

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 9013 of 2023****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK Sd/-**

|                        |     |    |
|------------------------|-----|----|
| Approved for Reporting | Yes | No |
|                        |     | No |

JOSEPH DAHYABHAI SOLANKI

Versus

BLUE DART EXPRESS LIMITED & ANR.

Appearance:

MR KANABHAI M VADHIYA(12543) for the Petitioner(s) No. 1

MS SWEETY SAMARA AGP for the Respondent(s) No. 2

UMANG P RAVAL(9074) for the Respondent(s) No. 1

**CORAM: HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

**Date : 23/02/2026**

**ORAL JUDGMENT**

1. **Rule** returnable forthwith. Ms. Sweety Samara, learned AGP waives service of notice of rule on behalf of the respondent No.2 and Mr. Umang P. Raval, learned counsel waives service of notice of rule on behalf of respondent No.1.

2. Present petition is filed by the petitioner under Article 226 of the Constitution of India r/w the provisions of Industrial Disputes Act challenging the impugned award dated 3.12.2022 in Reference (T) Case No. 20 of 2005 passed by the

Labour Court, Ahmedabad, whereby the Labour Court has partly allowed the reference filed by the workman and awarded Rs.1,50,000/- as lumpsum compensation.

3. Facts of the case are that the petitioner was appointed as 'Operation Staff' on 8.6.1992 with the respondent No.1 for a period of six months on probation and was subsequently confirmed by the respondent No.1 on 12.3.1993. As per the petitioner, he was handed a charge-sheet cum suspension order dated 15.3.2004 and on the basis of which after a full-fledged departmental inquiry the petitioner came to be removed from his service on 4.9.2004.

3.1 Being aggrieved with the said termination, the petitioner raised an industrial dispute before the Labour Court being Reference (T) Case No.20 of 2005 and the Labour Court, vide order dated 3.12.2022 partly allowed the said reference and awarded lumpsum compensation to the tune of Rs.1,50,000/-.

3.2 Being aggrieved by the award passed by the Labour Court, the petitioner has preferred present petition.

4. Heard learned counsel appearing for the respective parties.

5. Mr. Vadhiya, learned counsel for the petitioner has submitted the same facts which are narrated in the memo of petition and has submitted that the petitioner has rendered his service with respondent No.1 for 13 years and therefore, Labour Court has committed error in passing the impugned order. He has submitted that the impugned order passed by

the Labour Court is contrary to the provisions of laws and violates the rights of the petitioner under the Constitution of India. He has submitted that the order passed by the labour Court is not in consonance with the provisions of law. He has submitted that present petition may be allowed.

6. On the other hand, Ms. Samara, learned AGP and Mr. Raval, learned counsels for the respondents have objected the petition and submitted that the Labour Court has not committed any error in passing the impugned judgment. They have submitted that infact the impugned award passed by the Labour Court is in consonance with the provisions of law and hence prayed for rejection of the petition.

7. Considering the submissions canvassed by learned counsel appearing for the respective parties and the impugned judgment and award passed by the Labour Court, it appears that the Labour Court has rightly appreciated the evidence while coming to the conclusion and without there being any rebuttal, on the other hand, the Labour Court has awarded lumpsum compensation to the tune of Rs.1,50,000/-. In view of the decision of the Hon'ble Supreme Court in the case of **Maharashtra State Cooperative Marketing Federation Limited Versus Suresh S/o Dadarao Gadge** reported in **(2015) 4 SCC 542** and the oral order dated 18.04.2024 passed by the Division Bench of this Court in **Letters Patent Appeal No. 908 of 2023 and allied appeals** more particularly para - 10 and the order dated 18.04.2024 passed by the Division Bench of this Court in **Letters Patent Appeal**

**No.1091 of 2023 and allied appeals** more particularly paras - 5 and 6, this Court is of the opinion that interest of justice would be subserved, if lump sum compensation awarded in favour of the workman is enhanced.

8. The relevant para - 10 of the oral order dated 18.04.2024 passed by the Division Bench of this Court in Letters Patent Appeal No. 908 of 2023 and allied appeals reads thus:-

*"10. Having come to the conclusion that the lump sum compensation would be appropriate remedy for the families of the deceased workmen, the other aspects which comes for consideration is quantum of lump sum compensation. Though learned advocate Mr. Bhatt has contended that there was delay in preferring the complaint and the subsequent reference, it can be observed from the pleadings that the averments with regard to delay and laches in preferring the reference were not made before the Labour Court as well as the learned Single Judge. Therefore, the argument of learned advocate Mr. Bhatt with regard to delay and laches in preferring reference cannot be countenanced and what needs to be seen is that almost all the workmen have put in 16-20 years of service for the respondent and their services were terminated without following due procedure of law. Therefore, the families of the deceased workmen needs to be compensated proportionally as to the number of years of service put in by them. However, in order to balance the equation, we have considered to give effect of delay in preferring the reference while enhancing the amount of compensation. Thus, while calculating the number of years of services, we proposed to deduct the number of years service for which there is delay in preferring reference. After deduction of such number of service, we propose to give compensation in the following tabular form:*

| 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 relevant paras 5 and 6 of the oral order dated

18.04.2024 passed by the Division Bench of this Court in Letters Patent Appeal No. 1091 of 2023 and allied appeals reads thus:-

*“5. Therefore, looking to the gap which intervened between the date of termination and the date of granting reinstatement, the approach of the learned Single Judge granting lump sum compensation cannot be faulted with.  
6. Looking to the various aspects and factors which are considered above, like the nature of employment, time gap intervened, length of service, the compensation awarded to the tune could not be said to be unreasonable. Therefore, Letters Patent Appeals preferred by the Municipality on the question of amount of compensation as well as appeals preferred by the workmen seeking reinstatement are liable to be dismissed. However, in one of the matters being Letters Patent Appeal No. 701 of 2023 in Special Civil Application No. 18334 of 2021 in the case of workman being Koli Vairaginiben Ramkumar, we observe that the compensation given by the learned Single Judge is to the tune of Rs.6,25,000/- for 11 years of service. It can be observed from the order passed by the learned Single Judge that such amount is proportionally different from the other set of amounts which are given as compensation. However, for the identical years of work i.e. 11 years of service, the other workmen are granted an amount of Rs.3,25,000/- as lump sum compensation. Thus, we are inclined to modify the amount of lump sum compensation in Letters Patent Appeal No. 701 of 2023 to the tune of Rs.3,25,000/- from Rs.6,25,000/-. Hence, Letters Patent Appeal No. 701 of 2023 is partly allowed to the aforesaid extent, whereas, all the other Letters Patent Appeals stand dismissed as no ground is made out to interfere with the order of the learned Single Judge.”*

10. Now, considering the materials placed on record and the peculiar facts of this case, this Court is of the opinion that instead of granting any other relief, it would be just and proper to pay lump sum compensation of Rs.3,00,000/- to the workman, which will serve the ends of justice.

11. In view of the above, present petition is partly allowed. The impugned award passed by the Labour Court is hereby

quashed and set aside and the award is modified accordingly. An amount of Rs.3,00,000/- as lump sum compensation shall be paid to the workman by the employer after proper verification of the identity and bank details through RTGS within a period of eight weeks from the date of receipt of the writ of this order. If the amount of Rs.1,50,000/- awarded by the Labour Court is paid by the employer then the same shall be deducted from the aforesaid amount of Rs.3,00,000/- and if the said amount is not paid then the lump sum amount which is awarded by this Court shall be paid to the workman. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

SURESH SOLANKI

**Sd/-**  
**(HEMANT M. PRACHCHAK,J)**