

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1855 OF 2022

Precision Camshafts Limited
E-90, MIDC, Akkalkot Road,
Solapur – 413 006.

...Petitioner

V/s.

Amol Gopinath Kamble,
Age : 33 Years, Occu.: Nil,
R/o : At Madare, Post Kumthe,
South Solapur, Solapur.

...Respondent

**WITH
WRIT PETITION NO. 1860 OF 2022**

Precision Camshafts Limited
E-90, MIDC, Akkalkot Road,
Solapur – 413 006.

...Petitioner

V/s.

Namdeo Nagnath Navgire,
Age : 30 Years,
R/o : 173, Rahul Nagar, Majarewadi,
Hotgi Road, District Solapur.

...Respondent

**WITH
WRIT PETITION NO. 1858 OF 2022**

Precision Camshafts Limited
E-90, MIDC, Akkalkot Road, Solapur
– 413 006.

...Petitioner

V/s.

Parshuram Amogi Jadhav,
Age : 43 Years, Occu.: Nil,
R/o. 11, Subhash Shah Nagar Colony,
Jule Solapur, Solapur.

...Respondent

**WITH
WRIT PETITION NO. 1857 OF 2022**

Precision Camshafts Limited
E-90, MIDC, Akkalkot Road, Solapur
– 413 006.

...Petitioner

V/s.

Chandrakant Shivchalappa Bondage,
Age : 31 Years, Occu.: Nil,
R/o. 362, Bharatratna Indira Nagar,
Near Sharan Math, MIDC Akkalkot
Road, Dist. Solapur

...Respondent

Mr. Kiran Bapat, *Senior Counsel i/b Mr. Sarang Aaradhye, Ms. Gauri Velankar, Mr. Gaurav Gawande for Petitioner.*

Mr. Shafi Kazi *with Ms. Sneha Pokle, Adv. Biju Joseph, Mr. T. V. Loris, Ms. Anjali Nair i/b KLT Law Associates for Respondent.*

CORAM : SANDEEP V. MARNE, J.

Dated : 6 March 2025.

ORAL JUDGMENT :

1) These Petitions are filed by the Petitioner-employer challenging the Judgment and Order dated 12 October 2021,

passed by the Member, Industrial Court, Solapur, allowing the Revision Applications filed by the Respondent-workmen and setting aside the Judgment and Order dated 3 March 2016 passed by the Labour Court. The Industrial Court while allowing the Revision Applications, has directed reinstatement of the Respondent-workmen with full back wages from the date of their discharge i.e. 28 June 2014.

2) The Petitioner is engaged in manufacture and supply of camshafts in automobile sector. Petitioner used to operate two foundry units at Akkalkot Road MIDC and Chincholi MIDC within Solapur District. According to the Petitioner, there was reduction in the production activity, on account of which decision was taken to shift the employees working in Akkalkot Road unit to Chincholi unit. In respect of those employees who have not willing to work at Chincholi unit, they were offered voluntary retirement. According to Petitioner, a notice dated 27 January 2014 was published at the Akkalkot Road unit giving three options of alternate employment at Chincholi MIDC, voluntary retirement or retrenchment. Along with the notice, copy of agreement executed with the recognized unit was also appended.

3) It is Petitioner's case that most of the employees working at Akkalkot Road unit either accepted the option of alternate employment at Chincholi unit or voluntary retirement. The four workmen involved in the present Petitions, however, did not respond to the Notice dated 27 January 2014. One of them

apparently lodged First Information Report, under the provisions of the Scheduled Castes And the Scheduled Tribes (Prevention Of Atrocities) Act, 1989 (“the Atrocity Act”), against one of the managerial employees of the Petitioner. Petitioner terminated the services of the Respondents by orders dated 28 June 2014 alleging various misconducts, such as threatening the management representatives, defaming the company by giving false interviews and misbehavior etc. It was stated in the termination order that the employer had loss of confidence in the workmen and that therefore it was not possible to conduct domestic enquiry against them.

4) The termination orders were challenged by the Respondents by filing complaints of unfair labour practice before the Labour Court, Solapur. The complaints were resisted by the Petitioners by filing written statements. Both the parties led evidence in support of respective cases. After considering the pleadings, documentary and oral evidence, the Labour Court proceeded to dismiss the complaints by Judgments and Orders dated 3 March 2016. In Revision, however, the Industrial Court, Solapur, has reversed the decisions of the Labour Court and has set aside the same. By its Judgments and Orders dated 12 October 2021, the Industrial Court has directed reinstatement of the Respondents with full back wages w.e.f. 28 June 2014. Petitioner-employer has filed these Petitions challenging the Judgments and Orders passed by the Industrial Court on 12 October 2021.

