights as per Labour laws for

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

which they are entitled, have all of a sudden terminated them from service on dt.01.03.1982 along with the other workers. It is contended that for the said terminations the present references are sent for adjudication by the order of Assistant Labour Commissioner, Adipur under the Central Government.

It is contended that the establishment of the opponent is performing civil work i.e. construction and maintenance of buildings through departmental workers but all of a sudden it was decided to take said work through contract system, the reason for which may be known to the Engineers of the establishment, so the workers which were recruited directly by them were terminated. It is stated that when their cases were pending before the Conciliation Officer at Adipur the opponent has suppressed many important facts. So they are even submitting notice for production of relevant documents. The opponent has blatantly and openly violated the provisions and rules of the Industrial Disputes Act in an illegal and unreasonable manner, thereby has acted in an arbitrary manner by doing injustice to them. Therefore, the applicants are entitled for being taken back in their respective services with full wages since the opponent has not complied the provisions of sec.9(A) and Schedule 4 of the Act. They have not complied the said provisions and have not stated the reasons for terminating the services of the applicants nor has given any proper reason for initiating contract system. Thereby the applicants have prayed to pass an award directing the opponent to reinstate them with continuity of service and wages as per rules applicable by the State Government along with cost of these proceedings. It is even

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

stated that these cases were pending for eight years before the Labour Department for which the opponents are liable.

(5). The opponent has submitted written statement in all these reference cases *vide* different exhibits, wherein they have denied the contentions of the applicants and has stated further that the applicants have worked in their establishment but has not worked for long period. It is stated that there is no department such as Construction Department in their establishment. It is admitted that the applicants were terminated from services on dt.29.11.1980. It is stated that the department of Light House and Light Ships is performing useful work related to shores of India and islands such as Andaman Nicobar, Lakshwadeep which comes under the control of Ministry of Surface Transport under the Central Government. In this manner the Department of Light House and Light Ships, Jamnagar is a department under the Central Government and it's working filed starts from Jakho shore situated in Gulf of Kachchah till Bhavnagar in Gulf of Khambhat. The main work is related to Light Houses, Beacons, Deca Navigator Chain Stations, Ocean Guidelines situated on shore of oceans. It is stated that for the Light Houses and Electronics work related to said stations, the departmental staff is continuously performing their services which includes a pool of 92 technical / departmental and 212 operational departmental regular staff employees. Therefore, the department is not an industrial organization, so the Industrial Disputes Act is not applicable to it. It is stated that the concerned applicants were employed as labour for periods as mentioned in the tabular

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

column below:

Name of Applicant	Ref. Case No.	From date	Till Date	Worked as
Naran Tapu	4/2025	08.04.1990	29.11.1980	Labour
Gautam Pitha	5/2025	11.07.1980	04.03.1982	Labour
Nanji Tapu	6/2025	29.10.1978	03.03.1982	Labour
Hemant Ghelubha Jadeja	7/2025	11.12.1979	03.03.1982	Labour
Devji Chana	8/2025	07.02.1980	04.05.1982	Labour
Manji Natha	9/2025	07.02.1980	24.07.1982	Labour
Shamji Ladha	10/2025	28.02.1978	19.07.1982	Mistry
Govind Amarsing	11/2025	27.02.1978	29.11.1980	Labour

The applicants have not performed continuous work during the above referred periods but has performed work, as and when required. They were relieved on completion of said work. Thereby, the applicants are not entitled for any reliefs so the opponent has prayed to reject all the reference cases of the applicants.

(5.1). The opponent after submitting the above written statements have even submitted further additional submissions in form of factual and legal clarifications on dt.29.09.2011, wherein it is stated that the statement of claim is vague and misleading in every aspect. The applicants have not clarified about the nature of their alleged employment nor has produced any authentic documentary proof such as appointment letter, pay slip, etc., so as to prove that they have worked with the said department. They

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

have simply said that they were terminated from dt.01.03.1982 which is completely false, fabricated, unfounded and baseless in its entirety. It is stated that their establishment belongs to Government of India under the Ministry of Shipping and it is operating with the responsibility of Superintendence of Aids to Navigation Stations of ships along the coastal area of the State of Gujarat. It is stated that in relation to some urgent need based requirement of providing aids to various Navigation Stations for halt of various ships along with the coastal region of State of Gujarat, the aforesaid department of the said Ministry has to carry out certain routine civil construction work and also to conduct maintenance job from time to time for existing structures available from one point to the other in the said coastal region of State of Gujarat. Further, it is only under this context of doing routine civil construction work of maintenance of navigational aids, the aforesaid department has to engage few local casual workers for all such casual works of civil construction and maintenance at various sites as per certain need based requirement for doing such casual work from time to time on day to day basis and those casual workers are being paid wages as per such prevalent rate for such casual work, at the relevant time dating 30 years back approximately during the years 1980 or 1981-82, when the aforesaid applicants have been traced to be working as per their records, in their aforesaid names along with seven others linked with the present references which now are pending for adjudication as very belated cases although such belated cases which have been strictly prevented as per the policy of the labour Minsitry's existing directions and that too has been

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

supported or confirmed by the various decisions of the High Courts and hon'ble Supreme Court as well from time to time. The various judgment of the High Courts and hon'ble Supreme Court prohibiting to entertain belated cases which are as old as 10 or 20 years. It is contended that the applicants were purely local casual workers available in mass at coastal regions of the State of Gujarat for doing a routine construction work or maintenance work either in attending house to house jobs in the region of coastal area of the State of Gujarat on daily basis and there had been no any such criteria for their working in coastal area of State of Gujarat on daily basis and there had been no any such criteria for their working in coastal region for the job of construction work at navigation sites from time to time. Being casual workers on daily basis and working on prevalent rate available in the coastal region concerned, the said applicants as well were aware of their job and consequences of their employment which was completely need based and nothing else. As per settled position of law it is submitted that by doing such need based casual work, these applicants does not acquire any legal right to claim for themselves a regular job or regularization on the ground that their engagement was as daily wager on casual basis and the employment as casual worker of the nature as above would come to an end when it is discontinued. Hence, there is no any legal requirement at all to terminate the services of the applicants accordingly. In the instant case, the said applicants have accepted the employment as casual workers on daily basis with an open eye. An employment of such workers on contractual daily basis does not require any service of notice or

