

GAHC010163582024



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

Case No. : I.A.(Civil)/2575/2024

PRABIN KALITA AND 103 ORS
S/O-LT. HARADUTTA KALITA

2: SRI ANIL DUTTA
S/O-LATE BAPURAM DUTTA

3: SRI PUNAKANTA GOGOI
S/O-LT. SADANADA GOGOI

4: SRI DIGANTA GOGOI
S/O-LT. THANESWAR GOGOI

5: SRI SURESH KR. BALMIKI
S/O- LT. GARIB DAS BALMIKI

6: RUHINI PATAR
S/O- LT. CHANERAM PATAR

7: SRI RAM NARESH
S/O- LT. DULAREY BALMIKI

8: SRI SATISH BALMIKI
S/O- RAM NARESH BALMIKI

9: SRI UMESH BALMIKI
S/O- LT. GARIB DAS BALMIKI

10: SRI RAJESH KR. BALMIKI
S/O- GARIBDAS BALMIKI

11: SRI RAJKUMAR BALMIKI
S/O- LATE ANANTRAM BALMIKI

12: SRI MUNNALAL BALMIKI

S/O- LT. BEDRAM BALMIKI

13: SRI SEKHAR JYOTI BHUYAN
S/O-SARBESWER BHUYAN

14: SRI JAGAT THAPA
S/O- LATE TILAK THAPA

15: SRI DIL BAHADUR THAKURI
S/O- LT. MAN BAHADUR THAKURI

16: SRI BIKI DOOM
S/O- SRI PARASHURAM DOOM

17: SRI MUNNALAL BALMIKI
S/O- GULJARILAL

18: SRI MANOJ BALMIKI
S/O- LT. NIRANJAN BALMIKI

19: SRI KUSHAL SAIKIA
S/O- LT. JUGAN SAIKIA

20: SRI MILON HAMROM
S/O-LATE A. HAMRAM

21: SRI TEK BAHADUR CHETRY
S/O- LATE MANGAL BAHADUR CHETRY

22: SRI RADHESHAM DAS
S/O- LT. A. DAS

23: SRI PROBIN GOGOI
S/O- LATE EFORAM GOGOI

24: SRI SANJIV DOOM
S/O- LATE DORIKI DOOM

25: SRI RAMU SAUTAL
S/O-LATE DONDU SAUTAL

26: SRI ANESH BALMIKI
S/O- LATE S. BALMIKI

27: SRI KAILASH DOOM
S/O- SRI BISWANATH DOOM

28: SRI MOHAN MURA

S/O- LT. SIBRATAN MURA

29: SRI SANKAR HARIJAN
S/O- LT. MOON HARIJAN

30: SRI JOSEPH MASI
S/O- LATE JOY MASI

31: SRI RAJU BHUMIJ
S/O- LATE KONWAR BHUMIJ

32: SRI JEET BAHADUR LIMBU
S/O- DHAN BAHADUR LIMBU

33: SRI DEBO KUMAR RAI
S/O- LT. BIR BHADUR RAI

34: SRI RAJU VERMA
S/O- SRI TULSI VERMA

35: SRI RUBUL GOGOI
S/O- DURNA KANTA GOGOI

36: SRI KARTIK GOGOI
S/O- LATE JUNARAM GOGOI

37: SRI DILIP BARUAH
S/O- LATE T L BARUAH

38: . LILA KONWAR
S/O- LATE N. KONWAR

39: SRI RAMANANDA HAZARIKA
S/O- LT. P. HAZARIKA

40: SRI AMBIKA THAPA
S/O- LT. DEBIPRASAD THAPA

41: SRI DHARMENDA BALMIKI
S/O- LT RAM KISHAN BALMIKI

42: SRI VINOD KR. NAIDU
S/O- NARAYAN NAIDU

43: SRI PRAN MAJHI
S/O- MOHESH MAJHI

44: SRI CHANDESHWAR RAM
S/O- LT. KISHAN RAM

45: SRI DHARMENDA DOOM
S/O- BASISTA RAM

46: SRI DINESH SOUTAL
S/O-LATE BAYRAM SOUTAL

47: SRI PABAN SOUTAL
S/O- GOPAL SOUTAL

48: SRI RAN BAHADUR CHETRY
S/O- LATE RAJMAN CHETRY

49: SRI KRISHNA DOOM
S/O- LT. BAKE DOOM

50: SRI KUMUD HAZARIKA
S/O- LT. PADMADHAR HAZARIKA

51: SRI BHADRA BORAH
S/O- LT. MOHAN BORAH

52: SRI SANTOSH BALMIKI
S/O-LATE RAM CHANDRA BALMIKI

53: SRI GANGARAM KISHAN
