

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/LETTERS PATENT APPEAL NO. 397 of 2026
In R/SPECIAL CIVIL APPLICATION/13636/2018
With
R/CIVIL APPLICATION NO. 1470 of 2026
In
R/LETTERS PATENT APPEAL NO. 397 of 2026
With
R/LETTERS PATENT APPEAL NO. 398 of 2026
In
R/SPECIAL CIVIL APPLICATION NO. 13637 of 2018
With
R/CIVIL APPLICATION NO. 1471 of 2026
In
R/LETTERS PATENT APPEAL NO. 398 of 2026
With
R/LETTERS PATENT APPEAL NO. 399 of 2026
In
R/SPECIAL CIVIL APPLICATION NO. 13638 of 2018
With
R/CIVIL APPLICATION NO. 1475 of 2026
In
R/LETTERS PATENT APPEAL NO. 399 of 2026
With
R/LETTERS PATENT APPEAL NO. 400 of 2026
In
R/SPECIAL CIVIL APPLICATION NO. 13633 of 2018
With
R/CIVIL APPLICATION NO. 1486 of 2026
In
R/LETTERS PATENT APPEAL NO. 400 of 2026
With
R/LETTERS PATENT APPEAL NO. 401 of 2026
In
R/SPECIAL CIVIL APPLICATION NO. 13635 of 2018
With
R/CIVIL APPLICATION NO. 1487 of 2026
In
R/LETTERS PATENT APPEAL NO. 401 of 2026
With
R/LETTERS PATENT APPEAL NO. 402 of 2026
In
R/SPECIAL CIVIL APPLICATION NO. 13632 of 2018
With
R/CIVIL APPLICATION NO. 1528 of 2026
In
R/LETTERS PATENT APPEAL NO. 402 of 2026

=====

HIMMATSINH SURSINH BARIYA

Versus

STATE OF GUJARAT & ANR.

=====

Appearance in LPA No.397/2026, 398/2026, 399/206:
MR CHINTAN N DESAI(9940) for the Appellant(s) No. 1

MS VAISHNAVI VERMA, AGP for the Respondent(s) No. 1

=====

Appearance in LPA No.400/2026, 401/2026, 402/206:

MR CHINTAN N DESAI(9940) for the Appellant(s) No. 1

MS MS KRISHNA DESAI, AGP for the Respondent(s) No. 1

=====

CORAM:**HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**

and

HONOURABLE MR.JUSTICE J. L. ODEDRA

Date : 08/05/2026

ORAL ORDER

(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

1. The workman had approached the Labour Court complaining that they were wrongfully terminated. The Labour Court accepted their claim and directed reinstatement without back-wages. It, however, granted continuity of service.

2. Being aggrieved by this award, the State preferred a writ-petition and learned Single Judge by the impugned order has set aside the award, mainly on the ground that there was a delay in the workmen approaching the Labour Court.

3. As a consequence, workmen are in appeal.

The main plank of the argument of the workmen is that similarly situated employees who had also secured a

similar award have been reinstated and it is only the present set of workmen who are being discriminated against.

4. Learned AGP on instructions, verified this assertion and submitted that similarly placed workmen have been reinstated. She, however, strenuously contends that no relief can be granted to the workmen having regard to the fact that they slept over their rights and approached the Labour Court after an inordinate delay.

5. It is not in serious dispute and the Labour Court has found that the workmen did work for six long years. In that view of the matter and taking into consideration that the workmen have been litigating for the past several years and have also secured an award, in our view, it would be appropriate to bring an end to this litigation by directing the State Government to pay them a lumpsum compensation of Rs.1,00,000/- in lieu of all of the claims of the workmen. This course of action would ensure that the State is also relieved of the burden of reinstating workmen who are at the fag end of their careers.

6. The writ-appeals are, accordingly, disposed of by

directing the State Government to pay the workmen a lumpsum compensation of Rs.1,00,000/-. This amount is within a period of eight weeks.

7. Civil Applications for condonation of delay is allowed and disposed of accordingly.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

Manoj Kumar Rai