

GAHC010048342018



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

**Case No. : WP(C) 1596/2018**

1:JAGOT TOSSA  
MUTTACK TEA ESTATE,  
P.O. LAHOAL, DISTRICT- DIBRUGARH, ASSAM, PIN - 786010

VERSUS

1:THE MANAGEMENT OF MUTTACK TEA ESTATE AND ANR.  
JOKAI AGNI PLANTATION (P) LTD., P.O. LAHOAL, DISTRICT - DIBRUGARH,  
ASSAM, PIN - 786010. REPRESENTED BY ITS MANAGER.

2:THE PRESIDING OFFICER  
INDUSTRIAL TRIBUNAL  
DIBRUGARH  
P.O. DIBRUGARH  
ASSAM  
PIN 78600

**Advocate for the Petitioner : MR. S DUTTA**

**Advocate for the Respondent :**

**BEFORE**  
**HON'BLE MR. JUSTICE HRISHIKESH ROY**

**ORDER**

**19.03.2018**

The petitioner was a carpenter, employed in the Muttak Tea Estate (TE). On the ground of

illegal occupation of TE land, the petitioner was *discharged* from service on 1.4.2007. In the resultant *Reference Case No.1/2015* under the *Industrial Disputes Act, 1947*, the Industrial Tribunal, Dibrugarh in the *Award* dated 6.10.2017 (Page-30) has held that the *workman* had unauthorizedly occupied the TE land and defied the direction of his superior and accordingly his *dismissal* by the Management was found to be justified. The Tribunal also held that the dismissed *workman* is not entitled to reinstatement or any other service benefits.

Assailing the legality of the impugned *Award*, Mr. S. Dutta, the learned Senior Counsel refers to the Possession Certificate dated 12.3.2000 (Annexure-4) of the Circle Officer to project that the *workman* was in possession of the concerned land since 1960 and accordingly it is argued that the same is not TE land.

In view of above, let Notice returnable in 4 weeks be issued.

The petitioner to ensure service on both the respondents, by registered post. The notice on the interim prayer is also issued.

**JUDGE**

**Comparing Assistant**