

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5790 of 2008**

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VADODARA MAHANAGAR SEVA SADAN

Versus

SHABIR HUSSAIN KHOKHAR

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Appearance:

MR ANSHUL N SHAH(8540) for the Petitioner(s) No. 1

RULE SERVED for the Respondent(s) No. 1

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

1. By the present Writ Petition, the petitioner Corporation is impugning the order dated 20.01.2007 passed in the Recovery Application No.839 of 1992, whereby the learned Labour Court has allowed the Recovery Application and directed that the respondent workman shall be paid an amount of Rs.4482/- towards wrongful deduction in his salary.

2. The learned counsel for the petitioner submits that the learned Labour Court has no power and jurisdiction to decide the dispute and controversy between the parties. He submits that the learned Labour Court has erred in holding that the subsistence allowance given to the respondent workman during his suspension be considered as his salary. He submits that since the respondent workman had not initiated any appropriate proceedings, he is not entitled to any relief under Section 33(c)(2) of the Industrial Disputes Act. He submits that the impugned order is illegal and

contrary to law, facts and evidence on record. He, therefore, submits that the impugned order be quashed and set aside.

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

4. The Writ Petition raises general grounds to challenge the impugned order. No specific contention has been taken by the learned counsel for the petitioner to show any error in the impugned order. By the impugned order, the learned Labour Court has held that an amount of Rs.4482/- has been wrongly deducted from the salary of the respondent workman. The said amount, which was claimed by the respondent, is a difference of his salary during his suspension period from June 1991 to November 1991. The respondent workman was subsequently reinstated and therefore, the learned Labour Court has held that the respondent workman had pre-existing right to claim such an amount. The Corporation has denied such an amount. However, it has been held that since petitioner Corporation had passed an order to give subsistence allowance during the suspension period to be considered as salary, after his reinstatement, the respondent workman is entitled to get the difference of salary. The reasons recorded by the learned Labour Court are cogent and are based on the evidence on record. No interference is called for. The Special Civil Application is devoid of merits and is dismissed.

No order as to costs.

(ANIRUDDHA P. MAYEE, J.)

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