

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/LETTERS PATENT APPEAL NO. 240 of 2026****In****R/SPECIAL CIVIL APPLICATION/14073/2023****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2026****In****R/LETTERS PATENT APPEAL NO. 240 of 2026**

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CARGO MOTORS (GUJARAT) PVT. LTD. & ANR.**Versus****BHARAT SHAMALDAS SONI SINCE DECEASED THROUGH LEGAL
REPRESENTATIVE & ORS.**

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Appearance:**MR CJ VIN(978) for the Appellant(s) No. 1,2****MR TR MISHRA(483) for the Respondent(s) No. 1.1**

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CORAM: HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**and****HONOURABLE MR.JUSTICE J. L. ODEDRA****Date : 11/08/2026****ORAL JUDGMENT****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

1. This is an appeal by the management.
2. The workman had approached the Labour Court by raising a dispute complaining about his unlawful termination.
3. The Labour Court, by an award dated 14.02.2008, accepted the claim of the workman and directed the workman to be reinstated with full back wages and continuity of service.

4. The award of the Labour Court, incidentally, was an *ex-parte* award and, therefore, an application came to be filed by the management for restoration, which was, however dismissed on 22.9.2011 by the Labour Court. The management, thereafter, preferred Special Civil Application No.6569 of 2016 challenging the *ex-parte* award. But, the same was also dismissed. Consequently, the award of reinstatement with full back wages has become final between the parties.

5. The workman had, thereafter, made an application for recovery of the sums due to him pursuant to the award. The Labour Court proceeded to accept this claim in part and directed the management to pay a sum of Rupees 4,50,110/-.

6. Being aggrieved by the said order of the Labour Court, the workman had preferred a writ petition and the learned Single Judge, by the impugned order, has come to the conclusion that the workman was entitled to be paid a sum of Rs.13,48,982/- as the sums due to him under the award. In order to come to this conclusion, the learned Single Judge has placed reliance on the fact that the workman would have been entitled for the minimum wages prescribed, and that would work out to Rs.13,48,982.



7. Being aggrieved by this order of the learned Single Judge, the management is in appeal.

8. If the workman had obtained an order of reinstatement with full back wages, the Labour Court was obviously in error in computing the arrears of the last drawn wages of the workman.

9. The learned Single Judge has, therefore, rightly come to the conclusion that the amount to be computed as due to the workman would be the minimum wages that the workman would have got, which would work out to Rs.13,48,982/-.

10. We see no error in the methodology adopted by the learned Single Judge, which warrants interference in this appeal. The appeal is, therefore, DISMISSED.

11. Pending Civil Application shall stand consigned to record.

Sd/-
(N.S.SANJAY GOWDA,J)

Sd/-
(J. L. ODEDRA, J)

OMKAR