

GAHC010005812014



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

**Case No. : WP(C)/671/2014**

SMT. BILLO BEZGIRI  
W/O BARAN BEZGIR EMPLOYEE MURPHULANI TEA ESTATE, P.O.  
GOLAGHAT, DIST- GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE SECRETARY CUM COMMISSIONER, LABOUR AND  
EMPLOYMENT DEPARTMENT, GOVT. OF ASSAM, DISPUR, GHY-6

2:DY. SECRETARY TO THE GOVT. OF ASSAM  
LABOUR AND EMPLOYMENT DEPARTMENT  
GOVT. OF ASSAM  
DISPUR  
GHY-6

3:THE PRESIDING OFFICER  
LABOUR COURT  
DIBRUGARH  
P.O. DIBRUGARH  
DIST- DIBRUGARH  
ASSAM

4:THE LABOUR COMMISSIONER  
ASSAM  
GOPINATH NAGAR  
GHY-16

5:THE MANAGEMENT OF MURPHULANI TEA ESTATE  
P.O. GOLAGHAT  
DIST- GOLAGHAT  
ASSAM

6:MANAGER  
MURPHULANI TEA ESTATE  
P.O. GOLAGHAT  
DIST- GOLAGHAT  
ASSA

**Advocate for the Petitioner** : MS.A HAZARIKA

**Advocate for the Respondent** : MR.R S MISHRA

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**06.02.2024**

1. Heard Mr. T. Das, learned counsel for the petitioner. Also heard Mr. A.K. Gupta, learned counsel for the respondents No. 5 and 6.
2. This writ petition has been filed by the petitioner against the Award dated 02.04.2013 passed by the learned Labour Court, Dibrugarh in Reference Case No. 4/2010, by which the learned Labour Court came to a finding that the management had not violated the principles of natural justice, in taking a decision to direct the petitioner to vacate the quarter she was occupying in the Murphulani Tea Estate. The learned Tribunal also came to a finding that the management was justified in dismissing the petitioner from service. However, as the learned Labour Court found that the management was ready to reinstate the petitioner into service, subject to the petitioner vacating the quarter, the petitioner was directed to vacate the quarter within 10 days and the management was to reinstate her into service thereafter.
3. The brief facts of the case is that the petitioner's husband was employed as a Driver in the Murphulani Tea Estate and had been allotted a quarter, in

which he had been staying with the petitioner (wife). The petitioner's husband retired on 01.10.2004. While the management tried to vacate the petitioner from the staff quarter and allotted her a quarter fit for a labourer, the petitioner refused to occupy the workman quarter allotted to her and continued to stay in the quarter allotted to her husband. The management thereafter started disciplinary proceedings against her, for defying the management in vacating the quarter that had been allotted to her husband. The petitioner was dismissed from service, on having been found guilty of the charge of not obeying the decision of the management. The matter was referred for settlement to the Labour Department. As no conciliation could be arrived at, the matter was referred to the Government of Assam and accordingly, the learned Labour Court, Dibrugarh started the proceedings with regard to the following reference-

1) Whether the management of Murphulani Tea Estate was justified in dismissing the petitioner from service?

2) Whether the workman was entitled to reinstatement with all benefits including back wages?

4. The learned Labour Court, vide the impugned Award dated 02.04.2013 passed in Reference Case No. 4/2010, came to a finding that the management committed no illegality in dismissing the petitioner from service and that the principles of natural justice had not been violated. The learned Labour Court also observed that the Management was ready to reinstate the petitioner, if she vacated the quarter allotted to her husband. As such, the learned Labour Court directed the petitioner to vacate the quarter within 10 days and thereafter, the management was to reinstate the petitioner. It further held that the petitioner was not entitled to any back wages.

5. Subsequent to the impugned Award dated 02.04.2013 passed by the learned Labour Court, the petitioner wrote a letter dated 12.12.2013 to the Assistant Labour Commissioner, Golaghat, stating that as she was intending to prefer a writ petition before this Court, no steps should be taken to execute the Award made by the learned Labour Court.

6. Today, when the matter was taken up for hearing, this Court found that the affidavit of the petitioner shows that she was 65 years of age as on 03.02.2014 and as such, would have retired as a labourer at the age of 60 years in the year 2009. The quarter which the petitioner has refused to vacate had been allotted to her husband, who was employed as a Driver in the Tea Estate and had retired in the year 2004. The petitioner was allotted a workman quarter, with a direction to vacate the quarter allotted to her husband. However, the petitioner refused to obey the direction passed by the management. In any event, the petitioner has apparently retired in the year 2009, on considering the age given by the petitioner in her affidavit. The above affidavit clearly goes to show that the petitioner has been in illegal and unauthorized occupation of the quarter allotted to her husband, which should have been vacated in the year 2004. The Reference Case No.4/2010 was also apparently registered only after her retirement or due to facts being hidden by the petitioner.

7. In view of the fact that there is nothing to show that there has been violation of any procedure in dismissing the petitioner from her service, this Court not being an appellate authority for the purpose of examination of departmental proceedings on the facts of the case, in terms of the judgment of the Supreme Court in ***Lalit Popli Vs. Canara Bank & Others***, reported in ***(2003) 3 SCC 583***, no infirmity can be found in the impugned Award passed by the learned Labour Court. Further, in view of the fact that the question of

reinstatement of the petitioner having been allowed as a good gesture on the part of the management, the same was to be acted upon only after the petitioner vacated the quarter allotted to her husband.

8. In view of the continued unauthorized occupation of the quarter of the Murphulani Tea Estate, this Court directs the petitioner to vacate the said quarter immediately and the management/respondents shall ensure that the same is acted upon.

9. The writ petition being devoid of any merit, the same is dismissed.

**JUDGE**

**Comparing Assistant**