

GAHC010206192021



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

**Case No. : WP(C)/4861/2020**

BINOD CHANDRA BORAH @ BINDU CHANDRA BORAH  
S/O- LT. JUGESWAR BORAH  
VILL- PALENGI  
DHYAN GAON  
P.O. PALENGI  
P.S. SIVASAGAR  
DIST.- SIVASAGAR  
ASSAM  
PIN- 785640

VERSUS

THE OIL AND NATURAL GAS CORPORATION LIMITED AND 2 ORS  
(A GOVT. OF INDIA ENTERPRISE) REGD. OFFICE- NEW DELHI AND THE H.O.  
AT TEL BHAWAN  
DEHRADUN AND THE EASTERN REGIONAL BUSINESS CENTRE  
ASSAM  
PIN- 785685

2:THE EXECUTIVE DIRECTOR  
ONGC  
EASTERN REGIONAL BUSINESS CENTRE  
ASSAM  
PIN- 785640

3:THE REGIONAL LABOUR COMMISSIONER (C)  
DIBRUGARH  
P.O. CHOWKIDINGEE  
PIN- 786001  
DIST.- DIBRUGARH  
ASSAM

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Advocate for : MS. S CHUTIA  
Advocate for : GA

ASSAM appearing for THE OIL AND NATURAL GAS CORPORATION LIMITED  
AND 2 ORS

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 16/03/2023**

Heard Ms. S. Chetia, learned counsel for the writ petitioner. Also heard Mr. S. Chakraborty, learned counsel representing the respondent nos. 1 & 2. Ms. S. Baruah, learned CGC, is present on behalf of the respondent no. 3.

As per the case projected in the writ petition, the petitioner herein, was one of the beneficiaries under the award dated 18/12/2000 passed by the learned Industrial Tribunal, Guwahati, Assam, in connection with Reference No. 12(C)/1999. Despite the award having attained finality on being affirmed by the Hon'ble Supreme Court of India and notwithstanding the fact that several other similarly situated employees either have already been given or are in the process of being conferred with the benefit under the award, the petitioner has been left running from the pillar to post seeking relief. The solitary reason for that is owing to a confusion arising out of the misspelling of his name in the award dated 18/12/2000.

It appears that in the original award issued by the learned Industrial Tribunal, the name of the petitioner has been shown as "Bindu Chandra Borah" whereas the correct name of the petitioner is "Binod Chandra Borah".

Ms. Chetia has referred to the materials available on record to contend that even the Regional Labour Commissioner i.e. the respondent no. 3 has clarified with the ONGC authorities that the appearance of "Bindu Chandra Borah" in the award was a typographical error and the actual name of the person is "Binod Chandra Borah", who is the writ petitioner in this case. It further appears that Sri Binod Chandra Borah is the son of late Jogeshwar Borah, who is a resident of village Palengi, Dhyani Gaon in the district of Sivasagar, Assam.

Mr. Chakraborty submits that due to the confusion arising out of the error in the spelling of the name of the petitioner, the ONGC authorities are not in a position to extend the benefit under the award to the petitioner unless it is established that there was a mistake in the spelling of the name of the petitioner in the award. It is also the submission of Mr. Chakraborty that there is no person by the

name of "Bindu Chandra Borah" working under the ONGC or any of its contractors.

After hearing the submission of learned counsel for both the parties, this Court is of the unhesitant opinion that it is the petitioner "Binod Chandra Borah" who is the beneficiary under the award but his name has been wrongly written therein as "Bindu Chandra Borah".

What is also to be noted herein that although the award was passed way back in the year 2000, yet, no person in the name of "Bindu Chandra Borah" has ever approached the respondent nos. 1 and 2 or any other forum claiming benefit under the award.

Situated thus, this writ petition is hereby disposed of by providing that the writ petitioner shall be treated as a beneficiary under the award dated 18/12/2000 as against the mis-spelt name of "Bindu Chandra Borah" appearing therein.

In the event of any claim arising in future on account of any other person claiming by the name of "Bindu Chandra Borah", the respondent nos. 1 & 2 shall stand indemnified and the matter will be appropriately dealt with by the Court in an appropriate proceeding, as and when the occasion arises.

With the above observation, the writ petition stands disposed of.

**JUDGE**

*sukhamay*

**Comparing Assistant**