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

payment of any kind of notice pay in any senses of the Industrial law at the time of termination. The concerned applicants have not worked continuous for 240 days and hence they are not entitled to any statutory payment under the I. D. Act. Further the applicants were not in public employment. They were rather employed purely as a casual or temporary workers and their employments were based on daily wages. Hence, their employments were not based on any rules or regulations of the Government employment in any sense. The opponent has referred the judgment of hon'ble Supreme Court between State of Karnataka v/s Umadevi, by contending that therein the issue of legal status of casual or temporary workers in public employment has been discussed. So it was contended that the applicants were only casual workers and their employments were of short duration or employed on daily basis for doing routine construction or maintenance job of the trifling nature which stood terminated by influx of time. In other words the job of a casual or temporary worker comes to an end, at the end of the day and starts afresh on the next day obviously on daily basis and hence the terminations of the applicants which dates back 25 years is legal and justified and that too there had been no any such violation of any provisions of I. D. Act in any manner whatsoever, therefore the case of the applicants are required to be rejected accordingly in the eyes of law.

(6). The following evidence is produced from applicant side.

: Oral Evidence :

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

1	Exh.34.	Deposition on oath of the applicant of Ref. Case No.4/2025.
2	Exh.17.	Deposition on oath of the applicant submitted in Ref. Case No.5/2025.
3	Exh.17.	Deposition on oath of the applicant submitted in Ref. Case No.6/2025.
4	Exh.15.	Deposition on oath of the applicant submitted in Ref. Case No.7/2025.
5	Exh.18.	Deposition on oath of the applicant submitted in Ref. Case No.8/2025.
6	Exh.17.	Deposition on oath of the applicant submitted in Ref. Case No.9/2025.
7	Exh.15.	Deposition on oath of the applicant submitted in Ref. Case No.10/2025.
8	Exh.20.	Deposition on oath of the applicant submitted in Ref. Case No.11/2025.

: Documentary Evidence :

1	Exh.44 to 47.	Copy of service certificates showing details of work performed by applicants Gautam Pitha, Manji Nathu, Hemant Ghelubha and Nanji Tapu.
---	---------------	---

The applicant has submitted evidence closure pursis at Exh.66.

(7). The opponent side has produced following evidence in this case.

: Oral Evidence :

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

1	Exh.37.	Deposition of the opponent's witness named Rajendra Maganlal Patel.
---	---------	---

: Documentary Evidence :

1	Exh.38, 51 to 58.	Statements of work performed and working days of the respective applicants.
---	-------------------	---

The opponent side has submitted closing pursis at Exh.77.

(8). Earlier the applicant side has submitted written arguments at Exh.72 & 74 and then after before this Tribunal both sides have argued orally after the cases were transferred herein. These arguments of respective sides will be discussed herein after at relevant stage.

(9). Having heard the learned advocates / representatives of the respective parties and having gone through the record, this Tribunal finds that three issues have emerged for consideration and judicial decision in the present industrial disputes.

- (1). Whether the applicants proves that they were terminated illegally by the opponent?
- (2). Whether the applicants are entitled for the relief of reinstatement on their original post with back wages or any other relief?
- (3). What order?

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

The answers to the above issues are as below:

(1). Partly Affirmative. The applicants of Ref.(ITC) Nos.5/2025, 6/2025, 7/2025 & 9/2025 are terminated illegally whereas the remaining applicants of Ref. (ITC) Nos.4/2025, 8/2025, 10/2025 & 11/2025 have not performed continuous services so their termination is not held to be illegal.

(2). Partly Affirmative. The applicants of Ref.(ITC) Nos.5/2025, 6/2025, 7/2025 & 9/2025 are entitled for lump sum compensation in lieu of the reliefs of reinstatement and back wages, as mentioned in final order portion. The remaining applicants of Ref. (ITC) Nos.4/2025, 8/2025, 10/2025 & 11/2025 are not entitled for any reliefs in these cases.

(3). As per final order.

(10). Reasons for issues::

(11). Issue Nos.1 & 2::

(1). As the facts of both these issues are interconnected so the discussion of the same is done together to avoid repetition. Now looking to issue No.1, it is regarding whether the applicants herein are illegally terminated? For this purpose the applicants have to initially prove that they were workmen of the opponent,

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

further they have to prove that they have served continuously as per the provision of **sec.25(B)** of the I. D. Act and then after they were retrenched from service without following the provisions of **sec.25(F)** or any other mandatory provisions of the I. D. Act.

(2). The applicants in their respective statement of claims have stated that they were working as workers since many years before their respective termination in the construction branch of the opponent and were paid lesser wages than which was prescribed by the establishment. The applicants have stated that they have joined services in the establishment some where on dt.01.06.1980. The recruitment was done on large scale in different cadres for Construction Department by the opponent and work related to construction was done at different places through these workers. The applicants have stated that their services is of more than one year and the opponent without issuing any notice or paying any rights as per Labour laws for which they are entitled, have all of a sudden terminated them from services on dt.01.03.1982.

