

HIGH COURT OF GUJARAT**MANOJKUMAR SHANKARLAL PATHAK***Versus***SHETH ANANDJI KALYANJI FIRM****Date of Decision:** 25 August 2010**Citation:** 2010 LawSuit(Guj) 1326**Hon'ble Judges:** [K S Jhaveri](#)**Case Type:** Special Civil Application**Case No:** 9787 of 2006**Subject:** Labour and Industrial**Final Decision:** Petition disposed**Advocates:** [Ami N Bhatt](#), [Nanavati Associates](#)**K.S. Jhaveri, J.**

[1] By way of this petition, the petitioner has prayed to quash and set aside the impugned award dated 11.07.2005 passed by the Labour Court, Kalol in Reference [LCK] No. 730/1998, whereby, the Labour Court has directed the respondent to pay lump sum compensation of Rs. 35,000/- to the petitioner.

[2] The short facts of the case are that the petitioner at the relevant time was working as Watchman [Chowkidar] with the respondent and he worked as such for a period of about nine years. The respondent without following due procedure of law, dismissed the petitioner from service w.e.f. 15.01.1995. Thereafter, the petitioner was again appointed on the post of Watchman as reliever at Junagadh Branch vide order dated 23.03.1998. As the petitioner was residing at Kalol, he requested the respondent to transfer him to a nearby place. However, the respondent vide order dated 08.05.1998 terminated the service of the petitioner.

2.1. Being aggrieved by the said order of termination, the petitioner raised a dispute, which was ultimately referred to the Labour Court for adjudication being Reference [LCK] No. 730/1998. Before the Labour Court, both the parties adduced evidence and after appreciating the material produced before it, the Labour Court partly allowed the reference with the aforesaid directions. Hence, this petition.

[3] Heard learned Counsel for the respective parties and perused the documents on record. The learned Counsel for the respondent states that the respondent is agreeable to pay additional amount of Rs. 5,000/- to the petitioner over and above the retirement dues which are payable under the Rules.

[4] Looking to the facts of the case and in view of the aforesaid statement made by the learned Counsel for the respondent, the respondent is directed to pay an additional amount of Rs. 5,000/- to the petitioner, over and above the retirement dues which are payable under the Rules, within a period of six months from today.

[5] With the above clarification and directions, the petition stands disposed of. Rule is made absolute to the above extent with no order as to costs.

