

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/LETTERS PATENT APPEAL NO. 104 of 2025****In****R/SPECIAL CIVIL APPLICATION NO. 16676 of 2024**

=====

SHAH NAYANKUMAR CHINUBHAI

Versus

DEPUTY LABOUR COMMISSIONER AND REGISTRAR & ORS.

=====

Appearance:

MR BIRJU B JOSHI for MR NABIL O BLOCH(7953) for the Appellant(s) No. 1

MS NIRALI SARDA, AGP for the Respondent(s) No. 1

MR KUNAN B NAIK(3210) for the Respondent(s) No. 3

MR P C CHAUDHARI(5770) for the Respondent(s) No. 4

NOTICE SERVED for the Respondent(s) No. 2

=====

CORAM: **HONOURABLE MR. JUSTICE A.S. SUPEHIA**

and

HONOURABLE MS. JUSTICE GITA GOPI

Date : 01/05/2025

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)

1. **ADMIT.** Learned AGP Ms. Nirali Sarda waives service of notice of admission on behalf of the respondent No.1, learned advocate Mr. Kunan B. Naik waives service of notice of admission on behalf of the respondent No.3 and learned advocate Mr. P.C. Chaudhari waives service of notice of admission on behalf of the respondent No.4.

2. When the matter is taken up for hearing today, this Court had pointed the order dated 11.12.2024 passed by the learned Single Judge which is impugned in the present Letters Patent Appeal.

3. The order dated 11.12.2024 of the learned Single Judge reads as under :-

1. This petition is filed for following relief:

“6B: YOUR LORDSHIPS MAYBE pleased to direct the respondent to consider representation of the petitioner dated 21.02.2023 at Annexure A according to law in the interest of justice.”

2. This Court does not find any merit in the petition. Hence, This petition is rejected.

3. Learned advocate Mr.Kunan Naik is permitted to file his Vakalatnama for respondent No.3 with the Registry.

4. At this stage, learned advocate Mr. P.C. Chaudhari has submitted that there are no findings recorded by the learned Single Judge. It is submitted that the appellant-petitioner has already approached the Civil Court by filing a Civil Suit for redressing his grievances.

5. A bare reading of the impugned order passed by the learned Single Judge reveals that there are no facts recorded nor are there any findings on merits. The impugned order is absolutely a non-speaking order and cannot be sustained. Hence, we quash and set aside the order dated 11.12.2024 passed by the learned Single Judge in the above Special Civil Application and the matter is remanded to the learned Single Judge for appropriate adjudication.

6. Registry is directed to restore the captioned writ petition on its original file and the matter be placed before the Bench assigned such roster.

Sd/-

(A. S. SUPEHIA, J)

Sd/-

(GITA GOPI, J)

CAROLINE / # 58

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: CAROLINE ANTHONISWAMY(HC00212), Principal pvt Secretary, at High Court of Gujarat on 02/05/2025 14:43:08