

Supreme Court of India

Shiv Chand vs Presiding Officer, Industrial ... on 6 March, 1980

Equivalent citations: 1980 Supp (1) SCC 12, 1980 (12) UJ 500 SC

Author: P Bhagwati

Bench: E Venkataramiah, P Bhagwati

JUDGMENT P.N. Bhagwati, J.

1. The parties are agreed that the order impugned in the present appeal be maintained subject to the direction that the appellant shall be re-employed as a fresh employee in an equivalent post in the organisation of the second respondent in which he was working prior to the termination of his service, and the period during which he served the second respondent prior to the termination of his service will be taken into account alongwith the service which he may render now on re-employment, for the purpose of award and computation of retirement benefits, namely, provident fund and gratuity. We may make it clear that the appellant will not be entitled to any wages or other benefits in respect of the intervening period between the date of termination of his service and the date of re-employment. The appellant will report at the establishment of the second respondent on 1st April, 1980 or failing that on 2nd April, 1980 and the second respondent will offer him re-employment on the basis which we have indicated above. We order accordingly.

2. There will be no order as to costs in this appeal.