

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2246 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 5665 of 2026**

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STATE OF GUJARAT THROUGH RANGE FOREST OFFICER**Versus****PARMAR KANUBHAI KANJIBHAI**

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Appearance: in Special Civil Application No.2246 of 2026

MS RAJVI SHAH, AGP for the Petitioner(s) No. 1

MR PH PATHAK(665) for the Respondent(s) No. 1

MS REENA M KAMANI(6007) for the Respondent(s) No. 1

MS SHREE P PATHAK(13126) for the Respondent(s) No. 1

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Appearance: in Special Civil Application No.5665 of 2026

MR PH PATHAK(665)for the Petitioner(s) No. 1

MS REENA M KAMANI(6007)for the Petitioner(s) No. 1

MS SHREE P PATHAK(13126)for the Petitioner(s) No. 1

MS RAJVI SHAH, AGP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**Date : 29/04/2026****ORAL ORDER****ORDER IN SCA NO.2246 OF 2026:-**

1. Rule. Rule returnable forthwith. Ms. Shree P. Pathak, learned advocate waives service of rule for the respondent.

2. In the present Special Civil Application, the petitioner is praying to quash and set aside the order dated 19.09.2025 passed in Reference (LCM) No.42 of 2015 by the learned Labour Court, Mahesana.

3. The brief facts in the present case is that the respondent workman was working as a Nursery Rojanddar (Daily Wager) with the petitioner establishment since the year 1996 till his service came to be orally terminated on 01.11.2014. That the respondent workman thereafter raised an industrial dispute which came to be referred to

the learned Labour Court by communication dated 09.02.2015 of the Assistant Labour Commissioner, Mahesana. Both the parties led evidence in support of their case. By the impugned award dated 19.09.2025, the learned Labour Court has allowed the reference holding that the oral termination of the respondent workman on 01.11.2014 was illegal and has directed reinstatement in service with 25% back wages.

4. Ms. Rajvi Shah, learned Assistant Government Pleader appearing for the petitioner submits that the learned Labour Court did not appreciate the evidence produced by the petitioner before it. It is submitted that the witness of the petitioner has clearly stated that the respondent workman had not worked for 240 days in any year. That the respondent workman was employed as a Daily Wager in Dharoi Central Nursery. She submits that the respondent workman has not produced any evidence on record to show that he was in service for such a long period of time. She submits that the respondent workman was being called for work as and when required. She submits that the learned Labour Court erred in passing the impugned award since the respondent workman was engaged in 1996 and has not completed 240 days in any given calendar year. She submits that the impugned award be quashed and set aside.

5. Per contra, Ms. Shree P. Pathak, learned advocate for the respondent workman submits that the respondent workman was working as a Daily Wager and had put in long years of service. She

submits that the petitioners were called upon to produce cogent evidence on record. She submits that the petitioners have also examined their witness who has not produced any record in support of his oral evidence. She submits that the learned Labour Court has rightly rejected the said evidence and has held that the respondent workman had worked for 240 days and that he was entitled for reinstatement with continuity in service. The learned counsel submits that the impugned award is just and proper and the present Special Civil Application be dismissed.

6. Heard learned counsels for the parties, perused the documents and considered the submissions.

7. In the present case, it has come on record that the respondent workman has worked with the petitioner establishment for a period of 20 years in the Nursery as a Rojamdar on a monthly salary of Rs.4,940/-. It has further come on record that the services of the respondent workman came to be orally terminated on 01.11.2014. The learned Labour Court has further observed that the petitioner has led oral evidence and examined its witness. The said witness has categorically stated that the respondent workman had joined service in the year 1996 and he had been relieved on 01.11.2014. It is further stated in the deposition that the respondent-workman was being granted benefits as per the seniority list. By an application under Exh.15, the respondent-workman had prayed for production of documents. Pursuant to the order in the said application, the

petitioners herein have produced the attendance sheet of the respondent-workman for the period from 2009-2010 to 2013-2014. However, the petitioners have not produced all the documents as per the order in the application. The respondent workman in his oral evidence has clearly stated that he has worked for 240 days in every calendar year and the same has not been controverted by the petitioner by way of any cogent evidence either documentary or oral in nature. The muster roll has also not been produced on record.

8. In the overall facts and circumstances of the present case and after assessing the evidence on record, the learned Labour Court has come to the conclusion that there was violation of the provisions of the Industrial Disputes Act, 1947 and the oral termination of the respondent workman was illegal. The findings as recorded by the learned Labour Court could not be controverted by the learned Assistant Government Pleader by way of any documentary evidence on record. The reasoning given by the learned Labour Court is based on cogent evidence. No interference is called for in the impugned award. The impugned award is just and proper. The present Special Civil Application is devoid of merits and is accordingly dismissed. The petitioner is directed to comply with the impugned award within a period of 8 weeks from the date of receipt of this order. Rule is discharged. No order as to costs.

ORDER IN SCA No.5665 OF 2026:-

1. By the order passed in Special Civil Application No.2246 of

2026, the award dated 19.09.2025 has been upheld.

2. By the present writ petition, the petitioner is seeking full back-wages. The learned Labour Court has granted 25% back-wages. The learned Labour Court in the impugned award has held that no evidence is on record to show that the petitioner was not working anywhere and that he was not earning livelihood and nothing has been brought on record by the petitioner-workman to show that he was entitled for full back-wages. Learned Labour Court also held that the petitioner-workman is in continuous service in view of the provisions of Section 25B of the Industrial Disputes Act, 1947.

3. In the facts and circumstances of the present case, 25% back-wages as awarded by the learned Labour Court is just and proper. No interference is called for. The present petition stands dismissed accordingly.

ABHISHEK/32

Sd/-
(ANIRUDDHA P. MAYEE, J.)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ABHISHEK DASHRATHBHAI PRAJAPATI(HC01389), GOV, at High Court of Gujarat on 04/05/2026 11:43:23