Per contra, the opponent in their written statement has pleaded that the concerned applicants were employed as labour for periods as mentioned in the tabular column below:

Name of Applicant	Ref. Case No.	From date	Till Date	Worked as
Naran Tapu	4/2025	08.04.1990	29.11.1980	Labour
Gautam Pitha	5/2025	11.07.1980	04.03.1982	Labour
Nanji Tapu	6/2025	29.10.1978	03.03.1982	Labour
Hemant	7/2025	11.12.1979	03.03.1982	Labour

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

Ghelubha Jadeja				
Devji Chana	8/2025	07.02.1980	04.05.1982	Labour
Manji Natha	9/2025	07.02.1980	24.07.1982	Labour
Shamji Ladha	10/2025	28.02.1978	19.07.1982	Mistry
Govind Amarsing	11/2025	27.02.1978	29.11.1980	Labour

The applicants have not performed continuous work during the above referred periods but has performed work as and when required. They were relieved on completion of the said work.

It is further required to note that the opponent side has submitted additional written statement in each of these cases on dt.29.09.2011 i.e. almost after twenty years and that too without seeking any permission of the Tribunal. So on that very count due to lack of permission the contentions raised therein cannot be considered. However if the said contentions are seen superficially then there it is contended that their establishment belongs to the Government of India which is under the Ministry of Shipping and it is operating with the responsibility of Superintendence of Aids to Navigation Stations of Ships along the coastal area of the State of Gujarat. It is stated that in relation to some urgent need based requirement of providing aids to various navigation stations for halt of various ships along with the coastal region of State of Gujarat the aforesaid department of the said Ministry has to carry out certain routine civil construction work and also to conduct maintenance job, from

time to time for existing structures available from one point to the other in the said coastal region of State of Gujarat. Further, it is only under this context of doing routine civil construction work of maintenance of navigational aids, the aforesaid department has to engage few local casual workers for all such casual work of civil construction and maintenance at various sites as per certain need based requirement for doing such casual work from time to time on day to day basis and those casual workers were being paid their wages as per such prevalent rate for such casual work applicable at the relevant time dating 30 years back, approximately in the years 1980 or 1981-82 when the aforesaid applicants have been traced to be working as per their records in their aforesaid names.

So, looking to the said pleadings and evidence which has appeared on record, it is proved that the applicants were working as a casual labours, who were employed for civil construction work of maintenance of navigational aids. So considering the said work it is of unskilled type which is included in the definition of "workman" i.e. sec.2(s) of the I. D. Act. Hence, it is proved that the applicants are workmen as provided under the statute. Further the ingredients of being a casual or temporary or regular workman are not required to be considered for said definition and only the nature of work is relevant factor.

(3). At this juncture looking to the citation, the case before *hon'ble Supreme Court* between *Devinder Singh v/s Municipal Corporation, Sanaur*⁵, wherein it is held that whether

⁵ 2011 AIR SCW 3455.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

a person is part-time employee or a contractual employee or a temporary employee or casual employee, all are workman as provided in sec.2(s). It is held that the source of employment, the method of recruitment, the terms and conditions of employment / contract of service, the quantum of wages and mode of the payment are not at all relevant for deciding, whether or not a person is a workman within the meaning of sec.2(s). Further looking to the judgment which is also the case before *hon'ble Apex Court* between *Srinibas Goradia v/s Arvind Kumar Sahu & Ors.*⁶, wherein it is held that the designation of an employee does not determine their status as a workman; rather, the dominant nature of their work is the key criterion under the Industrial Disputes Act.

So, looking to the ratio of these judgments and the definition of 'workman' enacted under sec.2(s) in the I. D. Act, the work which was performed by the applicants comes under the purview of this definition. Hence, it is proved that the applicants herein are the workmen as defined in the Act.

(4). Now looking further at **sec.25(B)**, the definition of continuous service, the workmen / applicants, in the instant case should have actually performed uninterrupted work as provided under sec.25(B-1) or should have worked under the opponent for minimum 240 days during a period of twelve calendar months preceding the date of their termination as provided under sec.25(B-2).

(5). For the discussion on this point of continuous

⁶ 2025 Supreme (SC) 2083.

service, some citations are required to be referred. The first citation is the case before *hon'ble Gujarat High Court* between *Bilimora Nagarpalika v/s. Jashuben Jashavantbhai Solanki*⁷, which says about the burden of proof and onus of proof regarding the continuous service. It further says that the workman has to discharge the burden that he has completed 240 days of continuous service and once such assertion is prima facie found true with reference to the pleadings and facts on record, the burden shifts on the employer. Further looking to the citations, the case between *Sriram Industrial Enterprise Ltd. v/s. Mahak Singh & ors.*⁸ and the case between *R. M. Yellati v/s. the Asst. Executive Engineer*⁹, they also say that burden of continuous service is on workman and he has to produce cogent evidence, oral as well as documentary.

(6). The applicants in the instant cases have pleaded in their respective statement of claims that they were working as workers since many years before their termination in the construction branch and were paid lesser wages than which was prescribed by the establishment. The applicants have stated that they have joined services in the establishment some where on dt.01.06.1980. The recruitment was done on large scale in different cadres for Construction Department by the opponent and work related to construction was done at different places through these workers. The applicants have stated that their services is of more than one year and the opponent without

7 2013(1) GLR 845.

8 2007 II CLR 744.

9 2005 (III) CLR 1028 (S.C.).

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

issuing any notice or paying any rights as per Labour laws for which they are entitled, have all of a sudden terminated them from services on dt.01.03.1982.

