

GAHC010214172023



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

Case No. : I.A.(Civil)/2898/2023

M/S DOWN TOWN HOSPITAL LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT, 1956, HAVING ITS
REGD. OFFICE AT G.S. ROAD, GHY-6, REPRESENTED BY ITS CHAIRMAN
CUM MANAGING DIRECTOR

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY SECRETARY TO THE GOVT. OF ASSAM, LABOUR AND
EMPLOYMENT DEPARTMENT

2:THE LABOUR COMMISSIONER
ASSAM
GHY-16

3:THE PRESIDING OFFICER
INDUSTRIAL TRIBUNAL
GUWAHATI
O/O THE DY. COMMISSIONER
KAMRUP METRO
PANBAZAR
GHY-1

4:STRUCK OF VIDE ORDER DATED 27.03.2019
DOWN TOWN HOSPITAL LTD.

5:TILAK DUTTA
S/O LT. HARESWAR DUTTA
R/O LAKHINAGAR
KHANAPARA
H/NO.51
GHY-22

6:DOWN TOWN HOSPITAL LTD. EMPLOYEES UNION

K.C. SEN ROAD
PALTAN BAZAR
GUWAHATI-08. REPRESENTED BY ITS GENERAL SECRETARY

Advocate for the Petitioner : MR. N DEKA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 18-10-2023

Heard Mr. N. Deka, learned counsel for the petitioner and Mr. K. Gogoi, learned Additional Senior Government Advocate, Assam for the opposite party nos. 1, 2 & 3.

2. The applicant as the writ petitioner, has preferred the connected writ petition, W.P.[C] no. 5273/2013 to assail an order dated 20.08.2013 passed by the learned Industrial Tribunal, Guwahati in Reference Case no. 2/2011 and an order dated 03.06.2009 passed by the Registrar of Trade Unions-cum-Labour Commissioner, Assam.

3. The applicant has averred herein that M/s Down Town Hospitals Limited Employees Union was arrayed as party-respondent no. 4 in the connected writ petition. When the writ petition was moved, notices were issued to the respondents arrayed therein including to M/s Down Town Hospitals Limited Employees Union and the applicant-petitioner had taken steps duly for service of notice upon the said Union. It has been averred that during the pendency of the writ petition, the registration of the said Union was cancelled and when this writ petition was taken up for consideration, on 27.03.2019, the learned engaged counsel upon instruction, apprised the Court regarding the said developments. The Court in its order dated 27.03.2019, recorded the aforesaid submission of the learned counsel for the applicant-petitioner and struck off the name of M/s Down Town Hospitals Limited Employees Union from the array of the respondents in the connected writ petition, W.P.[C] no. 5237/2013.

4. Mr. Deka, learned counsel for the applicant-petitioner has submitted that when the

connected writ petition, W.P.[C] no. 5237/2013 was taken up for hearing on 12.09.2023, it was realised that M/s Down Town Hospitals Limited Employees Union would be a necessary party for adjudication of the issues involved in the writ petition and without their presence, the applicant-petitioner would not be able to maintain the challenge made in the writ petition.

5. With the aforesaid projections, the instant interlocutory application has been preferred seeking impleadment of M/s Down Town Hospitals Limited Employees Union as a party-respondent again in the connected writ petition, W.P.[C] no. 5237/2013 in modification of the order dated 27.03.2019.

6. As it has been projected that without the presence of M/s Down Town Hospitals Limited Employees Union as a party-respondent in the connected writ petition, W.P.[C] no. 5237/2013, the cause of the applicant-petitioner is likely to suffer prejudice, the instant interlocutory application seeking impleadment of - "M/s Down Town Hospitals Limited, A company registered under the Companies Act, 1956, having its registered office at G.S. Road, Guwahati-6, Represented by its Chairman-cum-Managing Director" - is allowed.

7. The office to make necessary correction in the cause-title of the connected writ petition, W.P.[C] no. 5237/2013 as well as in the CIS on filing of an amended cause-title in terms of the Notification no. 79 dated 19.06.2023 by the petitioner and to list the writ petition thereafter.

JUDGE

Comparing Assistant