

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
 R/SPECIAL CIVIL APPLICATION NO. 11168 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11208 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11209 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11211 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11229 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11230 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11232 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11233 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11236 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11237 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11247 of 2025
 With
 R/SPECIAL CIVIL APPLICATION NO. 11248 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE DEVAN M. DESAI

Approved for Reporting	Yes	No
		✓

SHRI MUKESH SHANAJI DABHI

Versus

MANAGER / OWNERSHRI YESHLEMI PRINT PVT. LTD. & ANR.

Appearance:

MR JWALIT B SONEJI(7895) for the Petitioner(s) No. 1

MS HELLY PANCHAL ADVOCATE with

DHRUVIK K PATEL(7769) for the Respondent(s) No. 1

NOTICE SERVED BY DS for the Respondent(s) No. 2

CORAM: **HONOURABLE MR. JUSTICE DEVAN M. DESAI**

Date : 04/08/2026

COMMON JUDGMENT

1. The present petitions are filed under Articles 226 and 227 of Constitution of India, 1950, by respective petitioners. Upon joint request of learned advocates for respective parties, Special

Civil Application No.11168 of 2025 is taken as lead matter.

The petitioner in Special Civil Application No.11168 of 2025 has prayed for following reliefs:-

"(A) Your Lordships may kindly be pleased to issue a Writ of Certiorari and/or any other appropriate Writ, direction or order to modify the impugned award dt. 30/12/2024 passed by Labour Court Ahmedabad Below Exhibit No.26 in Reference (L.C.A.) No.783 of 2012 at Annexure-A to this petition qua backwages and reinstatement and further be pleased to grant 100% backwages with all consequential benefits and petitioner may be reinstated at original post with continuity of services.

(B) Your lordship may be kindly be pleased to pass an order of compensation of Rs.25,000/- as cost of litigation.

(C) Your Lordships may kindly be pleased to pass any other further order/s as are deemed fit, just and proper in the facts and circumstances of the case and in the interest of justice."

2. Heard learned advocate Mr. Jwalit Soneji for petitioner and learned advocate Ms. Helly Panchal on behalf of learned advocate Mr. Dhruvik K. Patel for respondent No.1. Though served, none appeared for respondent No.2.

3. Brief facts of the present case are as under:-

3.1. The petitioners workmen have stated in their statement of

claim that they have worked for more than seven years as a fireman in boiler department with respondent No.1 - company. The services of workmen were terminated by employer on 08.06.2012 by stopping them from entering in the gate of company. Being aggrieved by this, workmen approached the learned Assistant Labour Commissioner, who upon non-settlement of claim, referred the dispute to the learned Labour Court, Ahmedabad on 30.08.2012. After considering the evidence, learned Labour Court partly allowed the reference by directing respondent No.1 to pay a lump-sum compensation of Rs. 70,000/- to each of the workmen in lieu of reinstatement and back wages.

3.2. Being aggrieved and dissatisfied with the grant of meagre amount of lump-sum compensation, the petitioners-workmen are before this Court by way of present petitions.

4. At the outset, learned advocate for petitioners contended that petitioners of respective petitions have worked between 7

years to 12 years as fireman in boiler department. The petitioners are before this Court for enhancement of quantum of lump-sum compensation granted by learned Labour Court. It is further submitted that there is no dispute as to the relationship of employees and employer between petitioners and respondent No. 1. In the written statement also, respondent No. 1 has admitted that petitioners have worked till 06.06.2012. A complaint was also filed before the Assistant Labour Commissioner on 16.07.2019 regarding non-permitting workmen to resume duties. The employer has failed to establish that the employees have stopped coming to the work of their own from 08.6.2012. It is submitted that there was no inquiry held by the employer for the alleged abandonment of work. It is submitted by learned advocate for petitioners that the compensation of Rs.70,000/- awarded to each of the employees be increased to a reasonable compensation. Except above, no other submissions were made by learned advocate for petitioners.