Per contra, the opponent in their written statement has pleaded that the concerned applicants were employed as labour for periods as mentioned in the tabular column below:

Name of Applicant	Ref. Case No.	From date	Till Date	Worked as
Naran Tapu	4/2025	08.04.1990	29.11.1980	Labour
Gautam Pitha	5/2025	11.07.1980	04.03.1982	Labour
Nanji Tapu	6/2025	29.10.1978	03.03.1982	Labour
Hemant Ghelubha Jadeja	7/2025	11.12.1979	03.03.1982	Labour
Devji Chana	8/2025	07.02.1980	04.05.1982	Labour
Manji Natha	9/2025	07.02.1980	24.07.1982	Labour
Shamji Ladha	10/2025	28.02.1978	19.07.1982	Mistry
Govind Amarsing	11/2025	27.02.1978	29.11.1980	Labour

The applicants have not performed continuous work during the above referred periods but have performed works as and when required. They were relieved on completion of said work.

It is further required to note that the opponent side has submitted additional written statement in each of these cases on dt.29.09.2011 i.e. almost after twenty years and that too without seeking any permission of the Tribunal. So on that very count due to lack of permission the contentions raised therein

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

cannot be considered. However if the said contentions are seen superficially then it is contended that the applicants were purely local casual workers available in mass at coastal regions of the State of Gujarat for doing a routine construction work or maintenance work, either in attending house to house jobs in the region of coastal area of the State of Gujarat, on daily basis and there had been no any criteria for their working in coastal area of State of Gujarat on daily basis and there had been no any criteria for their working in coastal region for the job of construction work as navigation sites from time to time. Being casual workers on daily basis and working on prevalent rates available in the coastal region concerned, the said applicants as well were aware of their jobs and consequences of their employments which were completely need based and nothing else. As per settled position of law by doing such need based casual works, these applicants does not acquire any legal rights to claim for themselves regular jobs or regularization on the ground that their engagements as daily wager on casual basis would come to an end when it is discontinued. Hence, there is no any such legal requirement at all to terminate the services of the applicants accordingly. In the instant case, the said applicants have accepted the employment as casual workers on daily basis with an open eye. An employment of such workers on contractual daily basis, on their termination does not require any service of notice or payment of any kind of notice pay in any senses of the Industrial Disputes law. The concerned applicants have not worked continuous for 240 days and hence they are not entitled to any statutory payment under the I. D. Act. Further the applicants were not in public

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

employment. They were rather employed purely as a casual or temporary workers and their employments were based on daily wages. Hence their employment were not based on any rules or regulations of the Government employment.

(7). Now looking to the pleadings which have appeared on record, the applicants herein have contended that they worked from dt.01.03.1980 and were terminated on dt.01.03.1982. The opponent side in their valid and legal written statement has mentioned their respective dates of joining and termination and in their further written statement it is stated that the applicants were casual workers who have worked on basis of need of work and their service is not continuous for more than 240 days. If the evidence which has appeared on record is perused then each of the applicants have deposed separately in their respective cases, wherein they have reiterated the facts of their statement of claim. However, the opponent has examined their common witness in the main lead case. The applicant side has submitted applications for production of documents in each of the cases seeking documents pertaining to appointment dates, salaries paid, notice issued for change, rights provided, complete list of daily-wagers, reasons for introducing contract system, wages paid for weekly offs, etc. But no order as such either allowing the application or rejection of the application was passed below it and the applicant side has also not even bothered to get their applications decided on merits by getting effective orders passed below their said applications.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

(7.1). However, the opponent side has produced the statements of service tenures along with working days of the concerned applicants which are issued exhibits *vide* Exh.38, 51 to 58. The details mentioned therein is canvassed in the tabular column as below:

Ref. Case No.	Period of NMR	Total No. of Days	240 or more days completed in years
4/2025 (Exh.38, 58)	30.03.1980 to 29.11.1980	161	00
5/2025 (Exh.51)	11.07.1980 to 04.03.1982	440.25	One year - 1981
6/2025 (Exh.52)	29.10.1978 to 03.03.1982	739.50	Two years - 1980, 1981
7/2025 (Exh.53)	11.12.1979 to 03.03.1982	683	Two years – 1980, 1981
8/2025 (Exh.54)	07.02.1980 to 04.05.1982	195.50	00
9/2025 (Exh.55)	07.02.1980 to 24.07.1982	560.25	Two years – 1980, 1981
10/2025 (Exh.56)	18.02.1978 to 19.07.1982	484.25	00
11/2025 (Exh.57)	27.02.1978 to 29.11.1980	92.25	00

It is pertinent to note that the applicant side has submitted certificates of presence issued to four applicants / employees of Ref. Case No.5/2025 to 7/2025 & 9/2025 *vide* Exh.44 to 47. The details stated therein is mentioned in the

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

tabular column below:

Ref. Case No.	Period of NMR	Total No. of Days	240 or more days completed in years
5/2025 (Exh.44)	07.07.1980 to 04.03.1982	429	One year - 1981
6/2025 (Exh.47)	29.10.1978 to 04.03.1982	753.50	Two years - 1980, 1981
7/2025 (Exh.46)	10.12.1979 to 04.03.1982	666	Two years – 1980, 1981
9/2025 (Exh.45)	07.02.1980 to 24.07.1982	562.50	Two years – 1980, 1981

(7.2). The applicant side has not produced any such service certificates of the remaining four applicants i.e. the applicants of Ref. Case Nos.4/2025,8/2025, 10/2025 and 11/2025. The details of the said applicants which is submitted by the opponent side as is noted in earlier tabular column clearly says that applicants of said cases though have performed work but has not completed service of 240 days in the last preceding 12 months or in any of years during their respective services. The applicant side has also not produced any other documentary corroborative evidence which negates the details submitted by the opponent side or proves that the applicants of said cases have also completed services of 240 or more days in any of the years during their services, making their services continuous as provided in the statute book.

Further if the details produced by the opponent sides

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

and service certificates produced by the applicant side for the respective applicants of Ref. Case Nos.5/2025 to 7/2025 and 9/2025 are compared then there is no such vast difference between the two since the period of work and number of days are almost similar with some minor difference of couple of days. Further the numbers of years for which work of 240 or more days are completed is also identical.