5) The Petitions came to be admitted by order dated 1 February 2024 and implementation of the orders of the Industrial Court was stayed. At the instance of the Respondent-employees, the Petitions are taken out for final hearing.

6) I have heard Mr. Bapat, the learned senior advocate appearing for Petitioner. He would submit that the Respondents were duly offered three options vide notice dated 27 January 2014. That the Petitioner was willing to offer alternate employment to the Respondents at Chincholi MIDC foundry and since such offer was voluntarily not accepted by them, the Industrial Court could not have directed reinstatement with back wages. He would submit that almost all workmen in the Petitioner-factory at Akkalkot Road accepted either options 'A' or 'B' and accordingly started working at Chincholi MIDC or took voluntary retirement. That despite giving such fair offers to all the employees rather than going ahead with retrenchment, the four Respondent-employees deliberately did not accept the said offer and started misbehaving with the managerial staff with a view to cause damage to the reputation of the company. He would submit that instead of exercising the options as per notice dated 27 January 2014, the four Respondents-workmen were found to have indulged in activities of lodging false FIRs under the Atrocities Act, repeatedly threatened the managerial staff and insisting that they must be offered work at Akkalkot MIDC unit. That on account of atmosphere of terror created by the Respondent-workmen, it was not feasible to conduct a domestic

inquiry against them and after waiting for more than four months, the Petitioner-employer was left with no other option, but to terminate the services of the four Respondents.

7) Mr. Bapat would further submit that the Labour Court has rightly appreciated the evidence on record while dismissing the complaints. He would submit that the Petitioner-employer justified the termination by leading evidence before the Labour Court. That the Industrial Court has exceeded the revisional jurisdiction under Section 44 of the M.R.T.U and P.U.L.P. Act, 1971 in reversing well considered decisions of the Labour Court. He would accordingly pray for setting aside the Orders passed by the Industrial Court.

8) The Petitions are opposed by Mr. Kazi, the learned counsel appearing for the Respondent-workmen. He would submit that the Petitioner failed to follow due process of law, while terminating the services of the Respondents. That there is neither any show cause notice nor a warning and directly their services are terminated by arbitrary orders dated 28 June 2024. He would submit that conduct of domestic enquiry was mandatory in the facts and the circumstances of the present case since termination was stigmatic. He would submit that the management has not been able to justify its allegations about commission of misconduct by the Respondent-workmen. That their services could not have been terminated unceremoniously by later trying to justify the action of termination by leading

evidence before the Labour Court. That there is nothing on record to indicate that the four workmen were communicated any options by the Petitioner.

9) Mr. Kazi would further submit that the workmen were interviewed by a TV Channel while they were waiting outside the factory premises and that there was no malafide intention on their part to harm the reputation of the company. That the Labour Court's Order was without application of mind. He would rely upon the provisions of clause 25(iv) of the Model Standing Order, under which issuance of charge-sheet to the delinquent employee is mandatory condition before termination of services. He would submit that past record of the Respondents was not even considered where they were rewarded with several awards. That in any case, there is total absence of evidence relating to the allegations levelled in the termination notice.

10) In support of his contentions Mr. Kazi would rely upon the following Judgments.

- (i) Sandeep Kumar **V/s.** GB Pant Institute of Engineering and Technology Ghurdauri & Ors., reported in 2024 II CLR 246.
- (ii) L. Michael And Anr. **V/s.** M/s. Johnson Pumps India Ltd. (Civil Appeal No. 1605 of 1972, dated 10th February, 1975).
- (iii) The Workmen of Firestone Tyre And Rubber Co. of India (Pvt.) Ltd. **V/s.** The Management and Ors. (Civil Appeal Nos. 1461, 1995, 1996 and 2386 of 1972).

- (iv) Dharmarathmakara Raibahadur Arcot Ramaswamy Mudaliar Educational Institute V/s. Education Appellate Tribunal And Anr. reported in 1999 SCC (L&S) 1288.

11) Mr. Kazi would further submit that the Respondents were deliberately harassed on account of the fact that they belong to lowest strata of the society. He would take me through the FIR lodged at instance of one of the Respondents. He would therefore submit that the Industrial Court has rightly set aside the termination by directing reinstatement with full back wages. He would accordingly pray for dismissal of the Petitions.

12) Rival contentions of the parties now fall for my consideration.

