

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
HON'BLE MR. JUSTICE DEVASHIS BARUAH

02.01.2023

Heard Mr. A. Dasgupta, the learned senior counsel assisted by Ms. B. Das, the learned counsel for the petitioners. Also heard Mr. A. Kalita, the learned Standing Counsel, Industries & Commerce Department and Mr. P. Nayak, the learned Standing Counsel, Finance Department for the respondent No.4.

It appears from the record that on 11.07.2018, this Court directed the Public Enterprise Department to file a detail affidavit as regards whether on facts the respondent Assam Polytex Ltd. was actually handed over to a private entrepreneur and whether the private entrepreneur had accepted such handing over. It was also directed that the stand of the respondent authorities as to what they intend to do with the petitioners, who are the employees of the Assam Polytex Ltd. shall also be stated in detail. There was a direction for filing of the affidavit within two weeks therefrom.

Further to that, the Finance Department was also directed to file an affidavit making their stand clear. On that very day, Mr. R. Borpujari accepted notice on behalf of the Finance Department. Further, in the order dated 11.07.2018, there was an observation that the appropriate authority in the Government of Assam would also take a final decision as regards the claim of the employee of the Assam Polytex Ltd. and submit in detail before the Court any such decision that may be taken.

It appears from the record that pursuant to the said order dated

11.07.2018, none of the respondents had cared to file any affidavit as directed by this Court.

Today, when the matter has been taken up, the learned Standing Counsel appearing on behalf of the Industries & Commerce Department as well as the learned Standing Counsel, Finance Department submitted that they have no instructions in the matter pursuant to the order passed on 11.07.2018.

Be that as it may, it is also relevant to take note of that on 31.07.2015, the respondent No.2 had filed an affidavit. In paragraph No.6 of the said affidavit it has been mentioned as follows:

“The petitioner’s company, namely, Assam Polytex Ltd. may have been reported in-operative for a long period but the said company has not been declared as closed by the State Government. On the other hand, the same company was privatized for the purpose of revival and the Respondent Nos.1 and 3 are the competent authorities to furnish details thereon.”

In view of that specific stand taken by the respondent No.2 in the affidavit, this Court directed vide the order dated 11.07.2018 as detailed herein above.

Taking into account that the matter pertains to the year 2015 and the petitioners who happened to be either the employees or the widows of the employees, have not got a single penny since 2001, this Court grants a final opportunity to both the Industries & Commerce Department as well as the Finance Department to make their stand clear in terms of the order dated 11.07.2018 and further to apprise this Court as to whether the mill in question has been closed down or is operational through the private entity.

Let the matter be listed on **04.01.2023**.

The Registry is directed to indicate the name of Mr. P. Nayak as the Standing Counsel, Finance Department in the cause list.

JUDGE

Comparing Assistant