

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 4996 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In R/SPECIAL CIVIL APPLICATION NO. 4996 of 2023

=====

MANAGER,M/S. APG LOGISTICS PRIVATE LIMITED
Versus
SHEEJA SABU

=====

Appearance:

ANKIT V MEKVAN(8838) for the Petitioner(s) No. 1,2
PRABHATSINH J PARMAR(7996) for the Petitioner(s) No. 1,2
for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 05/04/2023

ORAL ORDER

1. This petition is filed challenging the order passed by the Appellate Authority dated 09.02.2023 and the order of the Assistant Labour Commissioner dated 07.06.2022.

2. Heard learned advocate Mr. Ankit Mekvan for the petitioners. He submitted that though contended before the Assistant Labour Commissioner (Central) that as the services of the respondent was terminated on account of fraud and usage of exporters name, the Assistant Labour Commissioner erred in not raising the issue in relation to the same. Even the Appellate Authority under order dated 09.02.2023, has observed that since such issue has not been raised and framed by the Assistant Labour Commissioner, the same could not be entertained in the present appeal. In support of his submission relying upon Section 4(1) of the Gratuity Act, he submitted that case of the respondent does not fall in the conditions envisaged under the said provisions.

3. Considering the submissions, issue Notice returnable on 28.06.2023.

4. Effect and implementation of the order passed by the Appellate Authority dated 09.02.2023 and the order passed by the Assistant Labour Commissioner dated 07.06.2022 is stayed till then.

(MAUNA M. BHATT,J)

prk