13) In the present case, the Petitioner has raised a plea that there was substantial reduction in manufacturing activities and therefore it was decided to reduce the workers employed at Akkalkot Road foundry. However instead of retrenching the services of the workmen or to opt for layoff, the Petitioner decided to offer employment to the workmen engaged in Akkalkot Road foundry at its another foundry at Chincholi. Petitioner has relied on following notice issued on 27 January 2014.

दिनांक: २७/०१/२०१४

नोटीस

सर्व कामगारांना कळविण्यात येते की, कंपनीची सद्य परिस्थिती व भविष्यातील एकंदरीत ऑर्डर्स व त्यानुसारचा अपेक्षित व्यवसाय याबाबत व्यवस्थपनाने प्रतिनिधींशी चर्चा केलेली असून चर्चेअंती व्यवस्थापनाची भूमिका व धोरण स्पष्ट स्वरूपात मांडल्यानंतर कंपनीला उत्पादनात

कपात झाल्याने अतिरिक्त होणऱ्या कामगारांच्या पुनर्वसनाबाबत चर्चा झाली आहे. त्यानुसार इच्छुकांना व्यवस्थापनाच्या खालील तीन पर्यायांपैकी एकाची निवड करता येईल.

पर्याय	पर्यायाचे नांव	पर्याय निवडण्याची अंतिम मुदत
पर्याय क्रमांक १	चिंचोळी औद्योगिक वसाहतीतील फौंड्रीमध्ये पर्यायी रोजगार स्वीकारणे	दिनांक ३०/०१/२०१४ दुपारी ३.०० पर्यंत
पर्याय क्रमांक २	स्वेच्छा निवृत्ती	
पर्याय क्रमांक ३	कायद्यातील तरतुदीनुसार कामगार कपात	

या करारासोबत लावलेल्या यादीतील १६१ शेवटी कामावर रुजू झालेल्या कामगारांनी इच्छेनुसार पर्याय निवडावा. सदरची पसंती असल्यास एच आर विभागात मान्यतेची सही करून द्यायची आहे याची नोंद घ्यावी.

प्रिसिजन कॅमशाफ्टस् लिमिटेडकरीता

आर के काशिद
जनरल मॅनेजर-एच आर.

14) The agreement executed with the recognized union was also appended to the notice dated 27 January 2014. Perusal of the said agreement would indicate that there were following stipulation in para Nos.1, 2, 3 and 4.

कराराच्या शर्ती

१. सदरचा करार हा दिनांक ०७/०८/२०१२ रोजीच्या उत्पादनाशी निगडित वेतनवाढ व इतर सेवाशर्तीबाबतच्या कराराचा एक भाग आहे असे समजण्यात येईल.

२. पर्याय क्रमांक १: कागारांचे पुनर्वसन:- व्यवस्थापनास कामगार हिताची पूर्ण जाणीव असून कामगारांचा रोजगार टिकवण्यासाठी कामगारांसमोर पर्यायी रोजगार म्हणून व्यवस्थापन या युनिटमधील अतिरिक्त कामगारांना व्यवस्थापनाच्या एक आय डी सी चिंचोळी येथील फौंड्री विभागात आहे त्या सेवाशर्ती लागू ठेवून, म्हणजेच पगार, कामावर रुजू तारीख, सेवाज्येष्ठता इत्यादींमध्ये कोणत्याही स्वरूपात बदल न करता समावून घेण्यात येईल. एवढेच नव्हे तर अशांना सध्याच्या फौंड्री युनिटमध्ये ऑक्टोबर २०१४ मध्ये लागू होणारी पगारवाढ ही जानेवारी २०१४ पासूनच रुपये ८०० पगारवाढ व पूर्ण हजेरीचा रु. ६२५ इतका इन्सेंटीव्ह असा रु. १४२५ वा अधिक फायदा मिळेल. इच्छुक कामगारांना ट्रान्सफरबाबतचे सेवाशर्ती नोंद करून तसे पत्र देण्यात येईल.

३. पर्याय क्रमांक २ – स्वेच्छा निवृत्ती:- ज्या कामगारांना पर्याय क्रमांक एक अमान्य असेल अशांनी स्वेच्छा निवृत्तीचा पर्याय निवडीतील व त्यानुसार त्याचे फायदे त्यांना देण्यात येतील.