5. *Per contra*, learned advocate for respondent No. 1 has supported the judgment and award and contended that in the given set of facts, the grant of lump-sum compensation of Rs. 70,000/- is just and reasonable. It is submitted that the services of workmen was never terminated by respondent No.1. On 24.05.2012, workmen, during the course of employment wasted 30 kgs of paper roll out of total roll of 90 kgs packet, which led to a financial loss to respondent. Resultantly, employees were warned to be more responsible and careful. Thereafter, from 08.06.2012, employees stopped coming to work. Notice dated 08.06.2012 was issued to employees indicating their unauthorized absence from work. By communication dated 13.06.2012, employees were informed that by remaining absent without prior permission, respondent has sustained financial loss and employees were asked for written apology. The said communication was replied to by employees by stating false facts. It is further submitted that the respondent was willing and ready to absorb employees to the

workplace. However, employees refused to resume their duties. Except above, no other submissions were made by learned advocate for respondent No.1.

6. I have considered submissions of learned advocates for respective parties and perused Record and Proceedings. The factum of relationship of employees and employer between petitioners and respondent No.1 and the fact that the employees were the workmen of respondent No.1 are not disputed. It is also an undisputed fact that respective petitioners have worked with the respondent till 08.06.2012. It is also not in dispute that workmen - petitioners have worked with respondent No.1 for 7 to 12 years continuously without any break. The only question is whether services of the petitioners have been terminated or the petitioners have stopped coming to the work place of their own from 08.06.2012. The respondent has alleged that the workmen during the course of work remained irresponsible by wasting 30 kgs of paper roll out of all 90 kgs paper roll which resulted

into financial loss and therefore petitioners were warned to be more careful which triggered the issue and resultantly, employees stopped coming to work from 08.06.2012.

7. On the other hand, employees have come out with the case that on 08.06.2012, they were stopped from entering into the gate of company and resultantly, their services were terminated on 08.06.2012. The fact surfaces on record is that no inquiry was held by respondent No.1 for the misconduct of employees by remaining absent without prior leave of the management. The communication dated 08.06.2012 clearly indicates the intention of the management to take appropriate actions against workmen on failure to resume for duties. However, no such inquiry has been held against respective employees for alleged absentism from duties. The communication dated 13.06.2012 *inter alia* states that due to continuous absence from duties, respondent No.1 has sustained financial loss and employees were asked to give apology in writing and on failure, appropriate proceedings would be

initiated. The said communication was replied to by employees on 13.06.2012 stating that the employees were stopped by security guard at the entry level and therefore, employer have refused to take the employees on duties. Employees also expressed their willingness to resume duties and a written complaint was lodged before the learned Labour Commissioner in the year 2019. As per the submission of learned advocate for the petitioners, the said complaint came to be rejected. The learned Labour Court observed that the grant of reinstatement with back wages would not be an appropriate relief considering the fact that both the sides have lost confidence on each other and therefore, learned Labour Court has granted lump-sum compensation of Rs.70,000/- to each of the employees.

8. Moreover, learned advocate for petitioners, while addressing the issue on hand, upon instructions, submitted that the petitioners may be granted reasonable lump-sum compensation in lieu of reinstatement, back wages and other

ancillary benefits. Considering aforesaid submissions regarding employees' unwillingness for reinstatement, this Court is not delving into the aspect whether termination is wrongful or not. Moreover, there is no serious challenge by employees on the aspect of termination being held to be bad, and illegal. The undisputed fact remains on record is that workmen have put in services between 7 years to 12 years. At this stage, it would be apposite to refer the case of ***Bhikhabhai Fatabhai Solanki vs. Executive Engineer, Narmada Project Canal System & Anr.*** in ***Letters Patent Appeal No. 908 of 2023*** and allied petitions dated 18.04.2024, the Hon'ble Division Bench of this Court has laid down following criteria for grant of lump-sum compensation.

