

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8401 of 2024**

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PREMJIBHAI KANJIBHAI CHAM

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR HRIDAY BUCH(2372) for the Petitioner(s) No. 1

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 25/10/2024****ORAL ORDER**

1. Learned advocate Mr.Hriday Buch submits that the recovery sought to have been affected against the Managing Directors of the Company of the gratuity amount of the workman which was due from the company concerned. Learned advocate Mr.Hriday Buch has relied on the decision rendered by this Court in **SCA No.12879 of 2008** wherein, it is held that if the ultimate control of the affairs of the establishment/factory was vested with the Managing Director of the company and such affairs were not entrusted to any other person then Managing Director would be

responsible for payment but if such affairs were entrusted to any other person eg. Manager then such other person would be responsible, not the Managing Director. It is further held that even in former situation, Managing Director would be responsible to discharge the obligation only in his official position/ capacity i.e as employer but he would not in such case also be personally liable to discharge the obligation of his personal property, assets or sources.

2. In view of above submission, notice be issued making it returnable on 16.01.2025.
3. Ad-interim relief in terms of para 8(c) be granted on condition to deposit the amount of Rs.15,00,000/- with the Registry of this Court within a period of four weeks from today.

ARCHANA S. PILLAI

(M. K. THAKKER,J)