

GAHC010200682017



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

**Case No. : WP(C)/5232/2017**

BIREN CHANDRA BARUAH  
S/O- LATE GOBIN CHANDRA BARUAH, R/O- BARUAGAON, P.O- BARUA  
BAMMUN GAON, DIST- GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM and 5 ORS.  
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM, DISPUR,  
GUWAHATI

2:THE PRINCIPAL SECRETARY  
TO THE GOVT OF ASSAM  
CO-OPERATION DEPARTMENT  
DISPUR  
GUWAHATI

3:THE PRINCIPAL SECRETARY  
TO THE GOVT OF ASSAM  
PUBLIC ENTERPRISES DEPARTMENT  
DISPUR  
GUWAHATI

4:THE COMMISSIONER AND SECRETARY  
TO THE GOVT OF ASSAM  
FINANCE DEPARTMENT  
DISPUR  
GUWAHATI

5:THE REGISTRAR  
OF CO-OPERATIVE SOCIETIES  
ASSAM  
GOVT OF ASSAM

GUWAHATI

6:THE MANAGING DIRECTOR  
ASSAM CO-OPERATIVE SUGAR MILLS LTD.  
BARUABAMUN GAON  
C/O- OFFICE OF THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES  
GOLAGHAT  
DIST- GOLAGHAT  
ASSA

**Advocate for the Petitioner** : MS.H DAS

**Advocate for the Respondent** : GA, ASSAM

Linked Case : WP(C)/4243/2017

NAREN BORA and 141 ORS.  
S/O. LT. BOGAI BORA  
R/O. DAKHIN BONGALGAON  
P.O. BONGALGAON  
DIST. GOLAGHAT  
ASSAM.

VERSUS

THE STATE OF ASSAM and 4 ORS.  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
CO-OPERATION DEPTT.  
DISPUR  
GUWAHATI-6

2:THE COMM. and SECY. TO THE GOVT. OF ASSAM

FINANCE DEPTT.  
DISPUR  
GUWAHATI-6.

3:THE REGISTRAR OF CO-OPERATIVE SOCIETY  
ASSAM  
GOVT. OF ASSAM  
GUWAHATI.

4:THE OFFICIAL LIQUIDATOR  
ASSAM CO-OPERATIVE SUGAR MILL LTD.

BARUA BAMUN GAON  
P.O. DERGAON  
DIST. GOLAGHAT  
PIN-785614.  
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Advocate for : MR.D MAHANTA  
Advocate for : appearing for THE STATE OF ASSAM and 4 ORS.

**BEFORE**  
**HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

**O R D E R**

**02.12.2022**

Heard Mr. TJ Mahanta, learned senior counsel for the writ petitioner in WP(C) No. 4243/2017 as well as Mr. UK Nair, learned senior counsel for the writ petitioner in WP(C) No. 5232/2017.

The petitioners were erstwhile employees of the Assam Co-operative Sugar Mills Ltd, Barua Bamun Gaon in the district of Golaghat. When the Assam Co-operative Sugar Mills Ltd was processed for liquidation, the liquidator examined the individual workers as to their entitlement which was also a requirement of the order dated 23.11.2015 in WP(C) No. 1930/2008. Although a number of writ petitioners have filed this common writ petition on a common cause of action, we have examined the order dated 22.09.2016 in respect of the writ petitioner Nalin Phukan. The writ petitioner Nalin Phukan was held to be a casual worker on a daily wage basis. Accordingly, the claim for wages was allowed up to May 1996 by declining the wages for the further period from May 1996 to March, 2010. The reason provided is that for the said period, the Assam Co-operative Sugar Mills Ltd was not functioning and therefore, the petitioner being a casual worker on a daily wage basis, did not work and hence disentitled.

Mr. G Bordoloi, learned counsel for the Co-operation Department seeks for an adjournment to examine the aspect as to the conflicting stand in the order of the liquidator that on one hand the Assam Co-operative Sugar Mills Ltd was not functioning from May 1996 to March, 2010 and on the other hand, the stand that the petitioner did not work.

If the Assam Co-operative Sugar Mill was not functioning, where would be the occasion for the petitioner to work other than making himself available for the work.

List the matter again on 12.12.2022.

**JUDGE**

**Comparing Assistant**