

## **Hindustan Apparel Industries vs G.R. Sapre, Presiding Officer, Labour ... on 17 July, 1984**

**Equivalent citations: [1984(49)FLR167], (1984)IILLJ321SC, 1984SUPP(1)SCC353, 1984(16)UJ836(SC), AIRONLINE 1984 SC 26**

**Bench: Y.V. Chandrachud, D.P. Madon, Ranganath Misra**

### **ORDER**

1. By a notice dated 13th August, 1974, the appellant terminated the services of 14 workmen in pursuance of order 23 of the Standing Orders. The dispute was taken to the Labour Court which gave an award on 19th February, 1979, directing the re-instatement of three workers who figure among the respondents in these appeals. The remaining 11 workers accepted the notice of termination and the compensation which was paid to them by the appellant.
2. Under an interim order passed by this Court on 19th March, 1982, about Rs. 24,000/- have been paid to each one of the three workers so far. The interim order expressly recognised the right of these three workers to continue to work in any other establishment during the pendency of these appeals. We may mention that while passing the order of re-instatment, the Labour Court had itself recorded the finding that the three workers were gainfully engaged in some other employment.
3. We are of the opinion that substantial justice has been done to the three workers by reason of the interim order which was passed by this Court in their favour. It appears that in May 1979, the appellant had closed its business and has started another business on somewhat similar lines. The fairest order to pass in these circumstances would be to direct that the appellant shall take the three workers in its employment as fresh employees in the business in which the same or similar type of work is being done, which the three workers used to do. They shall, of course, be taken in the same scale of wages which are paid to similar other freshly recruited workers.
4. The written offers of fresh employment will be sent by the appellant to the learned Counsel of the workers who has agreed to transmit the offers to the workers. The offer shall be communicated within two weeks from today.
5. The workers will exercise their option whether or not to accept the new employment, within two weeks after the receipt of the respective offers. In the event that the workers do not choose to accept the offer, the appellant shall pay to such of them as do not accept the offer a sum of Rs. 3,000/- in full and final settlement of all the claims arising out of the present dispute.

These appeals will stand disposed of in terms of this order. There will be no order as to costs.