

GAHC010147952019



2026:GAU-AS:6204

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

Case No. : WP(C)/4545/2019

ON THE DEATH OF SRI RANJIT DAS HIS LEGAL HEIRS, SHRI RANA ASHIM DAS,
S/O. LT. KRISHNA CHARAN DAS, R/O. ULLASKAR DUTTA SARONI, JAIL ROAD, SILCHAR, DIST. CACHAR, ASSAM.

2: SHRI RANA BISWAJIT DAS
S/O LATE RANJIT DAS
R/O ULLASKAR DUTTA SARONI
JAIL ROAD
SILCHAR
DIST.- CACHAR
ASSAM.

3: SMTI. MONIDEEPA DAS DEB
W/O. SHRI SUBHAS DEB
R/O AMBICAPATTY
SILCHAR
DIST.- CACHAR
ASSAM

VERSUS

DOLOO TEA CO. (INDIA) LTD. AND 2 ORS.
ADMINISTRATIVE OFFICE AT 21 R.N. MUKHERJEE ROAD, KOLKATA-700001 AND OWNER OF DALOO TEA ESTATE, P.O. DALOO, P.S. BORKHOLA DIST. CACHAR, ASSAM, PIN-788111, REP. BY DEPUTY GENERAL MANAGER.

2:THE SENIOR MANAGER

DOLOO TEA ESTATE
P.O. DALU
DIST. CACHAR.

3:LABOUR COMMISSIONER ASSAM CUM APPELLATE AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT
1972
GUWAHATI-16

For the Applicant(s) : Mr. A. Dey, Advocate

For the Respondent(s) : Mr. R. Paul, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

06.05.2026

Heard Mr. A. Dey, the learned counsel appearing on behalf of the Petitioner and Mr. R. Paul, the learned counsel appearing on behalf of the Respondent Nos.1 & 2.

2. The present writ petition assails the order dated 25.03.2019 whereby the Labour Commissioner-cum-Appellate Authority under the Payment of Gratuity Act, 1972 had remanded the matter back to the Assistant Labour Commissioner-cum-Controlling Authority with a direction to decide the proceedings afresh. The Appellate Authority in the impugned order opined that the decision which was made by the Controlling Authority dated 20.08.2014 was without properly hearing the Appellant therein who is the Respondent in the instant proceedings.

3. This Court further takes note of that being aggrieved, the

present writ proceedings have been filed and vide an order dated 28.06.2019, the impugned order dated 25.03.2019 has been stayed. The records in the meantime have also been called for.

4. It is of importance to take note of that for the last seven years, the impugned order continues to be in operation in view of the interim orders passed by this Court.

5. The learned counsel appearing on behalf of the Petitioner today seeks for an adjournment as his senior is not present. This Court has duly considered the prayer, but it is the opinion of this Court that it would not be in the interest of justice to adjourn the writ petition today.

6. A perusal of the records reveal that on 20.08.2014, the Controlling Authority without hearing the Respondent in the present proceedings passed an order and that too without assigning any reason as to why the Controlling Authority found the claim of the Petitioner herein to be genuine. The said order was passed ex-parte as would be apparent from a perusal of the order dated 20.08.2014.

7. This Court also finds it pertinent to take note of the impugned order dated 25.03.2019 whereby the Appellate Authority, upon perusal of the records, found that the Appellant therein who is the Respondent herein was not heard by the

Controlling Authority before passing the order dated 20.08.2014, and therefore, directed the Controlling Authority to decide afresh by giving opportunity of hearing to both the parties.

8. The Petitioner thereupon approached this Court challenging the order dated 25.03.2019 by invoking the certiorari jurisdiction of this Court. The Supreme Court, in the case of **Central Council for Research in Ayurvedic Sciences and Another vs. Bikartan Das and Others**, reported in (2023) SCC OnLine SC 996 has categorically observed at paragraph Nos.50 & 51 as to when a writ in the nature of certiorari is required to be issued. It is the opinion of this Court and more particularly taking into account the observations made by the Supreme Court in the case of **Bikartan Das and Others** (supra), this is not a fit case for the exercise of the certiorari jurisdiction in as much as the perusal of the records called for as well as the impugned order do not show that there is any perversity in the order of the Appellate Authority. Further to that, the order of the Appellate Authority is in consonance with the settled principle of law. Additionally, this Court also finds it relevant to observe that the gratuity issue has been pending since more than a decade. It requires a resolution at the earliest, and therefore, this Court is not inclined to exercise the writ jurisdiction.

9. Accordingly, this Court therefore does not find any ground to

interfere with the order dated 25.03.2019 for which the writ petition stands dismissed.

10. The interim order passed earlier stands vacated.

11. Taking into account that the parties are duly represented, they are directed to appear before the Controlling Authority on 22.06.2026. The Controlling Authority shall upon appearance of the parties, dispose the proceedings expeditiously by providing opportunity to both the parties.

12. The Registry is directed to return the LCR to the Controlling Authority thereby ensuring that the records are available before the Controlling Authority on the date so fixed hereinabove. If necessary, the Registry shall employ the services of a Special Messenger.

JUDGE

Comparing Assistant