

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 18354 of 2023**

With
R/SPECIAL CIVIL APPLICATION NO. 3872 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 3928 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 3968 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 3973 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 3998 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 4161 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 4215 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 4218 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 4964 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 4981 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 5009 of 2024

=====

BHARATBHAI RAMJIBHAI CHAUDHARI

Versus

M.M.TECHNO ENGINEERING

=====

Appearance:

MS SIMRAN PAHWA ADVOCATE with

THAKKAR AND PAHWA ADVOCATES(1357) for the Petitioner(s) No. 1

MR YOGI K GADHIA(5913) for the Respondent(s) No. 1

=====

CORAM:**HONOURABLE MR. JUSTICE DEVAN M. DESAI****Date : 14/08/2026****COMMON ORAL ORDER**

1. Heard learned advocate Ms. Simran Pahwa on behalf of Thakkar and Pahwa Advocates for the petitioner and learned advocate Mr. Yogi Gadhia for the respondent.

2. Learned advocate for the petitioner has placed on record paper-book containing relevant documents. The same is taken on record.

3. At the outset, learned advocate for the petitioner submitted that petitioner along with other workers raised various demands before the learned Labour Commissioner, Valsad. A settlement was arrived at between the management and the Union on 20.01.2014, whereby the management agreed to deduct the provident fund w.e.f. February 2014. The settlement could not be satisfied from the management side and, thereafter, management procured forceful resignation from the workers. On 29.11.2014, a complaint was made before the learned Labour Commissioner contending forceful resignation of workers obtained by management. It is submitted that the learned Labour Court has committed an error by holding that once resignation is tendered and accepted by management, the right of workmen seizes. Except above, no other submissions were made by learned advocate for the petitioner.

4. *Per contra*, Learned advocate for the respondent management has contended that once the resignation tendered and accepted by management and the payment being made under the resignation, the workmen loses their right to challenge the voluntary resignation. It is submitted that pursuant to resignation, the payment has been made in full and final settlement and therefore, the impugned judgment and award does not require any interference. Except above, no other submissions were made by learned advocate for respondent.

5. I have considered the submissions of learned advocates of respective parties. The issue involved in the present petition is whether a resignation tendered, received, and accepted by management is tantamount to a voluntary resignation, in view of the complaint filed by the workmen before the learned Labour Commissioner alleging forced resignation.

6. In view of above facts and circumstances, the issue

requires consideration. Hence, *Rule*. In the meantime, the impugned judgment and award dated 31.03.2022 passed by learned Presiding Officer, Labour Court, Valsad, is hereby stayed.

(D. M. DESAI,J)

SHIVANI SHUKLA