S/O- LATE SUKURU KISHAN

54: SRI BOLIN GOGOI
S/O- LATE LALIT GOGOI

55: SRI RICHIPAL BALMIKI
S/O- LT. RAM BILASH BALMIKI

56: SRI KUNDAN DOOM
S/O- LT. B. DOOM

57: SRI RUPESH BALMIKI
S/O- LATE RAM CHANDRA BALMIKI

58: SRI LOK BAHADUR CHETRY
S/O- LATE DAL BAHADUR CHETRY

- 59: SRI PRODIP LIMBU
S/O- LATE KALI BAHAU LIMBU
- 60: SRI BIRDU DOOM
S/O- LT. PRADIP DOOM
- 61: SRI DINANANATH DOOM
S/O- LATE RAJENDRA DOOM
- 62: SRI BINU NATH GOGOI
S/O- LT. SUNESWAR GOGOI
- 63: SRI ARUP BORA
S/O- LT. DUNESWAR BORA
- 64: SRI PRABIN DADHARA
S/O- LT. NARESDA DADHARA
- 65: SRI KIRON GOGOI
S/O-MEGHANATH GOGOI
- 66: SRI BUDHESWAR BAILUNG
S/O-JITEN BAILUNG
- 67: SRI AKON GOGOI
S/O-LOMBUDAN GOGOI
- 68: SRI TANKESWAR BURAGOHAIN
S/O-KUKOI BURAGOHAIN
- 69: SRI KUMUD PHUKAN
S/O- GOLAP PHUKAN
- 70: SRI GHANA GOHAIN
S/O-JOY BURAGOHAIN
- 71: SRI SIBANATH DIHINGIA
S/O-SUNBAR DIHINGIA
- 72: SRI PRAFULLA PHUKAN
S/O-LOOKNATH PHUKAN
- 73: SRI PUBESWER GOGOI
S/O- LT. JUGEN GOGOI
- 74: SRI RITUPORNA GOGOI

S/O- LT. POWAL GOGOI

75: SRI MAHENDRA GOGOI
S/O- LT. JUGEN GOGOI

76: SRI DIGANTA BAILUNG
S/O- LT. JATIN BAILUNG

77: SRI DINESWAR GOGOI
S/O- LT GORI GOGOI

78: SRI THULUK GOGOI
S/O- LT. SARBA GOGOI

79: SRI SURUJIT GOGOI
S/O- LATE HALADHAR GOGOI

80: SRI AJIT GOGOI
S/O- LT. SARBANANDA GOGOI

81: SRI AMAR KUMAR RAI
S/O-LT. B. BAHADOR

82: SRI UPEN NATH
S/O-LATE CHANDRAKANT NATH

83: SRI DIJEN DAS
S/O- SRI BHABEN DAS

84: DULUMONI GOGOI

S/O-LT. HIRA KANTA GOGOI

85: SRI JITEN SOUTAL
S/O- LT. KANU SOUTAL

86: SRI DULU DAS
S/O- LATE PARINDRA DAS

87: SRI BIJAY DOOM
S/O- LATE BASITRAM DOOM

88: SRI ASHOK KALYAN
S/O- LT. FAKIR CHANDRA KALYAN

89: SRI LALBABU DOOM

S/O- LT. SAHAB DOOM

90: SRI J. SARMAH
S/O- LT. TIRTHO NATH SARMAH

91: SRI BIMAL SONOWAL
S/O- SRI RITAMBAR SONOWAL

92: SRI NITYA BHUYAN
S/O- LT. H. BHUYAN

93: SRI PANCHARAM GOGOI
S/O-LT. KONAKESWAR GOGOI

94: SRI CHAMA PATAR
S/O- LAKHINDRA PATAR

95: SRI JITEN BORGOHAIN
S/O-DUT RAM BORGOHAIN

96: SRI BIPUL DUTTA
S/O- LT. SUMESWAR DUTTA

97: SRI KRISHAN BALMIKI
S/O- LT. JAINALAL BALMIKI

98: SRI PUTUL KONWAR
S/O- LT. NANDESWAR KONWAR

99: SRI DOMBORU BORAH
S/O- LT. AHINA BORAH

100: ANANDA RAM BORAH
S/O- LT. ABHIYAN BORAH

101: SRI PRADIP CHANGMAI
S/O- LT. BARNAMALI CHANGMAI

102: SRI PUNA DIBRUWAL
S/O- LATE LIANBAR DIBRUWAL

103: SRI HARENDRA GAYAN
S/O- LT. PUTUL GAYAN

104: SRI DIGANGA PHUKAN
S/O-LT. BINOD KR. PHUKAN

ALL ARE C/O- THE CHAIRMAN -CUM- MANAGING DIRECTOR
OIL INDIA LIMITED
DULIAJAN
P.O. AND P.S.-DULIAJAN
DISTRICT-DIBRUGARH
ASSAM
PIN-78660