(7.3). In pursuance to the same if the citation which is the case before ***hon'ble Gujarat High Court*** between ***Kantibhai Ramabhai Gamar v/s Anubhag Nirikshakni Kacheri and another***¹⁰, is perused then therein in para it is stated that,

“it emerges from the facts of the case that it is undisputed that petitioner has worked with the respondent from 14.06.1989 to 30.09.1998 as per Exh.16 statement of working days produced on record. Thus, the petitioner has worked right from 1989 to 1998 with the respondent. Merely because the petitioner was not allowed to complete 240 days in last preceding year of his termination, respondent cannot contend that they are not bound to follow provisions provisions of sec.25-F of the I. D. Act. As is held by this Court in case of Gujarat State Forest Development Corporation (supra), sec.25-B(1) and sec.25-B(2) are; two independent clauses. If workman demonstrates before the Court that he has worked continuously for a year, then he is not required to establish that he has completed 240 days of service in that year. As

¹⁰ SCA No.14674 of 2007 decided on dt.25.04.2013.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

per settled position of law, it also transpires that as per sec.25-B sub clause (1) thereof, the workman can be in continuous service including the service which may be interrupted on account of sickness or authorized leave or accident or strike which is not illegal or lock out or cession of work which is not due to any fault on the part of the workmen. Therefore, as per the definition if the term continuous service; it is clear, that if the workman remains in service continuously but if his service is interrupted because of cessation of work which is not due to the fault on the part of the workman then, the workman must be considered to be in service of the employer.”

(7.4). So looking to ratio of above judgment herein also though it seems that the applicants of Ref. Case Nos.5/2025 to 7/2025 and 9/2025 have not completed 240 or more days of services during the last 12 months but looking to their service tenures they have completed 240 or more days in the intermediate years and therefore their services are to be considered as continuous as provided in sec.25-B(1) of the I. D. Act. Therefore, it is concluded that the applicants of Ref. Case Nos.5/2025 to 7/2025 and 9/2025 have completed 240 days of continuous services whereas the applicants of remaining cases i.e. Ref. Case Nos.4/2025, 8/2025, 10/2025 & 11/2025 have not performed continuous service during any of the years either in last 12 months of services or during any intermediate years.

(8). Now whether the termination of the applicants are

illegal or not is to be decided. For this purpose the provision of **sec.25(F)** of the I. D. Act will have to be referred and discussed at this stage.

Section – 25(F) ::

Conditions precedent to retrenchment of workman.

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until -

(a) The workman has been given one month's notice in writing indicating the reasons of retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice.

(b) The workman has been paid, the time of retrenchment, compensation which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months; and

(c) Notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette.

The above provisions are the condition precedent for retrenchment of an employee. So, in the instant case, whether the applicants are retrenched or not i.e. does their termination comes under the definition of “retrenchment” or not is to be decided.

(9). At this juncture, it will be fruitful to look

sec.2(oo), which is the definition of **“retrenchment”**::

Section 2(oo) ::

“Retrenchment”, means the termination by the employer of the service of a workmen for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include -

- (a) Voluntary retirement of the workmen; or*
- (b) Retirement of the workmen on reaching the age of superannuation, if the contract of employment between the employer and the workmen concerned contains a stipulation in that behalf; or*
- (bb) Termination of the service of the workmen as a result of the non – renewal of the contract of the employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or*
- (c) Termination of the service of a workman on the ground of continued ill – health.*

(10). Here in this instant case, the applicants have stated that they were terminated from the services without complying the legal provisions. The opponent side has admitted in their initial written statement that the applicants were terminated from services. It is further stated that on completion of work they were terminated. However, the opponent side has not produced any document which says that the applicants were employed for any such specified work. The opponent side though not permitted has submitted additional written statement, wherein it is stated that

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

that their employments were on contractual daily basis, so their termination does not requires any service of notice or payment of any kind of notice pay. Again the opponent has not proved that the services of the applicants were on contractual daily basis. Further when the workman has worked continuously as provided in statute book then in that case the opponent is obliged to comply with the mandatory provisions of sec.25-F of the Act while terminating his service if the work becomes unavailable.

So, the mode and manner of taking work as such and not providing work as such to the applicants by the opponent does not fall under any of the exclusion clause of the definition of retrenchment. In this circumstance the service of the concerned applicants, who have proved their services to be continuous, were terminated without there being any specific reason so it does not fall under any of exclusion clause of the definition of retrenchment. Hence, it is proved that the termination of the concerned applicants from service is a simpliciter termination which falls under the purview of retrenchment and when it is proved that the concerned applicants have performed continuous service then the opponent was obliged to comply with the provisions of sec.25-F before terminating their services. Therefore, in this circumstance, it is proved that this is a clear cut case of termination of service which is termination simpliciter, wherein the concerned applicants were terminated orally without paying any retrenchment compensation, notice pay and other liabilities as per the I. D. Act. So, as discussed above the said cases does not fall under any exclusion clause nor are the concerned applicants terminated as a

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

part of punishment being given after holding departmental inquiry, hence the termination of the concerned applicants falls under the term “retrenchment”.

(11). It will be fruitful to go through some enunciation on provisions of sec.25-F of the I. D. Act. The cases are before ***hon'ble Supreme Court***, the first of which is the case between ***Mohanlal v/s The Management of Bharat Electronics Ltd.***¹¹, wherein it is held that when the case is not covered by any exception of sec.2(oo) then it amounts to retrenchment and if sec.25-F is not complied then such retrenchment is *ab initio void*. The next is the case between ***Ramesh Kumar v/s State of Haryana***¹², wherein it is held that when conditions precedent for retrenchment are not complied then the termination is in contravention of the provisions of sec.25-F. The third case is between ***Annop Sharma v/s Executive Engineer, Public Health Division No.1***¹³, wherein it is held that provisions of sec.25-F(a) and (b) are mandatory and non compliance of the same renders the retrenchment of an employee to be nullity. Here it is an admitted fact that the mandatory provisions of sec.25-F were not complied. So non compliance of the said provisions renders the retrenchment of the applicant to be nullity and such an act is *void-ab-initio*.

