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

Case No.: WP(C)/2662/2025

SMTI GAYATRI GOALA
W/O- LATE KHITISH GOALA

R/O- PANDU NO-3 FERRY GHAT COLONY

NEAR DURGA MANDAP
P.O- GUWAHATI-12
P.S- JALUKBARI
DIST- KAMRUP

ASSAM

VERSUS

THE UNION OF INDIA
REP. BY THE SECRETARY
MINISTRY OF LABOUR AND EMPLOYMENT
SHRAM SHAKTI BHAWAN
RAFI MARG
NEW DELHI-01

2:THE GENERAL MANAGER
N F RAILWAY
MALIGAON
GUWAHATI-11

3:THE GENERAL MANAGER (CONSTRUCTION)
N F RAILWAY
MALIGAON
GUWAHATI-11

4:THE F
A AND CAO (PENSION)

N F RAILWAY
MALIGAON
GUWAHATI-11

For the petitioner (s) : Ms. D. Choudhury, Advocate

For the respondent (s) : Mr. S. S. Roy, CGC

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

05.02.2026

Heard Ms. D. Choudhury, the learned counsel appearing on behalf of the petitioner. Mr. S. S. Roy, the learned counsel appears on behalf of the respondents.

2. The present writ petition has been filed challenging the order dated 04.03.2022 passed by the Ministry of Labour, Government of India, whereby it was opined that the question of making a reference to the Central Government Industrial Tribunal does not arise in view of the fact that the petitioner approached the said authority after a considerable lapse of time.

3. At this stage, this Court finds it relevant to take note of the brief facts of the instant writ petition.

4. The instant writ petition has been filed by the petitioner claiming that her husband, Late Khitish Goala (since deceased), joined the respondent Railways as a casual labourer and later

attained temporary status on 16.03.1985. It is the further case of the petitioner that Late Khitish Goala expired on 14.06.1994. The petitioner thereupon received the service gratuity as well as the retirement gratuity as applicable to an unscreened staff of the Railways. The petitioner remained silent thereafter and in the year 2016 came to learn that the respondent Railways had granted family pension and other benefits to the beneficiary of a staff who had expired in harness without screening, which raised a fresh cause of action. The petitioner thereupon submitted a complaint, which was responded to by the Divisional Personnel Officer, N.F. Railway, stating inter alia that as the husband of the petitioner was an ex-unscreened casual labourer who had obtained temporary status on 16.03.1985 but died on 14.06.1994, and as on 30.04.1996 he was not on roll, there was no reason for conducting post facto screening for granting family pension to Smti. Gayatri Goala, widow of the deceased unscreened casual labourer, as was done in the case of Late Raj Narayan Yadav. The Rail Mazdoor Union, N.F. Zone, Guwahati raised the dispute, which was rejected by the impugned order dated 04.03.2022 on the ground that the said dispute was sought to be raised after 24 years without any justifiable explanation for the delay.

5. Under such circumstances, the petitioner has approached this Court challenging the impugned order by which the Government of

India, Ministry of Labour, has refused to make a reference to the Central Government Industrial Tribunal.

6. It is seen that in the year 1994, the husband of the petitioner expired. The petitioner received the statutory service gratuity and retirement gratuity as applicable to an unscreened staff of the Railways. The petitioner never raised the dispute till the year 2018. Under such circumstances, the petitioner, in the opinion of this Court, cannot seek to raise an industrial dispute which has already died its own death on account of the silence of the petitioner for the last 24 years.

7. In view of the above, this Court does not find any ground for interference with the communication dated 04.03.2022 issued by the Ministry of Labour, Government of India whereby a reference to the Central Government Industrial Tribunal was refused.

8. Accordingly, this Court does not find any merit in the present writ petition, and the writ petition stands dismissed.

JUDGE

Comparing Assistant