

(2010) 10 GUJ CK 0020

Gujarat High Court

Case No: Special Civil Application No. 5380 of 2004

Saraspur Mills Ltd.

APPELLANT

Vs

Kanubhai Jagabhai

RESPONDENT

Date of Decision: Oct. 26, 2010

Acts Referred:

- Constitution of India, 1950 - Article 227

Hon'ble Judges: Mukesh R. Shah, J

Bench: Single Bench

Advocate: Nanavati Associates, for the Appellant; K.V. Gadhia, for the Respondent

Judgement

M.R. Shah, J.

By way of this petition under Article 227 of the Constitution of India the petitioner-management has prayed for an appropriate writ, order or direction quashing and setting aside the impugned Judgment and order dated 10/11/2003 passed by the Industrial Court, Gujarat, Ahmedabad in Appeal (I.C.) Nos. 8 & 13/2000 as well as the Judgment and award dated 24/12/1999 passed by the Labour Court, Ahmedabad in T Application No. 331/1990.

2. Today, when the present petition is taken up for final hearing, Shri Keyur Gandhi, learned advocate appearing on behalf of the petitioner and Shri Harsh Gadiya, learned advocate appearing on behalf of the respondent have jointly stated at the bar that the respective parties have settled the dispute amicably and the petitioner has agreed to pay a total sum of Rs. 51,000/- to the respondent towards full and final settlement of the claim of the respondent against the petitioner-Company and the respondent has agreed to accept the same. Shri Keyur Gandhi, learned advocate appearing on behalf of the petitioner has submitted that the aforesaid amount shall be paid by an account payee cheque to the respondent within a period of one week from today. The learned advocates appearing on behalf of the respective parties have requested to modify the impugned orders accordingly.

3. In view of the above settlement between the parties, the present petition succeeds in part and the impugned Judgment and order dated 10/11/2003 passed by the Industrial Court, Gujarat, Ahmedabad in Appeal (I.C.) No. 8 & 13/2000 as well as the Judgment and order dated 24/12/1999 passed by the Labour Court in T Application No. 331/1990 are hereby modified to the extent that the petitioner shall pay a total sum of Rs. 51,000/- to the respondent by an account payee cheque within a period of one week from today towards full and final settlement of the claim of the respondent against the petitioner for which the dispute was raised in T Application No. 331/1990. On payment of the aforesaid amount of Rs. 51,000/-, there shall not be any claim of the respondent against the petitioner-Company for the dispute raised before the Labour Court. Rule is made absolute to the aforesaid extent. No cost.