(12). Now if we discuss regarding applicants of remaining cases i.e. Ref. Case Nos.4/2025, 8/2025, 10/2025 & 11/2025,

11 AIR 1981 SC 1253.

12 2010(1) Scale 432.

13 2010-II-CLR 1.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

then it is proved in preceding paras that they have not performed continuous service during any of the years either in last 12 months of services or during intermediate years. In this circumstance, in their cases the question of complying the provisions of sec.25-F of the I. D. Act will not arise. Further the said applicants have neither pleaded nor proved any violation of the provisions of sec.25-G & H of the I. D. Act, since the said provisions are independent mandatory provisions and the question of continuous service is not involved in said provisions. Therefore, when the applicants of said cases have neither pleaded nor proved any violation of secs.25-G & H of the I. D. Act therefore, the act of termination of their services cannot be considered as an illegal act.

(13). Hence looking to the above discussion and enunciation of law, the facts that all the applicants were workmen as defined in the I. D. Act and there was relationship of an employer and employee between them and the opponent as well as they were retrenched from their respective services, are proved. Further it is proved that the applicants / employees of Ref. Case Nos. Nos.5/2025 to 7/2025 and 9/2025, were in continuous service as per the statute and were illegally terminated i.e. they were retrenched without following the due process as stated in the provision of **sec.25(F)**, are proved. But with respect to the applicants of Ref. Case Nos.4/2025, 8/2025, 10/2025 & 11/2025, their services are not proved to be continuous nor is it proved that provisions of sec.25-F, G & H of the I. D. Act are violated in their cases. So their services though

terminated which can be termed as retrenchment, but are not proved to be an illegal termination.

(14). Now the opponent has raised a argument that the applicants have raised belated disputes so they are barred by delay and latches therefore, no reliefs can be granted to them. If the facts of present cases are perused then the applicants were terminated in 1982. The reference cases were referred for adjudication on dt.03.06.1991 so it seems that there is delay of 8 to 9 years in raising the dispute. But none of the parties have contended that when were the disputes raised before the conciliation officer. However, the applicant side in the last line of statement of claim has pleaded that the opponent is liable for prolonging the case for 8 years in the Labour department. On basis of the same it can be said that the conciliation proceeding and procedure for referring the dispute on failure of conciliation proceeding might have take considerable time. Therefore, it cannot be said that there is any such delay or latches in raising the disputes. Further even if some delay is considered then the said period cannot be termed as an inordinate delay for denying the relief to the concerned successful applicants when the opponent has violated the mandatory provisions of the Industrial Disputes Act. Therefore, the contention of delay raised by the opponent side that too without challenging in form of pleadings and more particularly when the said delay is not such an inordinate delay, hence cannot be considered. However same can be considered for deciding the nature of reliefs which can be granted to the concerned applicants.

(15). Now it is to be decided that whether the concerned successful applicants are entitled for the relief of reinstatement on their original posts with back wages or not. This crucial question regarding entitlement of relief is to be considered on basis of the bundle of facts emerging from the date of termination till the present day situation. Looking to the facts of the cases, the original applicants / employees of Ref. Case Nos.6/2025 & 9/2025 have died so their legal heirs are joined in their places, whereas the present age of the applicants of Ref. Case Nos.5/2025 & 7/2025, on basis of age mentioned in their deposition, respectively comes to 58 & 63 years, so one of them has nearly reached the age of superannuation and other has already crossed the said age of superannuation. Further looking to the disputes, they are of the year 1982 which are presently decided in the year 2026, i.e. almost after period of 44 years. Further the applicants weren't regular employees and at the relevant time has worked almost for 2 to 3 years. In pursuance to the same it is required to refer the citation which is the case before ***hon'ble Supreme Court*** between ***Senior Superintendent Telegraph (Traffic) Bhopal v/s Santosh Kumar Seal and ors., (supra)***, wherein it is held that relief by way of reinstatement with back-wages is not automatic even if termination of an employee is found to be illegal or is in contravention of the prescribed procedure and that monetary compensation in lieu of reinstatement and back-wages in cases of such nature may be appropriate. In the said case the workmen were engaged as daily-wagers about 25 years ago and they had worked hardly for 2 or 3

years, so it was held that relief of reinstatement and back-wages to them cannot be justified and instead monetary compensation would subserve the ends of justice. The facts of present case is almost identical so herein also the appropriate relief to be granted will be of lump sum compensation.

(16). In pursuance to the above discussion it is further required to refer some citations which are the cases before *hon'ble Supreme Court*. First citation is the case between *Surendra Kumar Verma v/s Central Government Industrial Tribunal, New Delhi*¹⁴, wherein it is held that plain common sense dictates that the removal of an order terminating the services of workmen must ordinarily lead to the reinstatement in the services of the workmen. It is as if the order of termination was never been passed and so it must ordinarily lead to back-wages also. But there may be exceptional circumstances which make it impossible or wholly inequitable *vis-a-vis* the employer and the workmen to direct reinstatement with full back-wages. For instance, the industry might have been closed down or might be in severe financial doldrums; the workman concerned might have secured better or other employment elsewhere and so on. In such situations, there is a vestige of discretion left in the Court, to make consequential orders. Further looking to the citation, which is the case between *Tapash Kumar Paul v/s BSNL & another*¹⁵, wherein the Administrative Tribunal had passed the order of reinstatement and in lieu of back-wages the compensation was

¹⁴ 1981 LLJ 386.

