

**SUPREME COURT OF INDIA**

State of U.P.

Vs.

Puran Singh

C.A.No.5085-5089 of 2004

(Kurian Joseph and A.M.Khanwilkar,JJ.,)

06.02.2017

**JUDGMENT**

**Kurian Joseph,J.,**

1. The State approached this Court challenging the order dated 27.03.2003 passed by the High Court of judicature at Allahabad. That order was passed on a challenge made by the appellant herein before the High Court on the award passed by the Labour Court, directing reinstatement of the respondents-workmen and regularization. However, in the impugned order, the High Court took the view that the Labour Court went wrong in directing regularisation and to that extent, the award was modified. Still aggrieved, the appellant-State is before this Court in these appeals.

2. During the pendency of the appeals, on a submission made by the learned counsel appearing for the workmen that there have been various schemes whereby the similarly situated workmen have been regularised, this Court directed the appellant-State to consider the case of the respondents-workmen as well.

3. Pursuant to our order dated 23.08.2016, the Director, Department of Sericulture has passed an order regularising the workmen. On regularising the workmen, they have been posted to various places, according to the appellant, in the available vacancies. It is the case of the workmen that being a very low paid employees, it would be rather difficult to survive with such wages at around 300-400 kms away from their native places.

4. Be that as it may, the main question that is raised In these appeals is only as to whether the appellant-Department would be an ' Industry' or not, and in view of the intervening developments, we are of the view that there is no point in keeping the appeals pending before this Court. Therefore, the appeals are dismissed, leaving the question of law open.

5. However, we direct the Director, Sericulture to look into the grievances of the workmen personally and see whether the workmen can be accommodated in places which are near to their residences. The Director shall pass the required orders within one month from today.

6. Pending interlocutory applications, if any, stand disposed of.

7. No costs.