

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 20354 of 2015**

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SURESHBHAJ SOMCHANDBHAJ SHAH....Petitioner

Versus

KANIYALAL HARIBHAJ PATEL

C/O GUJARAT AUDHOGIK

KAMDAR MAHAMANDAL & ORSRespondents

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Appearance:

MR.HARDIK B SHAH, ADVOCATE for the Petitioner

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

MR BHUPENDRA N SHAH, ADVOCATE for the Respondent No. 2

MR PV PATADIYA, ADVOCATE for the Respondent No. 2

NOTICE SERVED for the RESPONDENT(s) No. 3

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CORAM: **HONOURABLE MR.JUSTICE PARESH UPADHYAY**

Date : 11/04/2016

ORAL ORDER

1. Challenge in this petition is made by the employer to the award passed by the Labour Court, Ahmedabad dated 11.10.2012 in Reference (LCA) No.1165 of 1997, whereby the Labour Court has awarded lump-sum compensation of Rs.30,000/- to the workman.

2. Mr.Shah, learned advocate for the petitioner has submitted that, there was 2(p) settlement by the petitioner with all the workmen, including the present respondent. It is submitted that, except the present respondent, no other workman had challenged the same. Reliance is placed on the decision of Hon'ble the Supreme Court of India the case of Tata Engineering and Locomotive Company Limited Vs. Their workmen reported in (1981) Supreme Court Cases 627. It is

submitted that in the entire statement of claim, there was no reference by the workman to the said settlement.

3. Rule returnable on 13.06.2016. Mr. Chaudhari, learned advocate waives service of notice of rule on behalf of respondent.

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

(PARESH UPADHYAY, J.)

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