VERSUS

OIL INDIA LTD.AND 3 ORS
A COMPANY REGISTERED UNDER THE INDIAN COMPANIES ACT, HAVING
ITS REGISTERED OFFICE AT DULIAJAN, IN THE DISTRICT OF
DIBRUGARH, ASSAM, REPRESENTED BY ITS CHAIRMAN CUM
MANAGING DIRECTOR, PIN-786602.

2:THE UNION OF INDIA
REPRESENTED BY SECRETARY
MINISTRY OF LABOUR AND EMPLOYMENT
GOVERNMENT
OF INDIA
NEW DELHI-110011

3:THE DEPUTY CHIEF LABOUR COMMISSIONER (CENTRAL
)AND AUTHORITY UNDER RULE 25 (2) (V) (A) AND (B) OF THE
MINISTRY OF LABOUR AND EMPLOYMENT
GOVERNMENT OF INDIA
KENDRIYA SHRAM SADAN
R. K. MISSION ROAD
BIRUBARI
GUWAHATI-16.

4:THE OIL INDIA THIKA SHRAMIK SANGHA
HAVING ITS HEAD OFFICE AT 16 NO. TINIALI
P.O.-DULIAJAN
PIN- 786602 IN THE DISTRICT OF DIBRUGARH
ASSAM
REPRESENTED BY ITS GENERAL SECRETAR

Advocate for the Petitioner : MR. P MAHANTA, C SARMA,V KHAKHALARY

Advocate for the Respondent : SC, I O C,

BEFORE

HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

29.08.2024

1. Heard Mr. P. Mahanta, learned counsel for the 104 applicants, namely, 1. Sri Prabin Kalita, 53 year, S/O-Lt. Haradutta Kalita, 2. Sri Anil Dutta, 53 year, S/O-Late Bapuram Dutta, 3. Sri Punakanta Gogoi, 52 year, S/O-Lt. Sadanada Gogoi, 4. Sri Diganta Gogoi, 46 year, S/O-Lt. Thaneswar Gogoi, 5. Sri Suresh Kr. Balmiki, 49 year, S/O- Lt. Garib Das Balmiki, 6. Ruhini Patar, 49 year, S/O- Lt. Chaneram Patar, 7. Sri Ram Naresh, 59 year, S/O- Lt. Dularey Balmiki, 8. Sri Satish Balmiki, 42 year, S/O- Ram Naresh Balmiki, 9. Sri Umesh Balmiki, 49 year, S/O- Lt. Garib Das Balmiki, 10. Sri Rajesh Kr. Balmiki, 42 Year, S/O- Garibdas Balmiki, 11. Sri Rajkumar Balmiki, 44 year, S/O- Late Anantram Balmiki, 12. Sri Munnalal Balmiki, 47 year, S/O- Lt. Bedram Balmiki 13. Sri Sekhar Jyoti Bhuyan, 41 year, S/O-Sarbeswer Bhuyan, 14. Sri Jagat Thapa, 50 year, S/O- Late Tilak Thapa. 15. Sri Dil Bahadur Thakuri, 58 year, S/O- Lt. Man Bahadur Thakuri, 16. Sri Biki Doom, 37 year, S/O- Sri Parashuram Doom, 17. Sri Munnalal Balmiki, 54 year, S/O- Guljarilal, 18. Sri Manoj Balmiki, 48 year, S/O- Lt. Niranjana Balmiki, 19. Sri Kushal Saikia, 54 year, S/O- Lt. Jugan Saikia, 20. Sri Milon Hamrom, 47 Year S/O-Late A. Hamram, 21. Sri Tek Bahadur Chetry, 52 year, S/O- Late Mangal Bahadur Chetry, 22. Sri Radhesham Das, 64 year, S/O- Lt. A. Das, 23. Sri Probin Gogoi, 54 Year, S/O- Late Eforam Gogoi, 24. Sri Sanjiv Doom, 48 Year, S/O- Late Dorika Doom, 25. Sri Ramu Sautal, 50 year, S/O-Late Dondu Sautal, 26. Sri Anesh Balmiki, 47 Year, S/O- Late S. Balmiki, 27. Sri Kailash Doom, 53 year, S/O- Sri Biswanath Doom, 28. Sri Mohan Mura, 38 year, S/O- Lt. Sibratan Mura, 29. Sri Sankar Harijan, 50 Year, S/O- Lt. Moon Harijan, 30. Sri Joseph Masi, 55 Year, S/O- Late Joy Masi, 31. Sri Raju Bhumij, 47 Year, S/O- Late

