

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 12645 of 2015**

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RONSON INDUSTRIES
ENGINEERS PVT. LTD.

...Petitioner

Versus

UKABHAI RATANAJI PATEL
AND ANR.

...Respondents

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Appearance:

MR YOGI K GADHIA, ADVOCATE for the Petitioner

MR P C CHAUDHARI, ADVOCATE for the Respondent No. 1

NOTICE NOT RECD BACK for the Respondent No. 2

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CORAM: HONOURABLE MR.JUSTICE PARESH UPADHYAY

Date : 27/01/2016

ORAL ORDER

1. Challenge in this petition is made by the employer to the award passed by the Labour Court, Valsad in Reference (LCV) No.73 of 1998 dated 09.06.2014.

2. This Court (Coram: Honourable Mr.Justice S.R.Brahmbhatt) while issuing Notice on 10.08.2015 has observed as under.

“ Heard learned advocate for the petitioner.

The learned advocate has invited the attention of the Court to the testimony of the workman and submitted that glaring aspects

emerging therein that has completely been overlooked by the concerned court.

Let, there be a NOTICE for final disposal returnable on 05.10.2015.

In the meantime and till the returnable date, there shall be stay against the operation and implementation of the order impugned in this petition."

3. Heard learned advocates.

4. Prima facie, the Labour Court has committed error in adjudicating the issue as to whether the respondent was workman within the meaning of the Industrial Disputes Act, 1947. In this regard, evidence of the workman himself tilts the balance against him.

5. Rule. It is ordered that during the pendency of this petition, the impugned award shall remain stayed.

(PARESH UPADHYAY, J.)

Amit/81