

GAHC010221232022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/3186/2022

KUNTI TELLY
W/O SRI SUREN MAHALI, R/O PERTABGHUR TEA ESTATE, P.O.
BISWANATH CHARIALI, DISTRICT BISWANATH, ASSAM

VERSUS

MANAGEMENT OF PERTABGHUR TEA ESTATE
REPRESENTED BY ITS GENERAL MANAGER, BISWANATH CHARIALI, P.O.
BISWANATH CHARIALI, DIST. BISWANATH, ASSAM, PIN-784176.

Advocate for the Petitioner : MR. K M HALOI

Advocate for the Respondent : MR S N SARMA SENIOR ADVOCATE

Linked Case : I.A.(Civil)/1829/2022

SABITRI KHAIRA
WIFE OF SRI GAKUL KHAIRA
RESIDENT OF PERTABGHUR TEA ESTATE
P.O. BISWANATH CHARIALI
DISTRICT BISWANATH
ASSAM.

VERSUS

MANAGEMENT OF PERTABGHUR TEA ESTATE
REPRESENTED BY ITS GENERAL MANAGER
BISWANATH CHARIALI
P.O. BISWANATH CHARIALI
DIST. BISWANATH
ASSAM
PIN-784176.

Advocate for : MR. K M HALOI
Advocate for : MR. K KALITA appearing for MANAGEMENT OF PERTABGHUR
TEA ESTATE

Linked Case : I.A.(Civil)/1828/2022

RAJO KEOT
WIFE OF LATE SUKEN KEOT
PERMANENT RESIDENT OF PERTABGHUR TEA ESTATE
P.O. BISWANATH CHARIALI
DISTRICT BISWANATH
ASSAM.

VERSUS

MANAGEMENT OF PERTABGHUR TEA ESTATE
REPRESENTED BY ITS GENERAL MANAGER
BISWANATH CHARIALI
P.O. BISWANATH CHARIALI
DIST. BISWANATH
ASSAM
PIN-784176.

Advocate for : MR. K M HALOI
Advocate for : MR. K KALITA appearing for MANAGEMENT OF PERTABGHUR
TEA ESTATE

Linked Case : I.A.(Civil)/1827/2022

KISHMOTY PORJA
WIFE OF LATE BHIBISON GOALA

RESIDENT OF PERTABGHUR TEA ESTATE
P.O. BISWANATH CHARIALI
DISTRICT BISWANATH
ASSAM.

VERSUS

MANAGEMENT OF PERTABGHUR TEA ESTATE
REPRESENTED BY ITS GENERAL MANAGER
BISWANATH CHARIALI
P.O. BISWANATH CHARIALI
DIST. BISWANATH
ASSAM
PIN-784176.

Advocate for : MR. K M HALOI
Advocate for : MR. K KALITA appearing for MANAGEMENT OF PERTABGHUR
TEA ESTATE

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 12-04-2023

Heard Mr. K.M. Haloi, learned counsel for the applicants. Also heard Mr. K. Kalita, learned counsel for the opposite parties appearing in all these cases.

By the award dated 17-08-2017 passed by the learned Labour Court, Assam at Guwahati in Reference Case No. 13/2003, the writ petitioners/ opposite parties being the Management of M/s Pertabghur Tea Estate in the district of Biswanath was directed to reinstate as many as 08 (eight) workmen including the 04 (four) applicants herein, in service with full back-wages by declaring the order of termination from service as unjustified. The Management of the Tea Estate, as writ petitioners, has assailed the award dated 17-08-2017 by filing W.P.(C) No. 6848/2017, which is pending disposal before this

Court. During the pendency of the writ petition, the four applicants have approached this Court by filing their respective applications under Section 17(B) of the Industrial Dispute Act, 1947 praying for a direction for payment of last drawn wages.

Mr. Kalita submits that insofar as the applicant in I.A.(C) No. 3186/2022, viz. Kunti Telly is concerned, his client would have no objection, if an order under Section 17(B) of the Act of 1947 is passed by this Court. However, since the other three applicants have crossed their age of superannuation, he would like to file objection in their I.A.s. Mr. Kalita, however, does not dispute the fact that there can be no ground to deny the last drawn wages to those applicants until the recorded date of their superannuation.

If that be so, the issue raised by Mr. Kalita need not detain this Court.

After hearing the submissions of learned counsel for both the sides, all these I.A.s are being disposed of by providing that the last drawn wages of all the four applicants shall be paid to them as per Section 17(B) of the Act of 1947. In case of those applicants who are found to have already attained the age of superannuation, their last drawn wages will be paid till the date of their superannuation.

The four I.A.s stand disposed of accordingly.

JUDGE

GS

Comparing Assistant