

GAHC010028192015



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

Case No. : WP(C)/7788/2015

GROB TEA COMPANY and ANR.
"HAUTTEE STREET", 9TH FLOOR 86 A, TOPSIA ROAD, KOLKATA- 700046.

2: TEENALI TEA ESTATE
NAHARKATIA
DIST. DIBRUGARH
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECRETARY, LABOUR DEPARTMENT, GOVT. OF ASSAM,

2:ASSAM CHA KARMACHARI SANGHA
REP. BY THE CIRCLE SECRETARY
NAHARKATIA CIRCLE
P.O. NAHARKATIA A.C.K.S. CENTRAL OFFICE
"BIJOY BHAWAN" DIBRUGARH
ASSAM.

3:LABOUR COMMISSIONER
GUWAHATI.

4:ASSISTANT LABOUR COMMISSIONER-CUM- AUTHORITY
UNDER THE PAYMENT OF WAGES ACT
1947
DIBRUGARH

Advocate for the Petitioner : MR.R HAZARIKA

Advocate for the Respondent : MRS.A BHATTACHARYYAR-2

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 02.04.2024

Heard Mr. J. Roy, learned counsel for the petitioners and Mrs. A. Bhattacharyya, learned counsel for the respondent No. 2, Assam Cha Karmachari Sangha.

2. The challenge in this writ petition is to the legality and validity of the order dated 12.11.2015 passed by the Assistant Labour Commissioner -cum- Authority under Payment of Wages Act, 1936, Dibrugarh, directing the petitioner to pay a total amount of Rs. 59,213.92 to three employees of the tea estate belonging to the petitioner tea company in the following proportion:-

“Amount to be paid to the respective employees is detailed below:-

1. Sri Dhoni Ram Gogoi, Teenali Tea Estate, P.O. Naharkatia, Dibrugarh.

Rs. 39724.00 (Rs. Thirty Nine Thousand Seven Hundred and Twenty Four) Only

2. Sri Jiban Chandra Dutta, Teenali Tea Estate, P.O. Naharkatia, Dibrugarh.

Rs. 1982.40 (Rupees One Thousand Nine Hundred Eighty Two and Forty paise) Only.

3. Smti Sanlata Baruah, Teenali Tea Estate, P.O. Naharkatia, Dibrugarh.

Rs. 17507.52 (Rupees Seventeen Thousand Five Hundred Seven and Fifty Two Paisa) Only.”

3. Mr. J. Roy, learned counsel for the petitioner submits that Sri Dhani Ram Gogoi has been paid Rs. 39,724/-, while Sri Jiban Chandra Dutta has been paid Rs. 1982.40. He submits that Smt. Sanlata Baruah could not be paid the amount of Rs. 17,507.52, on account of the said lady having died on 02.11.2014.

4. Mrs. A. Bhattacharyya, learned counsel for the respondent No. 2 submits that late Sanlata Baruah has got a son, namely, Mridul Das to whom the payable amount can be paid.

5. Mr. J. Roy, learned counsel for the petitioners submits that as and when Mr. Mridul Das approaches the petitioners with proper identification and proves that he is the son of late Sanlata Baruah, the aforesaid payable amount shall be paid to the said person.

6. Mrs. A. Bhattacharyya, learned counsel for the respondent No. 2 agrees that no further claim will be made in respect of the payment to be made by the petitioners.

7. In view of the present case being disposed of, on account of the petitioners having agreed to pay the three workmen the amount, as stated above, the other issues, which have been put to challenge by way of this writ petition, has not been decided as per the consent of the counsels for the parties.

8. It is needless to add that as and when Mr. Mridul Das, son of late Sanlata Baruah appears with all identity proof, certificates, etc., the money payable should be paid to him immediately.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant