

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/LETTERS PATENT APPEAL NO. 357 of 2016****In****R/SPECIAL CIVIL APPLICATION NO. 15249 of 2015**

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NAVSARJAN - THRO ITS REGIONAL PROGRAMME DIRECTOR SHRI
KANTIBHAI UKABHAI PARMAR

Versus

VEGDA NATUBHAI MOTIBHAI & 1 other(s)

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Appearance:

MS SHILPA R SHAH(796) for the Appellant(s) No. 1

MR RAJESH P MANKAD(2637) for the Respondent(s) No. 1

RULE SERVED for the Respondent(s) No. 2

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CORAM: HONOURABLE MR. JUSTICE N.V.ANJARIA

and

HONOURABLE MR. JUSTICE CHEEKATI

MANAVENDRANATH ROY

Date : 06/12/2023

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE N.V.ANJARIA)

Following order was passed in this appeal on
18.9.2023:

"When the Appeal came up for consideration, learned advocate Mr. Rajesh Shukla for respondent No.1 stated that on the previous occasion, learned advocate appeared and sought time stating that he would be replacing the learned advocate who is presently appearing on behalf of the appellant trust.

2. Today, nobody appears on behalf of the appellant trust. No mention is made. No request has been forthcoming.

3. The appeal is of the year 2016. The Labour Court has directed reinstatement of the respondent workman,

which is confirmed by learned single Judge. However, in view of the pendency of the present appeal, where no stay is granted against the reinstatement, the workman is still to be reinstated.

4. In view of the aforesaid cumulative circumstances, we deem it fit to issue fresh notice to the appellant employer, returnable on 16.10.2023.

5. It is observed that if the appellant fails to appear or to cause appearance on his behalf, the court may proceed to pass appropriate orders on merits."

2. Thereafter, by order dated 16.10.2023, Registry was directed to submit a report about service of notice which was required to be issued as per earlier order.

3. Today, when the appeal comes upon consideration, it accompanies into office note dated 17.10.2023, which, *inter alia*, mentions that Registry had issued Notice of Appearance to the appellant employer on 26.9.2023 and the same is received back duly served on 13.10.2023 in the evening.

4. Despite the above fact and service of notice to the appellant, none appears. As a last chance, there shall be fresh Notice to the appellant returnable on 11.1.2024. Direct service is permitted.

5. It is observed that if notice of this Court is not accepted and the appellant fails to appear either in person or through an advocate, it shall be treated as disregard of the orders of the Court.

(N.V.ANJARIA, J)

(CHEEKATI MANAVENDRANATH ROY, J)

Bharat