

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15245 of 2019**

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SUBHASH SURESHCHANDRA PATEL

Versus

GARDEN SILK MILLS LIMITED THROUGH ITS FACTORY MANAGER

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Appearance:

MR DIPAK R DAVE(1232) for the Petitioner(s) No. 1

for the Respondent(s) No. 1

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CORAM: HONOURABLE MS JUSTICE SONIA GOKANI

Date : 19/09/2019**ORAL ORDER**

1. By way of this petition, the petitioner seeks to challenge the order passed by the Labour Court, Surat in T.Application No. 380 of 1993 dated 27.02.2003, which was then challenged in Appeal and upheld by the Industrial Court, Surat in (IC) No. 8 of 2003 dated 14.02.2019.

2. This Court has heard learned advocate Mr. Dipak R. Dave appearing for the petitioner who has vehemently urged that there is a thin line between absenteeism from and abandonment of service. According to him, without availing any opportunity as required under the law, the service of the petitioner herein had been terminated, without giving any benefit to the petitioner. There has been also no inquiry held.

3. Learned advocate appearing for the petitioner has relied upon the decision of ***Uptron India Limited v. Shammi Bhan and another*** reported in ***(1998) 6 SCC 538*** to urge that on the ground of unauthorized absence, automatic termination is not permissible, principles of natural justice shall had to be read into the relevant clauses and provision of the standing orders.

4. Learned advocate is not in a position to produce paper-book and record and proceedings.

5. Let the paper-book and record and proceedings of the T.Application No. 380 of 1993 and Appeal (IC) No. 8 of 2003 both be called for, so as to reach this Court on or before 1st October, 2019.

Let the matter appear on ***01st October, 2019.***

(MS SONIA GOKANI, J)

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