

GAHC010020802024



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

Case No. : WP(C)/840/2024

DULAL SAIKIA AND 5 ORS
SON OF LATE KHAGESWAR SAIKIA, RESIDENT OF HOUSE NO. 12 (A),
PATARKUCHI, MAIKHULI ROAD, P.S. AND P.O. BASISTHA CHARIALI, DIST.-
KAMRUP (M), ASSAM, PIN- 781029

2: SRI HITESH DEKA
SON OF LATE MOHI RAM DEKA
RESIDENT OF WORD NO.6
PUNANI GORAIBARI
P.O. UDALGURI
DIST.- UDALGURI
ASSAM
PIN- 784509

3: SRI PRATUL BASUMATARY
SON OF MAKHAN LAL BASUMATARY
RESIDENT OF BENGTOLE GATE
P.O. NO.1 CHAPAGURI
DIST.- CHIRANG
ASSAM
PIN- 783380

4: SRI DIBYAJYOTI GOGOI
S/O- LATE DHARMESWAR GOGOI
RESIDENT OF L.K. BARUAH ROAD
P.O. GOLAGHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785621

5: SRI KAILASH MEDHI
SON OF LATE JAGANNATH MEDHI
RESIDENT OF RAMNAGAR
JATIKUCHI DIST.- KAMRUP (M)

ASSAM
PIN- 781040

6: SRI JAGABANDHU DEKA
SON OF LATE JAGNURAM DEKA
RESIDENT OF BENGAPARA
P.O. SARTHEBARI
DIST.- BARPETA
ASSAM
PIN- 78103

VERSUS

ASSAM STATE WAREHOUSING CORPORATION AND 3 ORS
TO BE REPRESENTED BY THE MANAGING DIRECTOR, PANNYAGAR
BHAWAN, CHRISTIAN BASTI, GUWAHATI-5, PIN- 781005

2:THE CHAIRMAN
ASSAM STATE WAREHOUSING CORPORATION
PANNYAGAR BHAWAN
CHRISTIAN BASTI
GUWAHATI-5
PIN- 781005

3:THE MANAGING DIRECTOR
PANNYAGAR BHAWAN
CHRISTIAN BASTI
GUWAHATI-5
PIN- 781005

4:THE STATE OF ASSAM
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
DEPARTMENT OF CO OPERATIVE DISPUR
GUWAHATI-

Advocate for the Petitioner : MR C GOSWAMI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 26.06.2024

Ms. B. Bania, learned counsel for the respondent no.4 submits that Cooperative Department does not have any stake in the respondent no.1 i.e. Assam State Warehousing Corporation. Accordingly, she prays that the name of respondent no.4 be struck off being not a necessary party.

2. As we do not find anything on record to show that the Assam State Warehousing Corporation is a Cooperative Society within the meaning of Cooperative Societies Act, the respondent no.4 is not a necessary party. Accordingly, the name of respondent no.4 is struck off.

3. Heard Mr. C. Goswami, learned counsel for the petitioners. None appears on call for respondent nos. 1, 2 and 3 although notice is duly served.

4. The petitioners claim that their CPF, Gratuity and Leave Encashment were not paid although the petitioners have retired from service vide retirement notice dated 15.11.2021, 05.10.2021, 15.11.2021, 17.08.2022 06.07.2022 and 15.11.2021 respectively.

5. As there is no representation of the respondents and claim of the petitioners towards non-payment of CPF, Gratuity and Leave Encashment were denied, the Court is inclined to dispose of the writ petition by directing the petitioners to submit a fresh representation to the respondent no.2 along with a certified copy of this order, describing the nature of their claim. It is provided that if the petitioners have any other claim, it would be open to the petitioners to submit a fresh representation quantifying the nature of claim if any.

6. The respondent nos. 1 and 2 are directed that on receipt of such representation by the petitioners, they would examine the claim of the petitioners within a period of 8(eight) weeks from the date of receipt of a

certified copy of this order along with the representation and if any amount is found due and payable to the petitioners on account of CPF, Gratuity and Leave Encashment, steps shall be taken to disburse such amount within 4(four) months thereafter.

7. This writ petition stands allowed to the extent as indicated above.

JUDGE

Comparing Assistant