

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17444 of 2025****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE****Sd/-**

Approved for Reporting	Yes	No
		No

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ADDITIONAL CHIEF CONSERVATOR OF FOREST, TRAINING
DEPARTMENT

Versus
DASHRATHJI KANAJI THAKOR & ANR.

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Appearance:

MS AGNEYA MANKAD AGP for the Petitioner(s) No. 1

MR UT MISHRA(3605) for the Respondent(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2

CORAM: HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**Date : 24/04/2026****ORAL JUDGMENT**

1. Rule returnable forthwith. Mr. U.T.Mishra, learned advocate waives service of rule for the respondent No.1 workman.

2. By the present writ petition, the petitioner is challenging the award dated 29.01.2025 passed by the learned Labour Court, Ahmedabad in Reference-T (LCA) No.405 of 2016.

3. Ms. Agneya Mankad, learned Assistant Government Pleader appearing for the petitioner submits that as per the G.R. dated 15.09.2014, it was directed that the Daily Wagers for seasonal work were to be engaged only through outsourcing

agency and therefore, the services of the respondent workman came to be terminated by the petitioner after following due procedure of law, by giving notice and upon payment of retrenchment compensation. She submits that the retrenchment was in accordance with law and the same has not been properly appreciated by the learned Labour Court. She further submits that it has not been properly appreciated by the learned Labour Court that the respondent workman had worked for 7 years only and in the span of 7 years, he has worked for 240 days and more for a period of 2 years. She submits that since the respondent workman had not completed 5 years consecutively for 240 days and more, he was not entitled for relief of reinstatement with continuity of service as granted by the learned Labour Court. She submits that the respondent workman has not produced on record any documentary evidence to prove that he has worked for 240 days in a calendar year for 5 years consecutively. She submits that the impugned award has been passed only on the basis of the presumptions and therefore, cannot be sustained in law. She submits that the evidence brought on record by the petitioner shows that the respondent workman was not entitled for any of the reliefs as sought for before the learned Labour Court. She, therefore, submits that the impugned award be quashed and set aside.

4. Per contra, Mr. U.T.Mishra, learned advocate for the respondent workman submits that the respondent workman was appointed as a Daily Wager by the petitioner on 01.02.2007 and has been continuously working on the establishment of the petitioner till his illegal termination on 08.05.2015. He submits

that the respondent workman had filed a writ petition being Special Civil Application No.7160 of 2014 seeking a direction to extend the benefits of G.R. dated 17.10.1988 to the respondent workman. By judgment dated 08.05.2014, the Coordinate Bench of this Court was pleased to allow the said writ petition directing the petitioner to examine the case of the respondent workman individually and if found eligible, then to extend the benefits of the G.R. dated 17.10.1988, as per the directions of the Hon'ble Supreme Court. He submits that thereafter the respondent workman came to be retrenched from his service illegally. He further submits that despite working continuously for 240 days and more from 01.02.2007 till 08.05.2015, the services of the petitioner were shown to be retrenched in the records. The learned Labour Court has rightly appreciated the evidence on record and come to the conclusion that there is breach of Sections 25F, 25G and 25H of the Industrial Disputes Act, 1947 ["ID Act" for short]. He submits that the evidence brought on record has been properly appreciated by the learned Labour Court. Thus, the impugned award be upheld and the writ petition be dismissed.

5. Heard learned counsels for the parties, perused the documents and considered the submissions.

6. It is not in dispute that the respondent workman has been appointed as a Daily Wager on 01.02.2007 and has worked continuously on the establishment of the petitioner till his alleged retrenchment on 25.12.2014. For all the said years, it has brought on record by way of cogent evidence that the

respondent workman has worked for 240 days and more during the said period of services. In fact, in the cross-examination of the witness of the petitioner in the learned Labour Court, the said witness i.e. the Range Forest Officer has clearly stated that the respondent workman has continuously worked from 01.02.2007 to 08.05.2015 and has further admitted that the service of the respondent workman was orally terminated on 08.05.2015. The learned Labour Court while appreciating the evidence on record has also come to the conclusion that though it is the case of the petitioner that the service of the respondent workman came to be retrenched from 25.12.2014 by paying retrenchment compensation, however, except credit of retrenchment compensation, no evidence has been brought on record to show that any due procedure in law was followed to retrench the respondent workman. Further, even after payment of retrenchment compensation, the respondent workman's services have been continued till 08.05.2015. Further, the retrenchment notice produced on record has not been cogently proved to have been served on the respondent workman before the payment of such retrenchment compensation by any mode of service. The learned Labour Court has disbelieved such notice of retrenchment in view of the same. Further, looking to the evidence brought on record and in the overall circumstances of the present case, it is duly proved that the respondent workman was working on the establishment of the petitioner as a Daily Wager from 01.02.2007 till 08.05.2015 continuously without any break for 240 days and more in each calendar year. The conclusion drawn by the learned Labour Court that the provisions of Sections 25F, 25G and 25H of the ID Act have been

violated in the present case cannot also be faulted since it is admitted by the witness of the petitioner that no seniority list is maintained by the establishment at District or State level in respect of Daily Wagers. The findings as recorded by the learned Labour Court are based on evidence on record and cogent reasons have been assigned. The impugned award is just and proper.

The present Special Civil Application is devoid of merits and is accordingly dismissed. Rule is discharged. No order as to costs.

KAUSHIK D. CHAUHAN

Sd/-
(ANIRUDDHA P. MAYEE, J.)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KAUSHIKKUMAR DINESHCHANDRA CHAUHAN(HC00197), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 24/04/2026 16:58:51