Konwar Bhumij, 32. Sri Jeet Bahadur Limbu, 45 year, S/O- Dhan Bahadur Limbu,
 33. Sri Debo Kumar Rai, 49 year, S/O- Lt. Bir Bhadur Rai, 34. Sri Raju Verma, 39
 year, S/O- Sri Tulsi Verma, 35. Sri Rubul Gogoi, 48 year, S/O- Durna Kanta
 Gogoi, 36. Sri Kartik Gogoi, 44 year, S/O- Late Junaram Gogoi, 37. Sri Dilip
 Baruah, 53 year, S/O- Late T L Baruah, 38. Lila Konwar, 44 year, S/O- Late N.
 Konwar, 39. Sri Ramananda Hazarika, 55 year, S/O- Lt. P. Hazarika, 40. Sri
 Ambika Thapa, 46 Year, S/O- Lt. Debiprasad Thapa, 41. Sri Dharmenda Balmiki,
 51 Year, S/O- Lt Ram Kishan Balmiki, 42. Sri Vinod Kr. Naidu, 48 Year, S/O-
 Narayan Naidu, 43. Sri Pran Majhi, 42 year, S/O- Mohesh Majhi, 44. Sri
 Chandeshwar Ram, 51 Year, S/O- Lt. Kishan Ram, 45. Sri Dharmenda Doom, 51
 Year, S/O- Basista Ram, 46. Sri Dinesh Soutal, 45 Year, S/O- Late Bayram Soutal,
 47. Sri Paban Soutal, 54 Year, S/O- Gopal Soutal, 48. Sri Ran Bahadur Chetry, 53
 year, S/O- Late Rajman Chetry, 49. Sri Krishna Doom, 48 Year, S/O- Lt. Bake
 Doom, 50. Sri Kumud Hazarika, 53 year, S/O- Lt. Padmadhar Hazarika, 51. Sri
 Bhadra Borah, 43 year, S/O- Lt. Mohan Borah, 52. Sri Santosh Balmiki, 42 Year,
 S/O- Late Ram Chandra Balmiki. 53. Sri Gangaram Kishan, 44 year, S/O- Late
 Sukuru Kishan, 54. Sri Bolin Gogoi, 45 year, S/O- Late Lalit Gogoi, 55. Sri Richipal
 Balmiki, 45 year, S/O- Lt. Ram Bilash Balmiki, 56. Sri Kundan Doom, 51 year,
 S/O- Lt. B. Doom, 57. Sri Rupesh Balmiki, 47 year, S/O- Late Ram Chandra
 Balmiki, 58. Sri Lok Bahadur Chetry, 50 year, S/O- Late Dal Bahadur Chetry, 59.
 Sri Prodip Limbu, 46 year, S/O- Late Kali Bahau Limbu, 60. Sri Birdu Doom, 47
 year, S/O- Lt. Pradip Doom, 61. Sri Dinananath Doom, 40 year, S/O- Late
 Rajendra Doom, 62. Sri Binu Nath Gogoi, 50 year, S/O- Lt. Suneswar Gogoi, 63.
 Sri Arup Bora, 53 year, S/O- Lt. Duneswar Bora, 64. Sri Prabin Dadhara, 58 year,
 S/O- Lt. Naresda Dadhara, 65. Sri Kiron Gogoi, 50 year, S/O- Meghanath Gogoi,
 66. Sri Budheswar Bailung, 42 year, S/O- Jiten Bailung 67. Sri Akon Gogoi, 52

