

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/LETTERS PATENT APPEAL NO. 251 of 2017****In R/SPECIAL CIVIL APPLICATION/11028/2001**

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STATE OF GUJARAT

Versus

MUKUNDBHAI MANGALDAS SHRIMALI

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Appearance:

MR DHAWAN JAYSWAL, AGP WITH MS JINAL JOSHI, AGP for the

Appellant(s) No. 1

MR PH PATHAK(665) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**

and

HONOURABLE MR.JUSTICE J. L. ODEDRA**Date : 10/06/2026****JUDGMENT****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

1. The State is in appeal, being aggrieved by the order of the learned Single Judge by which the learned Single Judge has held that the oral order of termination dated 01.10.2001 was null and void and, as a consequence, the order of learned Single Judge would have the effect of reinstating the respondent-workman and continuing in service. The learned Single Judge has directed that the respondent be reinstated immediately with continuity of service. The back wages however has been refused.

2. This order of the learned Single Judge was stayed by

this Court while entertaining the appeal of the State.

3. The facts forthcoming from the order of the learned Single Judge, as well as the arguments advanced before us, are that the respondent had worked as a daily wager for about 6 years and that he was orally terminated in the year 2001. The learned Single Judge has therefore come to the conclusion that the action of the State in orally terminating an employee who had rendered six years of service was illegal and has declared the same null and void.

4. It is to be noticed that the respondent was terminated on 01.10.2001, i.e., nearly 25 years ago.

5. We are of the view that, at this point of time, examining the order of the learned Single Judge granting reinstatement would be improper. It is obvious that the respondent would have moved on in his life and would have found different means to eke out his livelihood.

6. However, we cannot also be oblivious of the fact that the respondent had indeed worked for six years and was illegally terminated. The respondent had, in fact, succeeded on an earlier occasion when the learned Single Judge has allowed the writ petition, but the Division Bench reversed the order and remitted the matter for fresh consideration, having regard to the time lag and also taking into

consideration that the respondent had put in six years of service we are of the view that it would be appropriate to bring an end to the litigation by directing the State to pay a sum of Rs. 2,00,000/- as compensation to the respondent. This amount shall be in lieu of all the claims of the respondent. The said sum shall be paid within a period of EIGHT WEEKS.

7. The Writ Appeal is accordingly disposed of.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

RIYA

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: RIYA VISHWAKARMA(HC02365), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 12/06/2026 17:45:41