

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 10315 of 2023**

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BISAZZA INDIA PVT. LTD.

Versus

REKHABEN K. TRIVEDI

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Appearance:

LD. SR. ADVOCATE MR. K.M. PATEL assisted by MR.VARUN

K.PATEL(3802) for the Petitioner(s) No. 1

for the Respondent(s) No. 1

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CORAM:**HONOURABLE MRS. JUSTICE MAUNA M. BHATT****Date : 21/06/2023****ORAL ORDER**

1. Heard learned Senior Advocate Mr. K.M. Patel assisted by learned advocate Mr. Varun K. Patel for the petitioner.

2. He submitted that the order dated 10.02.2023, rejecting the Approval Application (IT) No. 43 of 2013 in Reference (IT) No.213 of 2011, of the petitioner is erroneous. He submitted that under Section 33(1)(b) of the Industrial Disputes Act, 1947 (for short, 'the Act'), no permission is required to be taken because the punishment of dismissal in this case is not connected with the dispute, which is pending. The dispute pending is in relation to suspension and not of misconduct, for which the respondent has been dismissed from the service. In support of his submissions, he relied upon decision of the Hon'ble Supreme Court in case of **Reserve Bank of India, Bombay Vs. C.T. Dighe and others**, reported in **AIR 1981 Supreme Court 1699** and decision of High Court of Delhi reported in **E.I.H. Limited Vs. National Capital Territory of Delhi and**

Others reported in **2004-III-LLJ**.

3. Considering the submissions, issue **Notice as to interim relief**, returnable on **30.06.2023**.

prk

(MAUNA M. BHATT,J)