¹⁵ 2014 LAB. I.C. 4486.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

granted. This order was confirmed by Single Judge of hon'ble High Court but the Division Bench had set aside the order and awarded compensation in lieu of reinstatement. The hon'ble Apex Court has set aside the order of Division Bench and restored the order of Tribunal and Single Judge. Further looking to the para No.5 of the said judgment, the justifiable grounds under which the order of reinstatement can be substituted by compensation are narrated. They are viz, (i) where the industry is closed; (ii) where the employee has superannuated or is going to retire shortly and no period of service is left to his credit; (iii) where the workman has been rendered incapacitated to discharge the duties and cannot be reinstated and/or (iv) when he has lost confidence of the management to discharge the duties.

Further looking to the citation which is the case before ***hon'ble Supreme Court*** between ***State of Uttar Pradesh v/s Krishna Murari Sharma***¹⁶, wherein the Labour Court has held the termination of service to be illegal and has directed the employer to pay back-wages to the workman for the period from dt.31.05.2006 to dt.01.04.2016; the date of commencement being the date of reference, since there was a 16 years delay occasioned. The State has challenged the said order by contending that only on the ground of delay occasioned, the employee has become dis-entitled for any relief. Therein, the hon'ble Apex Court by taking into account all the circumstances and especially the fact that there was a 16 year delay in seeking the reference, has granted lump sum compensation of Rs.2,50,000/-.

¹⁶ S.L.P. (C). No.444 o 2024 decided on dt.17.12.2025.

(17). So considering the facts of present cases since the applicants were casual employees who have worked for two to three years and the present disputes are of the year 1982 as well as we are presently in the year 2026 and two original applicants have died, the third has crossed the age of superannuation and the fourth has almost reached near to the age of superannuation, hence the relief of reinstatement with back-wages cannot be granted in these cases. Therefore, these cases are of one particular category, wherein only relief to be granted to the successful applicants is that of lump sum compensation. Hence, when this Tribunal has reached that in the present cases the successful concerned applicants are to be awarded the relief of lump sum compensation then as per the ratios of hon'ble Apex Court, when any Tribunal, which has power to grant compensation then such Tribunal should see that the amount of compensation awarded is just, proper and reasonable, by considering the overall facts of the case.

(18). At this juncture, it is required to refer the citation which is the case before ***hon'ble Gujarat High Court*** between ***Bhikhabhai Fatabhai Solanki v/s Executive Engineer, Narmada Project Canal System & Anr.***¹⁷, wherein as per the facts of case total 12 employees have preferred different reference cases with respect to dispute of their termination of service, therein the Labour Court has granted relief of lump sum compensation ranging from Rs.1.5 lacs to Rs.2.00 lacs,

17 . L. P. A. No.908 of 2023 and allied matters decided on dt.18.04.2024.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

considering the length of services of the employees, which was ranging from 16 years to 20 years. The said common award was passed on dt.30.09.2015. The discontinuance of service of the employees was somewhere in the year 1991-99 as well as in the year 2001. So, since almost 18 years were passed hence the Labour Court has granted such lump sum compensation. The employee's side has challenged the said award by preferring separate writ petitions, wherein it was challenged by contending that the compensation granted is not just and reasonable. However, the said petitions were rejected by confirming the order of Labour Court. Against the said order passed by the Ld. Single Judge, the petitioners have preferred above referred Letters Patent Appeal, wherein the hon'ble High Court has proposed to give compensation of Rs.3 lacs, Rs.5 lacs and Rs.7.5 lacs considering the respective years of services ranging from 5 to 10 years; 10 to 15 years and 15 to 20 years. Further the numbers of years of delay which has occurred in raising the dispute was deducted from the total length of service. It is pertinent to note that the hon'ble High Court has granted the said amount by observing it as the proposed amount of compensation. However, it is required to note that the said tabular column cannot be considered in each and every case by considering it as a straight jacket formula, since bundle of factors such as length of service, delay in raising dispute, remaining years of service, time length taken for culmination of proceeding, delay, if any which has occurred in the proceeding and party liable for the same, the monetary and fiscal values of commodities at the time when dispute was raised and their respective values at the time when

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

award is to be passed, the present situation of the litigating parties, etc. are to be considered by keeping balance and awarding just, proper and reasonable amount of lump sum compensation.

(19). If the said factors pertaining to present disputes are perused then same are as under:

- The applicants were terminated from services in the year 1982. The individual disputes were raised then after, wherein finally the order of reference was passed in the year 1991 and present cases were registered for adjudication as reference cases in the year 1991.
- In the present cases the applicants have submitted their statement of claims in the year 1991 itself i.e. without any inordinate delay. Then after the opponent has submitted their written statement in the year 1997 i.e. almost after six years. They have again submitted addition written statements without seeking any permission in the year 2011.
- Then after the evidence of applicant side was completed in the year 1998 and that of the opponent was completed in the year 2003. Then after the cases have dragged at stage of arguments, wherein the written arguments of the applicant was submitted in the year 2008. But then after cases have remained pending due to transfer from one tribunal to another.
- It is pertinent to note that the present cases just like punching bags were transferred from Industrial Tribunal,

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

Rajkot to Ahmedabad and then after to C.G.I.T., Ahmedabad which were finally transferred to the present Industrial Tribunal, Jamnagar in the month of September 2025.

