

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11794 of 2025**

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DIVISIONAL CONTROLLER, S.T. VADODARA DIVISION

Versus

DECEASED KISHANBHAI GAMBHIRBHAI TADVI THROUGH LH & ORS.

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Appearance:

MS SEJAL K MANDAVIA(436) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 02/09/2025****ORAL ORDER**

Learned Advocate Ms. Mandavia submits that the award passed by the learned Labour Court directing reinstatement of the respondent workman with 30% back wages was challenged before this Court by way of Special Civil Application No. 10463 of 2012. The said petition was disposed of by an order dated 11.12.2012, whereby this Court affirmed the direction of reinstatement but without back wages. Learned advocate Ms.Mandavia submits that subsequent to the said order, the respondent workman did not directly approach the petitioner-employer. However, through the Union, the petitioner obtained the necessary contact details on 13.02.2013, and the respondent was accordingly informed

to report for duty with a valid fitness certificate. Upon medical examination, it was noted that the respondent workman had weak vision, and he was advised to use corrective spectacles. Thereafter, training for EBM machine booking was scheduled, and the workman ultimately reported for duty on 09.04.2013. However, he subsequently abandoned his service and remained absent for 155 days, i.e., from 18.09.2013 to 10.01.2014.

Learned advocate Ms.Mandavia submits that the respondent workman expired in the year 2018, and his wife also passed away in the year 2020. An application for substitution of legal heirs was filed after a delay of five years. Learned advocate Ms.Mandavia submits that following the order dated 11.12.2012 passed by this Court, the petitioner took prompt steps to reinstate the deceased workman. However, due to the absence of a fitness certificate and the need for requisite training, he did not resume actual duties until 09.04.2013. Learned advocate Ms.Mandavia submits that a recovery application was filed claiming wages for the period from 23.08.2011 to 09.04.2013, which came to be allowed by the learned Labour Court, directing the present petitioner to pay a sum of Rs. 86,292/- along with interest at the rate of 8%.

In view of the above submissions, let Notice be issued making it returnable on 07.11.2025.

(M. K. THAKKER,J)

NIVYA A. NAIR

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: NIVYA ABHAY NAIR(HC01901), PRIVATE SECRETARY, at High Court of Gujarat on 03/09/2025 10:32:59