- अशांना ९० दिवसांचा पगार + सदर पगाराच्या १०% अतिरिक्त रक्कम बक्षीस म्हणून.
- काम केलेल्या प्रत्येक वर्षासाठी १५ दिवसांचा पगार + सदर पगाराच्या १०% अतिरिक्त रक्कम बक्षीस म्हणून.
- पात्र कामगारांना ग्रॅज्युईटीदेखील अदा करण्यात येईल.

पगार म्हणजे मुळ पगार + स्पेशल अलौन्स समजण्यात यावा.

महिन्याचा पगार म्हणजे २६ दिवसांचा पगार समजण्यात यावा.

वरील दोन्ही पर्याय निवडीची अंतिम मुदत दिनांक ३०/०१/२०१४ रोजी दुपारी ३.०० पर्यंत असेल.

४. पर्याय क्रमांक ३ - कामगार कपात: वरील दोन्ही पर्याय अमान्य असतील तर व्यवस्थापन औद्योगिक

विवाद कायद्यातील तरतुदीस अनुसरून सरकारकडून कामगार कपातीची रितसर परवानगी मिळण्यास अर्ज करेल व त्यास आमची संमती असेल. वरील दोन्ही पर्यायांची मुदत संपल्यानंतर कामगारास सदर पर्याय (पर्याय क्रमांक १ व २) निवडण्यास अपात्र ठरतील.

15) Thus in respect of those workmen, who were not willing to work at Chincholi MIDC, the Petitioner had introduced package for voluntary retirement under which the workmen were supposed to receive pay for 90 days + 10% additional amount. Additionally, they were entitled to receive compensation @ pay for 15 days of work rendered in the past + additional bonus. The workmen were also offered their due amount of gratuity. It is Petitioner's case that despite giving such an attractive offer of alternate employment, or in the alternate handsome amount of compensation, none of the four Respondents approached the Petitioner by exercising one of the three options. It is Petitioner's case that almost all other workmen either opted for voluntarily transfer to Chincholi MIDC or voluntarily retirement.

16) In the above background where Respondents have not responded notice dated 27 January 2014 for over five months, the Petitioner has finally terminated their services by orders dated 28 June 2014. The termination orders dated 28 June 2014 read thus:

दिनांक २८/०६/२०१४

सेवा-मुक्तीचा आदेश

१. तुम्ही कंपनीच्या अक्कलकोट रोड येथील युनिटमध्ये ऑपरेटर या पदावर कामास आहात. कंपनीच्या अक्कलकोट रोड येथील फौंड्री युनिटला ग्राहकांकडून मागणीत मोठी घट झाल्याने, उत्पादनातही कपात करणे भाग पडले होते व आहे. त्यामुळे अनेक कामगार अतिरिक्त होत आहे.
२. सदर कामगारांना कामावरून कमी करण्याएवजी अथवा ले ऑफ देण्याएवजी कंपनीने त्यांना चिंचोळी औद्योगिक वसाहतीतील फौंड्रीमध्ये पर्यायी रोजगार दिनांक ०१/०२/२०१४ रोजीच्या नोटीशीद्वारे उपलब्ध करून दिला होता व तसे रुजू होण्याकरिता कळविले होते. त्याबाबत मा. साहाय्यक कामगार

आयुक्त सोलापूर यांच्याकडे वेळोवेळी चर्चा झालेली आहे व उभय पक्षांनी सहमती सुध्दा दर्शविली आहे व त्याचा अंमलसुध्दा झालेला आहे. परंतु तुम्ही सदर प्रस्ताव धुडकावून लावला व चिंचोळी औद्योगिक वसाहतीतील फौड्रीत हजर होण्यास नकार दिलेला आहे व कामावर रुजू झालेला नाही.

