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

For the petitioners : Mr. B. Dutta, Sr. Advocate
Assisted by Mr. S. Deka, Advocate

For the respondents : Mr. D. Saikia, A.G., Assam
Assisted by Ms. R. Barua, Advocate

Mr. N.C. Das, Sr. Advocate
for respondent No.6
(through video-conferencing)

Mr. K. Gogoi, C.G.C.
for respondent No.9

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE KARDAK ETE

23-07-2024

(Vijay Bishnoi, C.J.)

Heard learned counsel appearing for the parties.

List these matters for further hearing on **13.08.2024.**

JUDGE **CHIEF JUSTICE**

Comparing Assistant