GAHC010090382021

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

Case No. : WP(C)/3045/2021

GILLAPUKRI TEA COMPANY LIMITED
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE COMPANIES ACT, 1956, HAVING ITS REGD. OFFICE AT 9, BRABOURNE ROAD, KOLKATA-700001, REP. BY ITS MANAGING DIRECTOR SRI SUMIT KANOI, S/O. LT. DEOKI NANDAN KANOI, R/O. GILLAPUKRI TEA ESTATE, P.O., P.S. AND DIST. TINSUKIA, ASSAM, PIN-786125.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, LABOUR AND EMPLOYMENT DEPTT., DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECY.

LEGISLATIVE DEPTT.
GOVT. OF ASSAM
DISPUR
GUWAHATI-781006.

3:THE SECRETARY

LABOUR WELFARE DEPTT.
LABOUR (RC) BRANCH
GOVT. OF ASSAM
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

4:THE ADDL. CHIEF SECRETARY

LABOUR WELFARE DEPTT.

LABOUR (RC) BRANCH
GOVT. OF ASSAM
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

5:THE LABOUR COMMISSIONER

ASSAM
GOPINATH NAGAR
GUWAHATI
DIST. KAMRUP (M)
ASSAM
PIN-781016.

6:THE GRATUITY COMMISSIONER

ASSAM TEA EMPOLYEES PROVIDENT FUND ORGANIZATION
NIDHI BHAWAN
LALMATI
NH-37
GUWAHATI-781029.

7:THE CONTROLLING AUTHORITY

ASSAM TEA EMPOLYEES PROVIDENT FUND ORGANIZATION
NIDHI BHAWAN
LALMATI
NH-37
GUWAHATI-781029.

8:THE ASSTT. PF COMMISSIONER

TINSUKIA ZONAL OFFICE
DIST. TINSUKIA
ASSAM.

9:THE UNION OF INDIA

REP. BY ITS CHIEF LABOUR COMMISSIONER (CENTRAL)
4TH FLOOR
JEEVAN DEEP BUILDING
PARLIAMENT STREET
NEW DELHI-110001

Advocate for the Petitioner : MR. B. DUTTA

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/2066/2019

KRISHNABEHARI TEA COMPANY LTD. AND 3 ORS.
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE COMPANIES ACT
1956
HAVING ITS REGISTERED OFFICE AT 5
PANNALALL BANERJEE LANE
8TH FLOOR
KOLKATA-700001 REP. BY ITS DIRECTOR
NAMELY SRI PREM RATAN LAHOTY
S/O OF LT. BIHARI LALL LAHOTY
14/2A
BURDWAN ROAD
ALIPORE
KOLKATA-700027
WEST BENGAL.

2: BIHUBARI TEA COMPANY PVT. LTD
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE COMPANIES ACT
1956
HAVING ITS REGISTERED OFFICE AT P.O. NAZIRA
DIST. SIVASAGAR
ASSAM
PIN.-785685
REP. BY ITS DIRECTOR
NAMELY
SRI SANTOSH KUMAR AGARWAL
S/O LT. PARSHURAM AGARWALLA
R/O 76-A
JATINDRA MOHAN AVENUE
KOLKATA-700005
WEST BENGAL.

3: GANGABARI TEA COMPANY PVT. LTD.
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE COMPANIES ACT
1956
HAVING ITS REGISTERED OFFICE AT BISHMILE
P.O. CHABUA
DIST. DIBRUGARH-786184
ASSAM

REP. BY ITS DIRECTOR
NAMELY
SRI VIKASH AGARWAL
S/O SHRI RADHEMOHAN AGARWAL
R/O MAKUM ROAD
P.O. TINSUKIA
DIST. TINSUKIA
PIN-786125
ASSAM

4: RIVER VALLEY TEA COMPANY PVT. LTD.
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE COMPANIES ACT
1956
HAVING ITS REGISTERED OFFICE AT THANA ROAD
P.O AND DIST. TINSUKIA
ASSAM
PIN-786125
REP. BY ITS DIRECTOR
NAMELY SRI MAHENDRA KUMAR AGARWALLA
S/O LT. PARSHURAM AGARWALLA
R/O BISHMILE
P.O. CHABUA
DIST. DIBRUGARH-786184
ASSAM
VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
LABOUR AND EMPLOYMENT DEPTT. DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
LEGISLATIVE DEPTT. GOVT OF ASSAM
DISPUR
GUWAHATI-781006
3:THE SECRETARY
LABOUR WELFARE DEPTT. LABOUR (RC) BRANCH
GOVT. OF ASSAM
JANATA BHAWAN
DISPUR
GUWAHATI-781006
4:THE ADDITIONAL CHIEF SECRETARY
LABOUR WELFARE DEPTT. LABOUR (RC) BRANCH
GOVT. OF ASSAM
JANATA BHAWAN
DISPUR
GUWAHATI-781006

5:THE LABOUR COMMISSIONER
ASSAM
GOPINATH NAGAR
GUWAHATI
DIST.-KAMRUP (M)
ASSAM
PIN-781016
6:THE SECRETARY CUM PF COMMISSIONER
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANIZATION
NIDHI BHAWAN
LALMATI
NH-37
GUWAHATI-781029
7:THE UNION OF INDIA
REP. BY ITS CHIEF LABOUR COMMISSIONER (CENTRAL)
4TH FLOOR
JEEVAN DEEP BUILDING
PARLIAMENT
STREET
NEW DELHI-110001

Advocate for : MR N DUTTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 6 ORS.

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA

HON'BLE MR. JUSTICE ROBIN PHUKAN

21-06-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

Heard Mr. B. Dutta, learned counsel for the petitioners. Also heard Mr. D Saikia, learned Advocate General, Assam, appearing for the respondent Nos.1 to 5 and Mr. N.C. Das, learned senior counsel, appearing for the respondent Nos.6 to 8.

Mr. D Saikia, learned Advocate General, Assam has apprised this Court

that the writ petitioner in WP(C) 3045/2021 will have to amend the writ petition as the provisions of the Assam Gratuity Act, 1992 were substantially amended in the year 2017.

Let the amendment be brought on record and the writ petition as well as the prayer be suitably amended for which the matters are adjourned for three weeks.

List on **15.07.2021.**

JUDGE **CHIEF JUSTICE**

Comparing Assistant