GAHC010225182021

2026:GAU-AS:15323

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

Case No. : WP(C)/7263/2021

THE GENERAL MANAGER DOOLAHAT T.E., LAKHIMPUR AND ANR.
R/O- DOOLHAAT T.E., P.O. SINGRA, P.S. LALUK, DIST.- LAKHIMPUR, ASSAM, PIN- 787023.

2: M/S. KANOI PLANTATION PVT. LTD.

A REGISTERED COMPANY HAVING ITS REGISTERED OFFICE AT 22 SARAT BOSE ROAD
SUNNY CORNER
2ND FLOOR
KOLKATA
WEST BENGAL
PIN- 700020 AND HEREIN REPRESENTED BY ITS AUTHORISED GENERAL MANAGER
DOOLAHAT TEA ESTATE

VERSUS

AKHILESH TIWARI
S/O- LATE SHIBNATH TIWARI, R/O- DOOLAHAT T.E., P.O. SINGRA, P.S. LALUK, DIST.- LAKHIMPUR, ASSAM, PIN- 787023.

Advocate for the Petitioner : MR. D NATH, MS A BHUYAN,MR D KALITA

Advocate for the Respondent : MS. M KECHII, MR. P J SAIKIA,MR K J SAIKIA

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

12.10.2026

1. Heard Mr. D. Nath, learned counsel for the petitioner. Also heard Ms. M. Kechii, learned counsel for the sole respondent.

2. The petitioners are aggrieved by a Judgment and Award dated 03.04.2021 passed by the learned Labour Court, Dibrugarh, Assam in Industrial Dispute Case No. 5/2020, whereby, the learned Labour Court held the termination order of the respondent to be unjustified and directed his reinstatement with all back wages.

3. During the present proceeding, on 29.08.2026, the General Manager of the petitioner's Tea Estate intimated Mr. D. Nath, learned counsel that the salary of the respondent for 16 months was credited on 25.08.2026 for the period from April 2025 to July 2026. It was further instructed to him that the respondent can be re-posted as a Sub-Staff of the Doolahat Tea Estate and assigned suitable duties as per the requirements of the Garden. However, it was further contended that such re-engagement of the respondent shall be subject to an undertaking given by him to perform all duties assigned to him sincerely, diligently, and responsibly and that he shall accept and discharge the responsibilities entrusted to him by the management. It was also expressed that the arrear salary shall be calculated as per the applicable norms and shall be disbursed to him in 12 equal monthly installments, if he re-posted.

4. Thereafter, this Court under its order dated 15.09.2026, directed the respondent to appear before the General Manager, Doolahat Tea Estate on 30.09.2026 at 11:00 AM and submit a letter, expressing his intention

to resume his service. In the event of such an intention being expressed, the management shall issue a communication to the respondent, permitting him to resume his services as a Sub Staff and also reflecting, therein, the manner in which, his arrear salaries and other service benefits would be released to him.

5. Accordingly, the respondent was re-appointed as Sub-Staff in the garden w.e.f. 01.10.2026 and it was also intimated to this Court by the petitioner that the respondent has been performing his duties since then.

6. In that view of the matter, nothing survives to be adjudicated in the present writ petition. However, Ms. Kechii, learned counsel for the respondent submits that the petitioners shall be directed to abide by the conditions of payment of arrear of salary in 12 equal monthly installments, to which, Mr. Nath, learned counsel for the petitioners submits that they will abide by such a decision.

7. Accordingly, the present writ petition stands disposed of.

8. The communication dated 10.10.2026 issued by the General Manager, Doolahat Tea Estate, North Lakhimpur, Assam is kept on record and marked as "Y".

9. The LCR be returned back to the learned Labour Court, Dibrugarh.

JUDGE

Comparing Assistant