

GAHC010054552026



undefined

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

Case No. : I.A.(Civil)/860/2026

ON THE DEATH OF LATE SACHIN DUTTA HIS LEGAL HEIRS SMTI BINA DUTTA

W/O LATE SACHIN DUTTA, R/O RAIDANG KAMARGAON,
.O.MURMURIA,P.S. JORHAT, DIST. JORHAT,ASSAM PIN-785704

2: SHRI MANASH JYOTI DUTTA

S/O LATE SACHIN DUTTA
R/O RAIDANG KAMARGAON
.O.MURMURIA
P.S. JORHAT
DIST. JORHAT
ASSAM PIN-785704

3: SHRI HIMANSHU DUTTA
S/O LATE SACHIN DUTTA
R/O RAIDANG KAMARGAON
.O.MURMURIA
P.S. JORHAT
DIST. JORHAT
ASSAM PIN-78570

VERSUS

THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY, MINISTRY OF COMMERCE AND
INDUSTRY, UDYAG BHAWAN, NEW DELHI-110107

2:TEA RESEARCH ASSOCIATION

HAVING ITS REGISTERED OFFICE AT 113 PARK STREET
9TH FLOOR

KOLKATA- 700016.

3:THE DIRECTOR

TEA RESEARCH ASSOCIATION
TOCKLAI TEA RESEARCH INSTITUTE
CINNAMARA
JORHAT-785008.

4:THE ADMINISTRATIVE CONTROLLER

TEA RESEARCH ASSOCIATION
TOCKLAI TEA RESEARCH INSTITUTE
CINNAMARA
JORHAT-78500

Advocate for the Petitioner : MR. K R BORA, R GOGOI,MR. D K BORAH,MR D CHUTIA

Advocate for the Respondent : DY.S.G.I., MRS. P BARMAN (BORKAKOTI)(R-2,3),MS S
CHANGKAKOTI(R-2,3),MR. A NARZARI (R-2,3)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

31.03.2026

Heard Mr. K. R. Bora, learned counsel for the applicants. Also heard Ms. P. Barman, learned counsel for the respondents Nos. 2, 3, 4; Ms. S. Baruah, learned CGC for the respondent No.1.

2. The husband of applicant No.1 and father of applicants Nos. 2 and 3 was serving under the respondent No.3. He was terminated from service by the authorities but subsequently reinstated in service on 13.09.2024. However, his back wages and seniority w.e.f. 17.10.2014 till the date of joining was not granted by the respondent authorities. Being aggrieved he filed a writ petition being WP(C) No. 2523 of 2025 and the same is pending for disposal before this

Court.

3. The petitioner expired on 29.10.2025. However, the learned counsel representing the petitioner/applicant was not informed about the death of late Sachin @Sochin Dutta being the writ petitioner.

4. It is the submission of the learned counsel for the applicants that the legal heirs who reside in a remote village in the district of Jorhat was unable to contact the counsel as his contact details were not known to them. They were also not well versed with the procedure prescribed for substituting legal heirs as laid down in law.

5. It is only upon the learned counsel for the applicant making enquiries with regard to some instructions which he felt necessary in respect of the pending writ petition that he came to be informed on 06.03.2026 about the demise of the writ petitioner namely late Sachin @Sochin Dutta had expired on 29.10.2025. Immediately thereafter, this interlocutory application has been filed.

4. The learned counsel for the applicants therefore, submits that considering the hardship faced by the applicants, more particularly the applicant No.1 and that the claims made by the late petitioner if allowed will have the effect of enhancing the retiral benefits which are received or to be received by the applicant No.1, the prayer for condonation of delay and substitution of the applicants be considered and necessary orders be passed.

5. Ms. P. Barman, learned counsel for respondents Nos. 2, 3 and 4 and Ms. S.

Baruah, learned CGC for respondent 1 do not object to the prayers made.

6. Upon considering the submissions made and upon perusal of the pleadings available before the Court, it is seen that the claims made by the writ petitioner late Sachin @Sochin Dutta are in respect of his back wages and seniority with effect from 17.10.2014 till the date of his joining which is 03.09.2024. In the event back wages are considered to be payable by the Court and required to be awarded by the respondents, then a substantial financial benefit will be conferred on the applicants, particularly applicant No.1. Therefore, the right to sue survives.

7. Under such circumstances, this Court accepts the submissions made by the learned counsel for the applicants and allows the application condoning the delay that has occurred, directing the substitution of the applicant No. 1 namely Smti. Bina Dutta, wife of deceased writ petitioner, applicant No.2 Shri. Manash Jyoti Dutta and the applicant No.3 Shri. Himanshu Dutta, both are the sons of deceased writ petitioner in place of the deceased writ petitioner.

7. This interlocutory application accordingly stands allowed and disposed of.

8. The learned counsel for the applicants will file the necessary amended cause title before the Registry.

JUDGE

Comparing Assistant