**The Gujarat High Court finds that reinstatement is not feasible after such an extended period, but the awarded compensation needs improvement. Therefore, the court enhances the compensation amount to Rs.1,50,000/- to ensure justice.**

**Case-** Gordhanbhai Dhamabhai Patel vs Deputy Range Forest Officer
Decided on: 27th June 2023

CORAM: HON'BLE Justice Rajendra M. Sareen
**Introduction**

The petitioner worked as Beat Guard in the respondent department from 1/1/1982, and his services came to be terminated orally on 1/12/1990 without following the provisions of the Industrial Disputes Act.

**Facts of the Case**

The petitioner workman has filed a petition challenging the judgment and award passed by the Labour Court in a reference case. The petitioner had been working with the respondent since 1982 but was terminated without following the provisions of the Industrial Disputes Act. The respondent did not appear before the Labour Court, and the case proceeded ex-parte. The Labour Court awarded the petitioner a lump sum compensation of Rs.20,001/- in lieu of reinstatement and back wages.

**Judgement**

The petitioner's advocate argues that the award is illegal, improper, and contrary to the Industrial Disputes Act and established legal principles. They contend that the termination was unlawful and, therefore, reinstatement should have been granted instead of just compensation. They also argue that the delay in filing the reference was due to the petitioner's lack of knowledge about the law of limitation and that reinstatement should be allowed solely based on the hold. The advocate further points out that the respondent never claimed that the petitioner's appointment was illegal, but the Labour Court denied reinstatement based on this.

On the other hand, the respondent's advocate argues that the Labour Court rightly awarded compensation since the respondent did not defend the case properly and the judgment and award were passed ex-parte.

The court found that the petitioner's services were terminated illegally, and there was a delay in filing the reference. While reinstatement cannot be granted after 18 years, considering the long time the case has been pending and the fact that the respondent did not challenge the award, the court decides to enhance the compensation from Rs.20,001/- to Rs.1,50,000/- to meet the ends of justice.

The court also refers to previous judgments by the Supreme Court, which state that relief by way of reinstatement with back wages is not automatic and that compensation may be appropriate in certain circumstances, such as when the employee has been out of work for a long time or when the employee's services cannot be reinstated due to various reasons.

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**Written by- Aadit Shah**