Sr. No.	Total no. of years for lump sum compensation	Amount of lump sum compensation
1.	5 to 10 years	Rs.3.00 lacs
2.	10-15 years	Rs.5.00 lacs
3.	15-20 years	Rs.7.5 lacs

9. The following is the chart submitted by learned advocate for the petitioners and not controverted by learned advocate

for respondent No.1 with regard to number of years of service put in by each of the respective petitioners.

Workmen SCA Details			
Sr. No.	SCA Number	Name of Workman	Number of Years of Service
1	R/SCA/11168/2025	Shri Mukesh Shanaji Dabhi	7 Years
2	R/SCA/11208/205	Thakore Rameshbhai Kantibhai	7 Years
3	R/SCA/11209/2025	Dabhi Ashokbhai Shanaji	10 Years
4	R/SCA/11211/2025	Lalaji Somaji Thakore	10 Years
5	R/SCA/11229/2025	Ishwarbhai Keshabhai Patel	12 Years
6	R/SCA/11230/2025	Rajesh Ravinbhai Katariya	7 Years
7	R/SCA/11232/2025	Ramsahay Shyamlal Pashi	12 Years
8	R/SCA/11233/2025	Zala Dalpatsinh Khodaji	7 Years
9	R/SCA/11236/2025	Shri Bharatsinh Laxmanbhai Zala	12 Years
10	R/SCA/11237/2025	Shri Chauhan Pravinbhai Laxmanbhai	7 Years
11	R/SCA/11247/2025	Shri Thakore Rajeshbhai Bhavane	8 Years
12	R/SCA/11248/2025	Shri Thakore Kalpeshbhai Shakrajji	8 Years

In all cases Labour Court Awarded Rs.70,000 as lumpsum compensation.

10. Considering the proposition of law as laid down in the case of ***Bhikhabhai (Supra)*** impugned judgment and award dated 30.12.2024 passed by learned Labour Court, Ahmedbad is hereby modified to the aforesaid extent.

Workmen SCA Details				
Sr. No.	SCA Number	Name of Workman	Number of Years of Service	Amount of lump sum compensation
1	R/SCA/11168/2025	Shri Mukesh Shanaji Dabhi	7 Years	3 lakhs
2	R/SCA/11208/2025	Thakore Rameshbhai Kantibhai	7 Years	3 lakhs
3	R/SCA/11209/2025	Dabhi Ashokbhai Shanaji	10 Years	5 lakhs
4	R/SCA/11211/2025	Lalaji Somaji Thakore	10 Years	5 lakhs
5	R/SCA/11229/2025	Ishwarbhai Keshabhai Patel	12 Years	5 lakhs
6	R/SCA/11230/2025	Rajesh Ravinbhai Katariya	7 Years	3 lakhs
7	R/SCA/11232/2025	Ramsahay Shyamlal Pashi	12 Years	5 lakhs
8	R/SCA/11233/2025	Zala Dalpatsinh Khodaji	7 Years	3 lakhs
9	R/SCA/11236/2025	Shri Bharatsinh Laxmanbhai Zala	12 Years	5 lakhs
10	R/SCA/11237/2025	Shri Chauhan Pravinbhai Laxmanbhai	7 Years	3 lakhs
11	R/SCA/11247/2025	Shri Thakore Rajeshbhai Bhavane	8 Years	3 lakhs
12	R/SCA/11248/2025	Shri Thakore Kalpeshbhai Shakrajji	8 Years	3 lakhs

11. In view of above, Respondent No.1 is directed to pay the aforesaid amount as mentioned in the aforesaid table as lump-sum compensation in lieu of reinstatement with all ancillary benefits to petitioners. The respondent No.1 shall pay lump-sum compensation to petitioners within a period of six weeks from the date of receipt of copy of this order, failing which,

petitioners shall be entitled to pay interest @ 5% per annum from the date of award till realization.

12. With these observations and directions, the present petitions stand disposed of as allowed. No order as to costs.

(D. M. DESAI,J)

SHIVANI SHUKLA