

GAHC010236942015



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

Case No. : WP(C)/2886/2015

PRADIP CHANDRA BORA and 137 ORS
S/O BHOG RAM BORA, R/O NATUNGAON, P.O. and PS. JAGIROAD, DIST-
MORIGAON, ASSAM, PIN-782410

VERSUS

THE STATE OF ASSAM and 2 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, INDUSTRIES
AND COMMERCE DEPTT., DISPUR, GHY-6

2:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
PUBLIC ENTERPRISE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE ASSAM POLYTEX LIMITED

REPRESENTED BY ITS MANAGING DIRECTOR
JAGIROAD
ASSAM

Advocate for the Petitioner : MS.B DAS

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

27.04.2023

Heard Mr. A. Dasgupta, learned senior counsel assisted by Ms. B. Das, learned counsel appearing for the petitioners. Also heard Mr. A. Kalita, learned Standing Counsel, Industries Department, Assam appearing for the respondents.

The basic prayer made in the writ petition pertains to the claim for payment of retrenchment compensation. According to Mr. Dasgupta, it is the State of Assam, which would be liable to pay the amount to the petitioners, whereas Mr. Kalita submits that the ownership of industrial unit has been transferred to M/S Assam Yearn Supplier, a registered partnership firm having its registered office at Jaihind Building No.1, 2nd Floor, Room No.3, Buleswar, Bombay-400002 and therefore, the said firm is a necessary party to this proceeding. Mr. Kalita has, however, informed this Court on instructions that the total amount involved in the matter would be around 35 lakhs.

After hearing the arguments of learned counsel for both the sides, this Court is of the opinion that the aforesaid partnership firm is required to be impleaded in this proceeding as a respondent.

As such, it is ordered that "M/S Assam Yearn Supplier, a registered partnership firm having its registered office at Jaihind Building No.1, 2nd Floor, Room No.3, Buleswar, Bombay-400002" through its managing partner be impleaded as respondent No.5 in the connected writ petition.

Registry to carry out necessary endorsement in the cause title of the writ petition.

Notice be issued to the newly impleaded respondent No.5 making it returnable

within four weeks.

Petitioners to take by registered post with A/D within a week from today.

JUDGE

Comparing Assistant