

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1764 of 2026**

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DEPUTY TRANSPORT MANAGER (GENERAL) & ANR.

Versus

SECRETARY GUJARAT MAJDOOR SABHA & ORS.

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Appearance:

MR KAMAL TRIVEDI AG WITH MR VAIBHAV GOSHWAMI & MR ANUJ K
TRIVEDI(6251) for the Petitioner(s) No. 1,2

MR AMRESH N PATEL(2277) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK****Date : 24/02/2026****ORAL ORDER**

1. Heard Mr. Kamal Trivedi, learned Advocate General assisted by Mr. Anuj K. Trivedi, and Mr. Vaibhav Goshwami, learned advocates for the petitioners and Mr. Amresh N. Patel, learned advocate for the respondent.

2. Mr. Kamal Trivedi, learned Advocate General appearing for the petitioner, has submitted that by the impugned order passed by the Industrial Tribunal, Ahmedabad in Reference (IT) No. 21 of 2013, the petitioner has been directed to extend the benefits of the 6th Pay Commission to the workmen with effect from 01.04.2015 along with consequential benefits. He has further submitted that the petitioner has challenged the *interim order* passed by the Industrial Tribunal below

Applications Exhibits 54 and 63 in Reference (IT) No. 21 of 2013 before this Court by filing Special Civil Application No. 17510 of 2022 along with Civil Application (For Direction) No. 1 of 2023. The Coordinate Bench of this Court, vide order dated 09.11.2023, has observed in paragraph No. 30 as under:-

"30. However, it is made clear that in spite of the order passed by the Tribunal below Exhibit-63 being quashed and set aside in this petition, it would be open for the petitioners to extend the benefit of 6th Pay Commission from 01.04.2015 to the members of the respondent No.1-Union if such employees are ready and willing to sign the consent letter as may be modified after proper negotiation which may enter between the petitioners and respondent No.1-Union."

2.1 Mr. Kamal Trivedi, learned Advocate General, has submitted that in view of the aforesaid, the majority of the workmen have also filed undertakings, copy whereof is annexed at page 240/G of the petition, which read as under:-

Date_____

To,
The Transport Manager,
Ahmedabad Municipal Transport Service,
Outside Jamalpur Gate,
Ahmedabad.

Letter of Consent

We, the undersigned daily-wage employee Shri _____, holding the post of _____ in the _____ department, hereby declare that after prolonged discussions with the President and Secretaries of our

Union, a complete and final settlement has been arrived at with the Transport Service on 19-07-2014 in respect of the demands of the daily-wage employees. A copy of the said settlement is annexed herewith. The settlement has been read over and explained to us by our representatives. We clearly state that we have fully understood all the terms and conditions of the said complete and final settlement. We hereby accept and agree to the said settlement and all its terms and conditions, and we give our consent and assurance to abide by the same.

Signature of Daily-Wage Employee

2.2 Mr. Kamal Trivedi, learned Advocate General, has submitted that in so far as the majority of the union members are concerned, they have accepted the same and have signed the aforesaid undertaking.

3. On the other hand, Mr. Amresh N. Patel, learned counsel for the respondent, has raised an objection. He has submitted that the order passed by the Coordinate Bench of this Court is at an interlocutory stage. He has further submitted that once a final order is passed, the petitioner cannot insist upon the filing of an undertaking.

3.1 Mr. Amresh N. Patel, learned counsel for the respondent, has also raised an objection with regard to the decision rendered in the petition by the learned Single Judge. He has referred to and relied upon Rule 12 of the Gujarat High Court Rules, 1993, which reads as under:-

"(12) Applications under Article 227 of the Constitution

of India except those arising from the decisions under the Industrial Disputes Act (India Act XLV of 1947), concerning revision of wages or wage structure of a class or classes of the employees in an Industry. The Customs Act (India Act LII of 1962). The Central Excise and Salt Act (Act I of 1944) and Taxing Statutes.

3.2 Mr. Amresh N. Patel, learned counsel for the respondent, has submitted that in view of Rule 12 of the Gujarat High Court Rules, 1993, and more particularly Rule 12 thereof, the petition ought to have been decided by a Division Bench.

4. Considering the objection raised by Mr. Patel, learned counsel for the respondent, it is noted that since the passing of the interim order by this Court, no such objection was raised by the respondent.

5. Having heard the learned counsel for the parties and upon perusal of the record and proceedings, it appears that the majority of the members of the Union have accepted the requirement of filing the undertaking at page 240/G. Therefore, I am of the opinion that the interim relief as prayed for deserves to be granted, as the issue involved in the petition requires consideration.

6. Further, when the majority of the members of the Union have accepted the order and have filed undertakings before the petitioner, the objection raised by the minority cannot be accepted. If the order had been prejudicial to the majority, they would not have accepted

the same. However, since the majority of the Union members have accepted the order, it indicates that no prejudice has been caused to the concerned workmen.

7. In view of the above facts, following order is passed:-

RULE. *Ad-interim relief*, in terms of paragraph No.12(B) is granted which reads as under:-

"12(B) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to stay the execution, implementation, operation of the impugned award dated 8th January, 2025, passed by the Learned Industrial Tribunal, Ahmedabad, in Reference (I.T.) No.21 of 2013 (at Annexure-A)"

(HEMANT M. PRACHCHHAK,J)

SURESH SOLANKI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SURESHKUMAR MOTIBHAI SOLANKI(HC00208), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 25/02/2026 15:30:52