- So the procedure of these transfer of cases from one Tribunal to another has even caused substantial period of delay hence the said delay which has occurred, is only attributed to the judicial system. Any of the stake holders connected with the adjudicatory proceeding, on perusing such facts will be agonized and can understand the plight of the litigants. This Tribunal even takes judicial notice of the fact that such alike matters of more than 3 and 2 decades old have been transferred to various State Government Industrial Tribunals from the Central Government Industrial Tribunals due to absence or non-appointment of regular Presiding Officer.
- Now considering the proven facts of present cases, as discussed above the concerned successful applicants herein cannot be granted reliefs of reinstatement and hence lump sum compensation is to be granted to them. Therefore, the said amount which is to be granted to the applicant side as lump sum compensation should be adequate and just. Further there is every possibility that the present award will be challenged further by the opponent side, which is the Government entity, till the highest forum which will cause further delay till the applicants will actually receive the amount of compensation.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

- Further had the applicants been granted appropriate relief without any delay then they might have received it's fruit and enjoyed the same and even if the same was challenged by the opponent side then the said challenge might have even been decided during this two decades.
- So, considering the said overall factors this Tribunal has now to reach a conclusion, for an amount which is to be granted to the concerned successful applicants side as lump sum compensation, which is just and reasonable in all terms.
- This Tribunal has to even keep in mind the comparative price index values of articles during these period of four decades. For example, the value of Gold in the year 1995 per 10 gms was approximately Rs.4,680/-, in the year 2005 it was about Rs.7,000/-, in the year 2015 it was about Rs.26,343/- and presently in the year 2026 it is about Rs.1.25 lacs. So, the value of Gold during this four decades has increased almost 2,700 times. The next example is of food grain i.e. wheat which was priced at Rs.360/- per quintal in the year 1995 which at present is Rs.2,550/-. So, it has increased almost 700 times. Hence, these multiple factors of rise in price index related to various commodities is to be considered while awarding lump sum compensation.
- In the instant case the concerned applicants at the time of termination from service have performed work for 2 to 3 years and since the date of raising disputes till the present date, it has been almost 44 years and the delay caused is

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

attributed to the conciliation proceeding, the litigants herein and the judicial system, wherein the case has been transferred from one forum to another like punching bags during the last two decades.

- Therefore, considering the above referred factors and circumstances, this Tribunal at present juncture is of the opinion that passing an award of following lump sum amount of compensation to the concerned successful applicants will be just and proper which will serve the ends of justice. The same is as under:

Ref. Case No.	Total No. of Days	240 or more days completed in years	Amount for lump sum compensation awarded to the concerned applicant of this case.
5/2025	440.25	One year - 1981	2 lacs
6/2025	739.50	Two years - 1980, 1981	3 lacs
7/2025	683.00	Two years – 1980, 1981	3 lacs
9/2025	560.25	Two years – 1980, 1981	3 lacs

(20). So as per the forgoing discussion the answers to issue Nos.1 & 2 are accordingly given in "***partly affirmative***". At this juncture, one more thing is to be discussed before concluding and departing. As discussed in the forgoing paras, the

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

Tribunal has passed the award of said amounts of compensation on basis of the past records as well as present facts of the cases but it may happen that the applicant side may not receive the same within short span of time and may be many years will be passed further. So in that case when the applicant side actually receives the said amount, it's monetary value may be decreased further to a greater extent. In such situation, the award passed and justice done, both might be frustrated and indirectly injustice may be further done to the concerned applicants. To nullify such situation, if interest is awarded on the said amount then only proper justice might be done. At this juncture, the citation of *hon'ble Supreme Court* in case between *Asst. Engineer, Rajasthan Dev. Corp. & ors. v/s Gitam Singh*¹⁸ will be fruitful to consider. In said case, the hon'ble Supreme Court had awarded the compensation to the workman which was to be paid within six weeks failing which, it was ordered that, the same will carry interest @ 9 percent per annum. However, the said judgment was of the year 2013 and now we are in the present year of 2026, so looking to the present banking rate of interest, the rate of interest at present can be on reduced side @ 7.5%. Hence, in this case it will be appropriate enough to direct the opponent that the applicant side should be paid the said amount of lump sum compensation within fixed time period and if the same is not paid within specified time then order to pay interest on it can be passed as per ratio laid in above dictum. So the final order for issue No.3 is passed as below in the larger interest of justice.

:: ORDER ::

18 Civil Appeal no.8415/2009 decided on dt.31-1-2013.

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

(1). The reference cases i.e. Ref. Case Nos.5/2025 to 7/2025 and 9/2025 are hereby partly allowed, whereas the reference cases i.e. Ref. Case Nos.4/2025, 8/2025, 10/2025 & 11/2025, are hereby rejected.

(2). The termination of the concerned successful applicants of Ref. Case Nos.5/2025 to 7/2025 and 9/2025 from their respective services by the opponent is held to be an illegal act. Hence, the said applicants herein are entitled for the relief of lump sum compensation for the amounts mentioned against their case numbers, as mentioned in the tabular column below, from the opponent of this case. The said applicants will not be entitled for the reliefs of reinstatement and back wages.

Ref. Case No.	Amount for lump sum compensation awarded to the concerned applicant of this case.
5/2025	2 lacs
6/2025	3 lacs
7/2025	3 lacs
9/2025	3 lacs

The unsuccessful applicants of Ref. Case Nos.4/2025, 8/2025, 10/2025 & 11/2025 are not entitled for any relief.

(3). The concerned successful applicants as mentioned above should be paid the said amounts of lump sum compensation as mentioned against their respective case

Ref. (I. T. C.) Case No.04/2025 to 11/2025.

numbers, within 60 days from publication of this award failing which the said amounts then after i.e. on completion of sixty days, will carry interest @ 7.5 percent per annum till its realization.

(4). The original award is to be place in the lead case record of Ref. (ITC) No.04/2025 whereas it's certified copy is to be placed in the record of allied cases i.e. Ref. (ITC) Nos.5/2025 to 11/2025.

(5). No order as to cost.

Date : 24.07.2026

Place: Jamnagar.

Parvezahemad A. Malaviya

**In-charge Member,
Industrial Court, Jamnagar.
Code No. GJ00837.**
