

GAHC010206892019



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

Case No. : WP(C)/6330/2019

CACHAR PAPER MILL OFFICERS AND SUPERVISORS ASSOCIATION AND
ANR.

REP. BY ITS GENERAL SECRETARY, SRI DIPAK CHANDRA NATH,
HIDUSTAN PAPER CORPORATION LTD., P.O. PANCHGRAM, DIST.
HAILAKANDI, ASSAM, PIN-788802.

2: DIPAK CHANDRA NATH
SR. FOREMAN (ELECTRICAL)
HINDUSTAN PAPER CORPORATION LTD.
CACHAR PAPER MILL
P.O. PANCHGRAM
DIST. HAILAKANDI
ASSAM
PIN-788802

VERSUS

THE UNION OF INDIA AND 3 ORS.
REP. BY ITS SECRETARY, MINISTRY OF HEAVY INDUSTRIES AND PUBLIC
ENTERPRISES, DEPTT. OF HEAVY INDUSTRY, UDYOG BHAWAN, NEW
DELHI-110011.

2:HIDUSTAN PAPER CORPORATION LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 (AGOVT. OF INDIA ENTERPRISE) HAVING ITS CORPORATE OFFICE
AT HPC HOUSING COMPLEX
HC BLOCK
SECTOR-III
SALT LAKE CITY
KOLKATA-700106.
WEST BENGAL.

3:CACHAR PAPER MILL

HINDUSTAN PAPER CORPORATION LTD.
P.O. PANCHGRAM
DIST. HAILAKANDI
ASSAM
PIN-788802.

4:KULDEEP VERMA

LIQUIDATOR
FOR HINDUSTAN PAPER CORPORATION LTD.
46
B.B. GANGULY
UNIT 501
KOLKATA-700012
WEST BENGAL

Advocate for the Petitioner : MR. D. MOZUMDER

Advocate for the Respondent : ASSTT.S.G.I.

Linked Case : WP(C)/6468/2019

CACHAR PAPER PROJECT WORKERS AND EMPLOYEES UNION AND 3 ORS.
REPRESENTED BY ITS GENERAL SECRETARY
SHRI AZIZUR RAHMAN MAZUMDER
HINDUSTAN PAPER CORPORATION LIMITED
P.O. PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN- 788802.

2: AZIZUR RAHMAN MAZUMDER
SENIOR ASSISTANT
HINDUSTAN PAPER CORPORATION LIMITED
CACHAR PAPER MILL
P.O. PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN- 788802.

3: CACHAR PAPER MILL MAZDOOR SANGH (BMS)
REPRESENTED BY ITS PRESIDENT
SHRI UTPAL DUTTA CHAUDHURY
HINDUSTAN PAPER CORPORATION LIMITED
P.O. PANCHGRAM
DISTRICT- HAILAKANDI

ASSAM
PIN- 788802.

4: UTPAL DUTTA CHAUDHURY
SENIOR ASSISTANT
HINDUSTAN PAPER CORPORATION LIMITED
CACHAR PAPER MILL
P.O.- PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN- 788802.
VERSUS

THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY ITS SECRETARY
MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES
DEPARTMENT OF HEAVY INDUSTRY
UDYOG BHAWAN
NEW DELHI- 110011.

2:HINDUSTAN PAPER CORPORATION LIMITED
A COMPANY REGISTERED UNDER THE COMPANIES ACT
1956 (A GOVT. OF INDIA ENTERPRISE) HAVING ITS CORPORATE OFFICE AT
HPC HOUSING COMPLEX
HC BLOCK
SECTOR-III
SALT LAKE CITY
KOLKATA- 700106
WEST BENGAL.

3:CACHAR PAPER MILL
HINDUSTAN PAPER CORPORATION LIMITED
P.O. PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN- 788802.

4:KULDEEP VERMA
LIQUIDATOR
FOR HINDUSTAN PAPER CORPORATION LIMITED
46
B.B. GANGULY
UNIT 501
KOLKATA- 700012
WEST BENGAL.

Advocate for : MR. D MOZUMDER
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 3 ORS.

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 09-02-2024

Heard Mr. S Biswas learned counsel for the petitioners. Also heard the learned counsel for the respondents.

The petitioners are employees of Cachar Paper Mills under Hindusthan Paper Corporation Ltd. The petitioners are aggrieved by non-payment of salaries, wages and retirement dues.

In the meantime, the Hindusthan Paper Ltd was put under the process of liquidation in terms of Insolvency and Bankruptcy Code (IBC). It is submitted that during the process of liquidation arrears of salary and gratuity have been paid to the petitioner. However, the provident fund dues have not been paid till date.

It is stated at the bar that the State of Assam has taken over the assets and liabilities of the aforesaid organization under liquidation. It is also brought into the notice of this court by Mr. S Biswas, learned counsel for the petitioner that in a meeting between all the unions of the Hindusthan Paper Corporation Limited (under liquidations) and the Hon'ble Chief Minister of Assam on 28.09.2021, a decision was taken for assessment of the quantum of relief to be given to the workers and employees including Provident Fund, dues. However, in a subsequent meeting held with the Hon'ble minister on 11.05.2020, it was decided that in view of the determination made by the Hon'ble Apex Court in the case of ***Sunil Kr. Jain and Others Vs. Sundaresh Bhatt and others*** reported in ***(2022) 7 SCC 540***, wherein

it was held that gratuity will not be paid from the liquidated amount, there is a change in the modality of the relief package proposed by the Government earlier made on 28.09.2021.

On a query posed by this court on 07.02.2024, Mr. P Chowdhury learned counsel representing the liquidators has submitted that the provident fund commissioner is in the session of the matter so far relating to payment dues to be made to the petitioner which accrued during their service.

In view of the aforesaid, it is the considered opinion of this court, that when the Hindusthan Paper Corporation is already under liquidation and payments against arrears of salary and gratuity has already been made and at the same time statutory authority under the PF Act are looking into the matter of non-payment of statutory provident fund dues, nothing survives to be adjudicated in this writ petition.

Accordingly, the present writ petition stands closed, however, while parting with the record it is made clear that the closure of this writ petition shall not be treated as any bar for the petitioner to claim their dues before the statutory authority or to approach any competent authority for redressal of their grievances.

Accordingly, this writ petition stands disposed of.

JUDGE