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

Case No. : CRP(IO)/148/2026

THE COMMISSIONER AND SECRETARY, GOVERNMENT OF ASSAM,
INDUSTRIES AND COMMERCE DEPARTMENT AND ANR
REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE, DISPUR,
GUWAHATI-781006, DIST- KAMRUP (M), ASSAM

2: ASSAM INDUSTRIAL INFRASTRUCTURE DEVELOPMENT
CORPORATION
REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE MS. RISHIKA
BARUAH
DY. GENERAL MANAGER (AIIDC)
OFFICE OF THE ASSAM INDUSTRIAL CORPORATION LTD.
INDUSTRIAL ESTATE
BY LANE NO. 3
BAMUNIMAIDAM
GUWAHATI-21
KAMRUP (M)
ASSA

VERSUS

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Respondent No1 has been struck off as per order dtd 27.04.2026

2:ASSAM SPUN SILK MILLS WORKERS UNION
Jagiroad
District. Morigain
Assam Pin-782410

3:THE GENERAL SECRETARY
ASSAM SPUN SILK MILLS WORKERS UNION
JAGIROAD
DIST- MORIGAON
PIN-782410

ASSA

Advocate for the Petitioner : MR. S CHAMARIA, MOMI KALITA,MR N M DEKA,MR M M ZAMAN

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 08.05.2026

Heard Mr. S. Chamaria, learned counsel appearing for the petitioners.

By way of this petition under Article 227 of the Constitution of India, the petitioners have put to challenge the order dated 09.02.2026 passed by the learned Presiding Officer, Labour Court, Guwahati, Assam in Misc. Case No. 03/2008, whereby the learned Labour Court directed the petitioners to pay to the Union as well as its members the amount already assessed by the Commissioner and earlier directed to be paid vide order dated 09.03.2015 within 60 days from the date of the order, and further fixed the matter on 10.04.2026 for submission of compliance report and for fixing the cut-off date.

It appears that earlier, by order dated 09.03.2015 passed in Misc. Case No. 03/2008, the learned Labour Court, without determining the cut-off date to be followed, mechanically accepted the report of the Commissioner for payment of dues to the Union and its members pursuant to the award dated 27.03.2007 passed in Reference Case No. 16/2004.

It further appears that this Court, by judgment and order dated 19.06.2025 passed in WP(C) No. 8030/2015, having found that the Commissioner's report had been accepted without fixation of the cut-off date and without assigning reasons, interfered with the order dated 09.03.2015 passed in Misc. Case No. 03/2008 and remanded the matter back to the learned Labour Court, Guwahati for determination of the cut-off date regarding the entitlements of the workmen.

The relevant paragraphs of the judgment and order dated 19.06.2025 read as follows:

“13. A perusal of the impugned order dated 09.03.2015 passed by the learned Labour Court in Misc. Case No. 03/2008 clearly shows that the Labour Court had not determined the cut off date to be followed and had mechanically observed that the report of the Commissioner was accepted. No discussion was made by the learned Labour Court as to why the report of the Commissioner was to be accepted and what was to be the cut off date.

14. On reading the contents of the Commissioner's report and keeping in view the contrasting stands taken by the learned counsel for the parties, this Court is of the view that the learned Labour Court ought to have taken a decision as to what would be the cut off date or, if the report of the Commissioner was to be accepted in toto, reasons for the same ought to have been discussed. As the same had not been done, the impugned order dated 09.03.2015 passed in Misc. Case No. 03/2008 is hereby set aside. The case is remanded back to the learned Labour Court, Guwahati for determination of the cut off date regarding entitlements of the workmen. The parties are also granted liberty to raise any other issue permissible in law and not reflected in this order.”

It prima facie appears that despite the specific remand made by this Court requiring determination of the cut-off date, the learned Labour Court, by the impugned order, proceeded to direct payment of the amount already assessed by the Commissioner and earlier directed to be paid vide order dated 09.03.2015, which order itself had been interfered with and set aside by this Court. The impugned order thus appears to have been passed without first complying with the directions contained in the remand order dated 19.06.2025.

Issue notice, returnable on 05.06.2026.

The petitioners shall take steps for service of notice upon the respondents by speed post within 3 (three) working days from today.

Till the returnable date, the operation of the impugned order dated 09.02.2026 passed in Misc. Case No. 03/2008 by the learned Labour Court, Kamrup (M), shall remain stayed.

List accordingly.

JUDGE

Comparing Assistant