

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5787 of 2008**

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FICOM ORGANICS LTD. & ANR.

Versus

LABOUR COURT, BHARUCH & ANR.

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Appearance:

M/S TRIVEDI & GUPTA(949) for the Petitioner(s) No. 1,2

MR PARITOSH CALLA(2972) for the Respondent(s) No. 1

RULE SERVED for the Respondent(s) No. 2

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CORAM:**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE****Date : 15/04/2026****ORAL ORDER**

1. By the present Writ Petition, the petitioners impugn the award dated 23.08.2007 passed by the learned Labour Court, Bharuch, whereby the learned Labour Court has granted lumpsum compensation to the respondent No.2 workman instead of reinstatement in service and back-wages.

2. The brief facts in the present case are that the respondent No.2 workman had joined the petitioner company on 11.06.1995 as helper on temporary basis. It is the case of the petitioners that the respondent workman voluntarily abandoned his work on 07.06.1996 without any intimation to the petitioner company. That the respondent No.2 workman raised a dispute about his illegal termination before the learned Assistant Labour Commissioner, Bharuch, who, by his communication dated 10.12.1997, made a reference to the learned Labour Court. The parties led oral as well as documentary evidence in support of their case. By the impugned

award, the learned Labour Court allowed the reference by holding that the termination of the respondent workman was illegal and unreasonable.

3. The learned counsel Ms. Nancy Soni appearing for the petitioners submits that the respondent workman had abandoned his work and he was working on temporary basis. She submits that the workman had worked only for a period of 222 days. She submits that since the respondent No.2 workman had abandoned his work, he was not entitled to any relief in the reference proceedings. She, therefore, submits that appropriate orders be passed.

4. Heard the learned counsel for the petitioner and perused the documents on record.

5. In the impugned award, the learned Labour Court has observed that the respondent No.2 workman has worked with the petitioner company for a period of 222 days. Nothing has been brought on record to show as to why the respondent No.2 workman had abandoned his service as claimed by the petitioner company. It is further recorded that the petitioner company has placed on record the attendance-sheet, which shows that the respondent No.2 workman had worked from August 1995 till June 1996. No evidence is brought on record to show that the petitioner company had issued any notice to the respondent No.2 workman in connection with his abandonment of service. The learned Labour Court has thus rejected the case of the petitioners. The reasons recorded by the learned Labour Court are cogent and are based on evidence on record. No interference is called for. The Special Civil Application is devoid of merits and is dismissed.

6. This Court, vide order dated 08.04.2008, had granted ad-interim relief in terms of prayer clause 10(D) on a condition that the petitioners shall have to deposit Rs.20,000/- in the Registry of this Court. It is submitted by the learned counsel for the petitioners that the said amount has been deposited in the Registry of this Court. Accordingly, the petitioners are permitted to withdraw the said amount along with interest thereon, if any, upon an application being made to the Registry. If such an application is received by the Registry, the Registry shall process the same and deposit the amount in the account of the petitioner company as expeditiously as possible and preferably within a period of two weeks. In view of dismissal of the present Special Civil Application, the petitioners are directed to comply with the impugned award and pay the said amount of Rs.20,000/- along with interest thereon and the remaining amount to the respondent No.2 workman within a period of four weeks in compliance of the impugned award.

7. It is submitted by the learned counsel for the petitioners that the petitioner company has since been taken over by M/s. Coromadel Limited with effect from 23.09.2009. The said company is permitted to make an appropriate application for withdrawal of the amount and shall be responsible for the compliance of the impugned award.

(ANIRUDDHA P. MAYEE, J.)

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