year, S/O-Lombudan Gogoi 68. Sri Tankeswar Buragohain, 48 year, S/O-Kukoi Buragohain, 69. Sri Kumud Phukan, 42 year, S/O- Golap Phukan, 70. Sri Ghana Gohain, 42 year, S/O-Joy Buragohain, 71. Sri Sibanath Dihingia, 52 year, S/O-Sunbar Dihingia, 72. Sri Prafulla Phukan, 49 year, S/O-Looknath Phukan, 73. Sri Pubeswer Gogoi, 54 year, S/O- Lt. Jugen Gogoi, 74. Sri Rituporna Gogoi, 50 year, S/O- Lt. Powal Gogoi, 75. Sri Mahendra Gogoi, 52 year, S/O- Lt. Jugen Gogoi, 76. Sri Diganta Bailung, 45 year, S/O- Lt. Jatin Bailung, 77. Sri Dineswar Gogoi, 59 year, S/O- Lt Gori Gogoi, 78. Sri Thuluk Gogoi, 57 year, S/O- Lt. Sarba Gogoi, 79. Sri Surujit Gogoi, 48 year, S/O- Late Haladhar Gogoi, 80. Sri Ajit Gogoi, 49 year, S/O- Lt. Sarbananda Gogoi, 81. Sri Amar Kumar Rai, 50 year, S/O-Lt. B. Bahador, 82. Sri Upen Nath, 50 Year, S/O-Late Chandrakant Nath, 83. Sri Dijen Das, 48 year, S/O- Sri Bhaben Das, 84. Dulumoni Gogoi, 53 year, S/O- Lt. Hira Kanta Gogoi, 85. Sri Jiten Soutal, 46 year, S/O- Lt. Kanu Soutal, 86. Sri Dulu Das, 49 year, S/O- Late Parindra Das, 87. Sri Bijay Doom, 46 Year, S/O- Late Basitram Doom, 88. Sri Ashok Kalyan, 52 year, S/O- Lt. Fakir Chandra Kalyan, 89. Sri Lalbabu Doom, 47 year, S/O- Lt. Sahab Doom, 90. Sri J. Sarmah, 55 year, S/O- Lt. Tirtho Nath Sarmah, 91. Sri Bimal Sonowal, 55 year, S/O- Sri Ritambar Sonowal, 92. Sri Nitya Bhuyan, 51 year, S/O- Lt. H. Bhuyan, 93. Sri Pancha Ram Gogoi, 57 year, S/O-Lt. Konakeswar Gogoi. 94. Sri Chama Patar, 48 year, S/O- Lakhindra Patar, 95. Sri Jiten Borgohain, 59 year, S/O-Dut Ram Borgohain, 96. Sri Bipul Dutta, 49 year, S/O- Lt. Sumeswar Dutta, 97. Sri Krishan Balmiki, 52 year, S/O- Lt. Jainalal Balmiki, 98. Sri Putul Konwar, 44 year, S/O- Lt. Nandeswar Konwar, 99. Sri Domboru Borah, 55 year, S/O- Lt. Ahina Borah, 100. Ananda Ram Borah, 55 year, S/O- Lt. Abhiyan Borah, 101. Sri Pradip Changmai, 51 year, S/O- Lt. Barnamali Changmai, 102. Sri Puna Dibruwal, 56 year, S/O- Late Lianbar Dibruwal, 103. Sri Harendra Gayan, 56 year, S/O- Lt. Putul Gayan,

104. Sri Diganga Phukan, 47 year, S/O-Lt. Binod Kr. Phukan, All are C/O- The Chairman -cum- Managing Director, Oil India Limited, Duliajan, P.O. & P.S.- Duliajan, District-Dibrugarh, Assam, Pin-786602, who submits that the applicants would like to leave the Oil India Thika Shramik Sangha and be impleaded in the present writ petition. He submits that the said issue has become necessary as the applicants want to avail the benefits of the Memorandum of Settlement dated 09.11.2022.

2. Mr. P.K. Goswami, learned Senior Counsel assisted by Mr. K. Kalita, learned counsel appears for the writ petitioner Company, while Mr. B.C. Das, learned Senior Counsel appears for the Oil India Thika Shramik Sangha Sangha.

3. On considering the prayer of the applicants and the fact that the applicants have made a prayer for impleadment in the writ petition, this Court is of the view that the applicants should first approach the Oil India Thika Shramik Sangha Sangha with the prayer to leave the Union or approach the writ petitioner Company with regard to their intent to agree to the Memorandum of Settlement dated 09.11.2022, by submitting a undertaking that they would accept the Memorandum of Settlement.

4. In view of the above reasons, this Court is not inclined to entertain the present application, as the ground for impleadment has nothing to do with the issue raised by the writ petitioners. Further, there is no rejection by the respondents with regard to their requests to leave the Union or avail the benefits of the Memorandum of Settlement. Also, there is nothing in the record to show that the applicants are members of the Oil India Thika Shramik Sangha

Sangha, inasmuch as, the records to the membership with the union is with the Union.

5. The application is accordingly dismissed.

JUDGE

Comparing Assistant