

GAHC010085482024



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

Case No. : WP(C)/2260/2024

RAJESH KUMAR JALAN
S/O- LATE LAKSMI NARAYAN JALAN, R/O- CHITRALEKHA PATH, HOUSE
NO. 17, GAYATRIKUNJ, NEAR G.N.R.C. HOSPITAL, SUPERMARKET, P.S.
DISPUR, GUWAHATI-711006, DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF LABOUR WELFARE, DISPUR, GUWAHATI-
781006.

2:THE LABOUR COMMISSIONER
ASSAM
SHRAM BHAVAN
ULUBARI
GHY-781007.

3:THE SECRETARY CUM P.F. COMMISSIONER
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION NIDHI
BHAVAN
BASISTHA
LALMATI
GUWAHATI-29.

4:THE ADDITIONAL P.F. COMMISSIONER
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION NIDHI
BHAVAN
BASISTHA
LALMATI
GUWAHATI-29.

5:THE DISTRICT COMMISSIONER
BAKSA
ASSAM
PIN- 781377.

6:THE SUPERINTENDENT OF POLICE
BAKSA
ASSAM
PIN- 781377.

7:THE LABOUR OFFICER CUM CONCILIATION OFFICER
LABOUR WELFARE DEPARTMENT
BTC
KOKRAJHAR
ASSAM
PIN- 783370

Advocate for the Petitioner : MR. R B PHOOKAN, MR H K NATH,A J KASHYAP,MR K J HAZARIKA

Advocate for the Respondent : GA, ASSAM, SC, ATEPFO

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

05.08.2024

1. Heard Mr. H.K. Nath, learned counsel for the petitioner and Mr. D. Saikia, learned Advocate General, Assam along with Mr. P. Nayak, learned counsel for the State respondents.

2. The counsels for the parties have submitted a Notice dated 03.08.2024 that a Conciliation Meeting has been held in the District Commissioner's office on 02.08.2024 and certain resolutions were made therein. They also submit that all the wages have been paid to the workers on 03.08.2024.

3. The contents of the Notice dated 03.08.2024 regarding the Conciliation Meeting held in the District Commissioner's Conference Hall is reproduced hereinbelow, as follows :

“NOTICE

It is hereby informed to all concerned that with reference to the Conciliation Meeting held at the District Commissioner's Conference Hall Baksa on 02/08/24 at 3:00 pm, the following points have been ordered by the District Commissioner, Mushalpur, Baksa to implement with effect from 03/08/24 (AM).

- 1. Garden work (Plucking & other field activities) will resume with effect from 03/08/24 (Saturday) since morning and accordingly the Morning Siren will be blown from 5:00 am onwards.*
- 2. The Labour Wage payment of two weeks will be paid on 03/08/24 (Saturday).*
- 3. Suspension of three persons e.g. Mansukh Sankharika, Patrash Barla and Bhincent Minj have been revoked and they are allowed to resume their duties with effect from 03/08/24 (AM). However, Mansukh Sankharika's Domestic Enquiry and Court case will continue.*
- 4. All have been advised to work sincerely for the betterment of the garden as the SDO (Civil), Salbari will regularly check the pluckers productivity and performance.*
- 5. Any further Domestic Enquiry proceedings shall be conducted by the SDO (Civil), Salbari.”*

4. The Notice dated 03.08.2024 is made a part of the record and marked as Annexure-X.

5. In this regard, Mr. D. Saikia has also submitted the letter dated 05.08.2024 issued by the Recovery Officer, ATEPFO, Guwahati. The same is also made a part of the record and marked as Annexure-Y.

6. In view of the submissions made by the counsels for the parties and the Notice dated 03.08.2024 and letter dated 05.08.2024 referred to above, the present writ petition stands closed as infructuous.

JUDGE

Comparing Assistant