३. तसेच तुम्ही दररोज कंपनीच्या आत मर्जीनुसार वेळी अवेळी प्रवेश करून न करता बेशिस्तपणे वागणे, कंपनीच्या अधिकाऱ्यांशी हुजत घालणे, अनुचित दबाव आणणे असे गैरकृत्य केले आहे. तुम्ही कंपनीच्या वरिष्ठ अधिकाऱ्याने दिलेल्या आदेशाचे पालन करण्यास नकार दिला असून त्यात कसूर केली आहे.
४. तुम्ही सोलापूर इन चॅनेल या दूरदर्शन वरील स्थानिक चॅनेलला मुलाखत देवून कंपनी विरुद्ध खोटी, आक्षेपाई व बदनामीकारक माहिती दिलेली आहे. सदर मुलाखतीचे जाहीर प्रक्षेपण दिनांक १२/०३/२०१४ रोजी झाल्याने कंपनीची बदनामी झाली आहे. तसेच जनमाणसातील नाव लौकीकास व प्रतिष्ठेस बाधा पोहचली आहे.
५. तुम्ही व तुमचे सहकामगार श्री पी ए जाधव (कार्ड नंबर ०१२७), श्री ए जी कांबळे (कार्ड नंबर २४११) व श्री सी एस बोंडगे (कार्ड नंबर २४२९) यांनी दिनांक १६/०६/२०१४ रोजी सकाळी ९.३० च्या सुमारास प्लांट प्रमुख श्री मंदार कुलकर्णी एच आर ऑफिसमध्ये एच आर साहाय्यक श्री एस एच थिटे यांचेशी दैनंदिन कामकाजाबाबत चर्चा चालू असताना तुम्ही व तुमचे वरील ३ सहकामगार कोणतीही परवानगी न घेता एच आर ऑफिसमध्ये आलात व प्लांट प्रमुखाशी, आम्हांला अक्कलकोट रोड येथील युनिट मध्येच कामाला का घेत नाही? असे असभ्य व अर्वाचि भाषेत हुजत घातली आणि दमदाटीसुध्दा केली आहे. यापूर्वीसुध्दा तुम्हांस अशा प्रकारच्या गैरवर्तनाबद्दल तोंडी ताकीद देण्यात आली होती, परंतु तुमच्या वर्तणुकीत सुधारणा दिसून येत नाही. सबब तुमच्या अशा प्रकारच्या कृत्यामुळे कंपनीच्या शिस्तीस बाधा पोहचून कंपनीचे वातावरण तणावाचे व दहशतीचे झालेले आहे. तुम्ही कंपनीच्या हिताविरुद्ध कृत्ये केली आहेत.
६. तसेच तुम्ही व तुमचे सहकामगार श्री पी ए जाधव (कार्ड नंबर ०१२७), श्री ए जी कांबळे (कार्ड नंबर २४११) व श्री सी एस बोंडगे (कार्ड नंबर २४२९) यांनी संगनमताने कंपनीतील अधिकाऱ्यांविरुद्ध आकस्मिकबुद्धीन फिर्याद दाखल केली / त्यास साहाय्य केले. यामुळे तुमचे कंपनीतील अस्तित्व औद्योगिक शांततेस बाधा आणणारे आहे. तुमच्या वर्तणुकीमुळे व गैरकृत्यामुळे कंपनीतील वातावरण तणावाचे, घबराटीचे व दहशतीचे बनलेले आहे. सबब अशा परिस्थितीत खुल्या व निष्पक्ष (Free & Fair Environment) वातावरण नसल्यामुळे रितसर खातेनिहाय चौकशी घेणे, पुरावा नोंदविणे वस्तूतः व प्रत्यक्षात शक्य नाही.
७. वरील परिस्थितीमुळे तुम्ही कंपनीचा विश्वास गमावला (Loss of Confidence) आहे. सबब तुम्हास दिनांक २९/०६/२०१४ पासून कंपनीच्या सेवेतून मुक्त करण्यात येत आहे. तुम्हांस देय असलेल्या कायदेशीर रकमांबाबत तुम्ही कागदपत्रांची पूर्तता करावी व तदनंतर कायदेशीर रकमा अदा करण्यात येईल याची नोंद घ्यावी.

प्रिसिजन कॅमशाफ्टस् लिमिटेडकरिता

आर के काशिद
जनरल मॅनेजर - एच आर

17) Instead of conducting domestic inquiry, the Petitioner chose to justify its action by leading evidence before the Labour Court. Accordingly, the Petitioner examined Shri. Sanjiv Nagnath Malvatkar as its witness, who led evidence about happening of the events leading to issuance of the charge-sheet. All the four workmen examined themselves in support of their respective claims. I have gone through the evidence of witness Sanjiv Nagnath Malwadkar, who has given a detailed account of

the events. After going through the evidence on record it is difficult to hold that there is total absence of evidence on record for complete exoneration of the Respondents.

18) Mr. Kazi has relied upon various Judgments of this Court, as quoted above, in support of his contention that conduct of domestic enquiry is mandatory condition before termination of the services. However, it is equally well settled that in a given case, the employer may not conduct departmental enquiry but take the risk of proving the charges directly before the Labour Court. Therefore, if evidence in support of misconduct is led before the Labour Court, the issue of validity of termination is required to be tested by considering the evidence led before the Labour Court. In my view therefore there is some evidence on record to prove the misconduct alleged in the termination letter. The Labour Court had rightly appreciated this position and had dismissed the complaints by its orders dated 3 March 2016.

19) As observed above, a special scheme was introduced by the Petitioner management so as to prevent wholesale retrenchment of employees and had offered them either alternate job at Chincholi MIDC or compensation towards VRS. Under the terms and conditions of the agreement, the workers were to be paid compensation representing 90 days pay, compensation @ pay for 15 days for each completed year of service and gratuity. Though it is the case of the Respondent-workmen that the said offer was never communicated to them, it become highly difficult

to believe said contention for at least two reasons. Firstly, the notice was apparently published on the notice board of Akkalkot Road MIDC foundry. Secondly, the notice was accompanied by agreement executed with the recognized union. Once the terms and conditions of settlement are agreed upon by the recognized union, it was the duty of the concerned workmen to have acquired the knowledge about options extended by the management through the Union. I am therefore not inclined to accept the contention of four workmen that they had no knowledge about issuance of notice dated 27 January 2014.

20) Though the Labour Court had rightly appreciated the above position, the Industrial Court has set aside the findings of the Labour Court. Perusal of the order passed by the Industrial Court would indicate that it has taken into consideration some of the irrelevant factors such as payment of gratuity to the Respondent-workmen. In my view, mere payment of gratuity to the workmen does not ipso-facto render termination invalid. Even a terminated employee is entitled to payment of gratuity. Therefore, mere because gratuity is offered to the four workmen, such action would not ipso-facto render termination invalid.

21) The Industrial Court has also failed to appreciate the position that the case does not involve total absence of evidence. It is well settled position of law that presence of some evidence on record in a domestic enquiry would suffice the test of preponderance of probability. In the present case, since domestic

enquiry was not conducted, the evidence has been led by the Petitioner before the Labour Court. There is no finding recorded by the Industrial Court that there is total absence of evidence on record while directing reinstatement of the Respondent-workmen. I am therefore not convinced with the reasoning adopted by the Industrial Court for setting aside termination and for directing reinstatement with full back wages.

22) At the same time, it must be noted that all the workmen were offered the options of either working at Chincholi MIDC foundry or to opt for voluntary retirement. If the Respondent-employees were to opt for voluntary retirement, they would have received handsome amount of compensation in the year 2014. May be they were misguided in not accepting the option for voluntary retirement offered to them in January 2014. The issue is whether the compensation which the Respondent-employees could have earned in 2014 is to be denied to them forever, merely because they failed to exercise the option and later invited the orders for termination. Considering the peculiar facts and circumstances of the case, where the termination is not found to be illegal, I am adopting unusual course by awarding compensation as per the formula for VRS implemented by the Petitioner vide notice dated 27 January 2014. Thus, Respondent-employees can be paid the entire amount of compensation as per option No.2 indicated in the agreement executed with the recognized union. This would ensure that the Respondent-workmen are paid some amount of compensation and at the same

time, no burden is put on the Petitioner-employer to pay back wages to them.

23) Since, this Court has adopted the course of awarding compensation to the four Respondents-workmen as per option No.2 of voluntary retirement, which was offered to all the employees by the Petitioner vide notice dated 27 January 2024, it is not necessary to increase the length of this Judgment by discussing ratio of various Judgments relied upon by Mr. Kazi. Considering the fact that the compensation was payable to the four Respondent-workmen in January 2014 and the same is being paid to them now, it is appropriate that the amount of compensation shall carry simple interest at the rate of 6% per annum, from the date of termination i.e. 28 June 2014 till the date of payment.

24) I accordingly proceed to pass the following order:

ORDER

- (i) Judgments and Orders dated 12 October 2021 passed by the Member, Industrial Court, Solapur are set aside.
- (ii) Instead of grant of relief of reinstatement and back wages, the Petitioner shall pay each of the four Respondents-workmen all the benefits of package payable as per option No.2 of the agreement dated 28 January 2014, the amount towards which shall represent lump-sum

compensation payable to them in lieu of reinstatement and backwages.

- (iii) The Petitioner shall accordingly compute the exact amount of compensation payable to each of the four Respondent-workmen in accordance with option No.2 and shall pay the said amounts to them together with simple interest @ 6% p.a. from 28 June 2014 till the date of payment, within a period of eight weeks.
- (iv) Beyond the compensation so awarded, the Respondents shall not be entitled to any other service related benefits from the Petitioner.

25) With the above directions, all the four Petitions are partly allowed. Rule is made partly absolute. There shall be no orders as to costs.

[SANDEEP V. MARNE, J.]