

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13154 of 2025**

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KATARIA ENTERPRISE
Versus
HUSAINBHAI ALIBHAI SATI

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Appearance:

MR.VARUN K.PATEL(3802) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 29/09/2025**ORAL ORDER**

1. Learned advocate Mr.Patel submits that within 30 days of publication of award respondent attained age of superannuation i.e 60 years however as per the policy of the petitioner company the age of driver for retirement is 58 years. Learned advocate Mr.Patel submits that at the time of reply to the notice before the conciliation officer as well as during the pendency of proceedings before the learned reference court, though respondent was offered work however he did not resume duty. Learned advocate Mr.Patel submits that during cross-examination respondent has admitted that all the communications below mark 16/8, 16/12 and 16/2 are

received by him which indicates the knowledge of having being offered the work.

2. Learned advocate Mr.Patel submits that during the lock down it is alleged that his service was termination on 23.03.2020. Learned advocate Mr.Patel submits that though he was informed to resume the duty however, he did not resume duty and has filed impugned reference. Learned advocate Mr.Patel submits that as in date even otherwise the respondent has attained the age of superannuation therefore, direction to reinstate the respondent with 50% back wages is required to be interfered with.
3. In view of above, let notice be issued making it returnable on 02.12.2025.
4. Ad-interim relief in terms of para 5(b) be granted till next date of hearing on condition to deposit amount of Rs.3,50,000/- before this court within a period of one week from today.
5. Registry shall issue notice after the amount is deposited.

(M. K. THAKKER,J)

ARCHANA S. PILLAI