

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2673 of 2025**

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STATE OF GUJARAT

Versus

SHIVABHAI TULJIBHAI BHURKUD

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Appearance:

MR YUVRAJ BRAHMBHATT, ASST.GOVERNMENT PLEADER for the
Petitioner(s) No. 1

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CORAM: HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 05/03/2025****ORAL ORDER**

1. Learned AGP Mr.Brahmbhatt submits that the Reference was awarded in favor of the respondent without establishing the requirement of completing 240 days in the preceding year. Learned AGP Mr.Brahmbhatt submits that only on drawing the adverse inference, learned labour court has come to the conclusion that the respondent has completed 240 days in the institute of the present petitioner. Learned AGP Mr.Brahmbhatt submits that a production application was filed below Exhibit 30 against which the *Rojmel* and *Tarij Patrak* were produced. However, as the respondent had not served with the petitioner, his name was not figured in the above documents. Learned AGP further submits that it is for the workman to prove his case that he was serving with the petitioner authority and his services were terminated illegally. Learned AGP Mr.Brahmbhatt submits that

without assigning the cogent reasons, the learned labour Court passed an order of reinstatement with 25% back wages was passed.

2. Considering the submissions, let Notice be issued, making it returnable on 30.04.2025.

(M. K. THAKKER,J)

M.M.MIRZA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MUDDASAR MUSTAKBHAI MIRZA(HC01407), PRIVATE SECRETARY, at High Court of Gujarat on 06/03/2025 11:06:33