

ITEM NO.15

COURT NO.9

SECTION III

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 13048-13060/2019

(Arising out of impugned final judgment and order dated 18-03-2019 in LPA No. 1132/2017 18-03-2019 in LPA No. 1133/2017 18-03-2019 in LPA No. 1134/2017 18-03-2019 in LPA No. 1135/2017 18-03-2019 in LPA No. 1136/2017 18-03-2019 in LPA No. 1137/2017 18-03-2019 in LPA No. 1138/2017 18-03-2019 in LPA No. 1139/2017 18-03-2019 in LPA No. 1140/2017 18-03-2019 in LPA No. 1141/2017 18-03-2019 in LPA No. 1142/2017 18-03-2019 in LPA No. 1143/2017 18-03-2019 in LPA No. 1144/2017 passed by the High Court Of Gujarat At Ahmedabad)

GUJARAT WATER INFRASTRUCTURE LTD.

PETITIONER(S)

VERSUS

JAYESHKUMAR JAYANTILAL BHATT & ORS. ETC.

RESPONDENT(S)

( IA No. 83427/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 85396/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 06-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI  
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Ms. Aastha Mehta, Adv.  
Mr. Bhargav Pandya, Adv.  
Ms. Deepanwita Priyanka, AOR  
Ms. Prerana Mohapatra, Adv.

For Respondent(s) Ms. Pratyusha Priyadarshni, Adv.  
Ms. Garima Khanna, Adv.  
M/s. Parekh & Co., AOR

UPON hearing the counsel the court made the following  
O R D E R

1. The petitioner-Company owned by the Government of Gujarat is aggrieved by a common judgment and order dated 18<sup>th</sup> March, 2019 passed

by the Division Bench of the High Court of Gujarat in intra court appeals directed against common judgment and order dated 06<sup>th</sup> July, 2017, passed by the learned Single Judge. *Vide* order dated 06<sup>th</sup> July, 2017, the learned Single Judge dismissed the writ petitions filed by the respondents and refused to direct their regularization on the ground that they had an equally efficacious and alternate remedy available in law.

2. The Division Bench has directed the petitioner to pay to the respondents-employees who are working in the category III and IV posts, the minimum pay scales payable to an employee while granting liberty to the respondents to raise a dispute before the Industrial Court.

3. Notice was issued on the present petitions on 08<sup>th</sup> September, 2017 and simultaneously, operation of the impugned judgment was stayed.

4. Learned counsel for the petitioner submits that in view of the operation of the stay order, the respondents have not approached the Labour Court for any relief on a premise that since this Court is seized of the matter, it would not be appropriate for them to take any such step.

5. We are of the opinion that since the respondents have laid a claim for regularization and the petitioner is disputing the said position stating that there were no sanctioned posts created, the aforesaid factual aspect would have to be examined by the Labour Court.

6. Learned counsel for the respondents submits that the respondents may be permitted to approach the Labour Court for seeking appropriate relief

and for which they seek four weeks' time. Learned counsel further submit that having regard to the fact that the respondents were engaged by the petitioner on different posts, in phases from the year 1999 onwards, they are entitled to receive at least the minimum pay scale payable on their posts.

7. Learned counsel for the petitioner expresses some reservation on release of the entire payment to the respondents and submits that in the event, the respondents do not succeed before the Labour Court, it would be virtually impossible for the petitioner to make any recoveries.

8. To balance the equities, it is deemed appropriate to direct that for the present, the petitioner shall release 30% of the amount payable to the respondents by calculating the same on the basis of the minimum pay scale payable to them on the post on which they were working. The said amount shall be released by the petitioner within a period of four weeks from today. The amount released and the balance amount retained by the petitioner shall abide by the final order that may be passed by the Labour Court.

9. With these directions, the present petitions are disposed of along with the pending applications.

**(Divya Babbar)**  
**Court Master (NSH)**

**(Geeta Ahuja)**  
**Assistant Registrar-cum-PS**