

GAHC010127402019



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

**Case No. : WP(C)/4125/2019**

LUXMI TEA COMPANY PVT. LTD. AND ANR.  
HAVING ITS REGD. OFFICE AT KISHORE BHAVAN, 17 R.N.MUKHERJEE  
ROAD, KOLKATA- 700001, (REP. BY ITS MANAGING DIRECTOR)

2: SENIOR MANAGER  
LEPETKATTA TEA ESTATE  
DIBRUGARH  
ASSA

VERSUS

THE STATE OF ASSAM AND ANR.  
REP. BY THE SECY. TO THE GOVT. OF ASSAM, LABOUR AND  
EMPLOYMENT DEPTT., DISPUR, GHY-6

2:ASSAM CHAHKARMACHARI SANGHA  
DIBRUGARH CIRCLE  
DIBRUGARH  
ASSAM (REP. BY ITS CIRCLE SECY.

**For the Applicant(s) : Mr. S. Chakraborty, Advocate**

For the Respondent(s) : Mrs. A. Bhattacharjee, Advocate

BEFORE  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**  
ORDER

05.05.2026

Heard Mr. S. Chakraborty, the learned counsel appearing on behalf of the Petitioners and Mrs. S. Bhattacharjee, the learned counsel who appears on behalf of the Respondent No.2.

2. The present writ proceedings has been filed challenging the Award dated 18.06.2018 passed in Reference Case No.3/2017 whereby the learned Labour Court, Assam at Dibrugarh had disposed of the Reference by holding *inter alia* that the issue is partly decided in favour of the Union and partly against the Management.

3. The record reveals that a Notification was issued by the Government of Assam under Section 10 of the Industrial Disputes Act, 1947 dated 18.03.2017 by making the following reference:-

*“(i) Whether the Management of Lepetkata Tea Estate is justified in denying the employment facility to sons/daughters of retired staff employees, which has been the long standing existing benefit, by unilaterally raising the level of Educational Qualification of the candidates.”*

4. This Court has duly perused the Award dated 18.06.2018 and it shocks and surprises this Court to take note of that the learned

Labour Court, after recording the pleadings, the evidence adduced by the parties as well as the arguments up to paragraph No.36 of the Award passed the following observations at paragraph Nos.37 & 38 which is reproduced herein under:-

*“37. I have carefully sifted the evidence on record and considering the submission of the Id. representatives of both sides, keeping view of all the facts and circumstances of the case, I am of the opinion that the management policy can be changed from time to time but there should be consensus between the management and the union. Accordingly the issue No.1 is partly decided in favour of the union and partly against the management.*

*38. Accordingly the award is given finally on this the 18<sup>th</sup> day of June, 2018.*

*Let the award be sent to the Govt. of Assam for doing the needful.*

*Given under my hand and seal of this court on this the 18<sup>th</sup> day of June, 2018.”*

5. The manner in which the learned Labour Court, Dibrugarh has decided the said Reference is not only perfunctory, but also goes against the well settled principles in as much as it does not contain any reasons or even a decision. It was the obligation cast upon the learned Labour Court to answer the Reference made by the Government vide the Notification dated 18.03.2017 and not to dispose of the Reference in the manner in which it was done.

6. Consequently, it is the opinion of this Court that the impugned Award is required to be set aside and appropriate directions be issued to the learned Labour Court, Dibrugarh to decide Reference Case No.3/2017 on the basis of the evidence by giving due reasons and answering the Reference.
7. Accordingly, the instant writ petition stands disposed of with the following observations and directions:
  - (i) The impugned Award dated 18.06.2018 passed in Reference Case No.3/2017 is set aside and quashed.
  - (ii) The learned Labour Court, Dibrugarh is directed to decide the Reference by answering the terms of Reference as notified in the Notification dated 18.03.2017.
  - (iii) It has been submitted at the Bar by the learned counsels appearing on behalf of the parties that there would be no necessity of adducing any further evidence. It is the opinion of this Court that there would however be a necessity for making arguments so that the learned Labour Court could decide the Reference. The parties herein are directed to appear before the learned Labour Court, Dibrugarh on 27.06.2026.
  - (iv) The learned Labour Court, Dibrugarh shall upon appearance of the parties, fix a date for hearing of

arguments in the Reference proceedings and thereupon decide the Reference as directed above within a period preferably within three months, from the date of appearance of the parties.

**JUDGE**

**Comparing Assistant**