

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5788 of 2008****With****R/SPECIAL CIVIL APPLICATION NO. 8514 of 2012****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE****Sd/-**

Approved for Reporting	Yes	No
		No

FICOM ORGANICS LTD. & ANR.

Versus

LABOUR COURT, BHARUCH & ANR.

Appearance:

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

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

MR PH PATHAK(665) for the Respondent(s) No. 2

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

1. At the outset, it is submitted by Ms. Nancy Soni, learned counsel for the petitioner company that in view of amalgamation of M/s. FICOM ORGANICS LTD. with M/s. COROMANDEL INTERNATIONAL LTD, now, the petitioner company's name has been changed to M/s. COROMANDEL INTERNATIONAL LTD. with effect from 23.09.2009. The learned counsel for respondent No.2 workman does not dispute the same.

2. Both the Special Civil Applications challenge the common impugned award dated 23.08.2007 passed by the learned Labour Court, Bharuch and hence, both are being heard together. The parties shall be referred to as per the cause title in Special Civil Application No.5788 of 2008. By the impugned

award, the learned Labour Court, Bharuch has allowed the reference and held that the termination of the respondent No.2 workman was illegal and instead of reinstatement and grant of back wages, lump sum compensation of Rs.50,000/- has been awarded to the respondent No.2 workman.

3. The learned counsel for the petitioner company submits that it was for the respondent workman to prove that his service has been orally terminated. The learned counsel further submits that the averments in the statement of claim and the deposition of the respondent workman were self-contradictory. She submits that the respondent workman has worked only for 186 days during the period of June-1995 to June-1996 and hence, the working period had not exceeded 240 days. She submits that the bonus was also paid to the respondent workman which was accepted by him. She, therefore, submits that the findings rendered by the learned Labour Court are without any basis and unsustainable in law. She, therefore, submits that the impugned award be quashed and set aside.

4. Per contra, the learned counsel for the respondent No.2 workman submits that there is a categorical finding by the learned Labour Court that there was violation of Section 25 of the Industrial Disputes Act, 1947 [*ID Act* for short]. The learned counsel submits that the respondent workman has brought on record the fact that there was violation of Sections 25G and 25H of the ID Act in the present case as the workers junior to the respondent workman were continued in service. The learned counsel submits that the respondent No.2 workman's services

came to be terminated orally and therefore, the learned Labour Court has also erred in not holding that there was violation of Sections 25G and 25H of the ID Act in the present case. The learned counsel submits that in view thereof, the respondent workman was entitled for reinstatement with full back wages. The learned counsel submits that the Special Civil Application No.5788 of 2008 be dismissed and the Special Civil Application No.8514 of 2012 preferred by the respondent workman be allowed.

4.1 As a counter argument, the learned counsel has relied upon the judgment of the Hon'ble Supreme Court dated 29.01.2025 in Special Leave Petition (Civil) No.20902 of 2024 and other connected matters whereby the Hon'ble Supreme Court has enhanced the amount of compensation in a similar case. The learned counsel submits that the respondent workman be also granted similar enhanced compensation, if the Court is not inclined to grant reinstatement in service and back wages.

5. Heard learned counsels for the parties, perused the documents and considered the submissions.

6. By the impugned award dated 23.08.2007, the learned Labour Court, Bharuch has held that the service of the respondent workman was illegally terminated by the petitioner company. It has further been held that the respondent workman has worked for a period of 240 days from July-1995 to June-1996, after taking into consideration Sundays and Public Holidays. Further, as per the evidence on record, the respondent workman was earning Rs.1,820/- p.m. i.e. at the rate of Rs.70/-

per day. The respondent workman was working as a Helper on temporary basis. After considering the evidence on record and by giving cogent reasons, the learned Labour Court has allowed the reference and granted lump sum compensation of Rs.50,000/- to the respondent workman, which is around 2½ years salary of the respondent workman. The learned counsels for the parties could not point out any infirmity in the impugned award. The impugned award is just and proper and based on cogent reasons and evidence on record. No interference is called for.

7. The learned counsel for the respondent No.2 workman has relied upon the judgment dated 29.01.2025 in Special Leave Petition (Civil) No.20902 of 2024 and other connected matters. However, the said judgment is not applicable in the facts and circumstances of the present case as the facts in the said case are totally different and would not be applicable in the present case.

8. The Special Civil Applications are devoid of merits and are accordingly dismissed. Rule is discharged. No order as to costs.

9. It is pointed out by learned advocate for the respondent workman that in Special Civil Application No.5788 of 2008 vide order dated 08.04.2008, this Court had directed the petitioner company to deposit an amount of Rs.20,000/- with the registry of this Court. The learned counsel submits that the said amount may be permitted to be withdrawn by the respondent No.2 workman. The learned counsel further submits that the remaining amount of compensation may be directed to be paid within a stipulated time.

10. Considering the submissions, the respondent No.2 workman is permitted to file an appropriate application before the registry of this Court within a period of one week from today to withdraw the amount of Rs.20,000/- deposited along with interest accrued thereon. Upon receipt of the application, the registry is directed to process the same expeditiously and after due verification, release the said amount of Rs.20,000/- along with interest accrued thereon to the Bank Account of the respondent No.2 workman. The petitioner company is directed to pay remaining amount of Rs.30,000/- towards compensation within a period of four weeks from today.

KAUSHIK D. CHAUHAN

Sd/-
(ANIRUDDHA P. MAYEE, J.)