

GAHC010256062024



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

Case No. : WP(C)/6498/2024

ISHED PEDRU DESOUZA
S/O- LATE PEDRU FRANCIS DESOUZA,
PRESENTLY C/O- MR. ABRIEL HIYAL (HEAD TEA HOUSE),
TARAJULI TEA ESTATE,
P.O.- RANGAPARA,
DIST.- SONITPUR, ASSAM- 784505.

VERSUS

STATE OF ASSAM AND 4 ORS
THROUGH THE COMMISSIONER AND SECRETARY,
LABOUR DEPARTMENT, DISPUR, GUWAHATI-06.

2:ASSISTANT LABOUR COMMISSIONER

SHRAM BHAWAN
ULUBARI
GUWAHATI

DIST.- KAMRUP- 781007.

3:ASSISTANT LABOUR COMMISSIONER
SONITPUR
TEZPUR
ASSAM- 784001.

4:THE DISTRICT COMMISSIONER
SONITPUR
TEZPUR
ASSAM- 784001.

5:THE MANAGEMENT OF DURRANG TEA ESTATE LTD.

P.O.- BINDUKURI
SONITPUR
ASSAM- 784502

For the petitioner (s) : Mr. A. Ganguly, Advocate

For the respondent (s) : Ms. U. Das, Addl. Sr. Govt. Advocate
Ms. M. Das, Advocate

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

29.10.2025

Heard Mr. A. Ganguly, the learned counsel appearing on behalf of the petitioner. Ms. U. Das, the learned Additional Senior Government Advocate appears on behalf of the respondent Nos.1 to 4 and Ms. M. Das, the learned counsel appears on behalf of respondent No.5.

2. The issue involved in the present proceedings pertains to enforcement of the award in terms with Section 33C of the Industrial Disputes Act, 1947 (for short, 'the Act of 1947'). A perusal of the records reveals that pursuant to the industrial dispute having arisen, the appropriate Government, i.e. the Government of Assam had issued a notification dated 23.03.2000 making a reference to the learned Labour Court. Pursuant thereto, a Reference Case being Reference Case No.1/2001 was

registered before the learned Labour Court, Guwahati.

3. The record further reveals that vide an award dated 27.04.2009, the learned Labour Court held that the Management was justified in terminating the services of the workman at the expiry of the probation period and also in that premises, the workman was entitled neither to reinstatement nor back wages and other benefits.

4. The petitioner thereupon challenged the said award dated 27.04.2009 by filing a writ petition before this Court which was registered and numbered as WP(C) No.5165/2009 and this Court vide the judgment and order dated 10.11.2017 had set aside the award dated 27.04.2009 in Reference Case No.1/2001 and directed the learned Labour Court to adjudicate the matter afresh by retaining the evidence already adduced and if necessary by allowing the parties to adduce further evidence.

5. Pursuant thereto, the learned Labour Court passed another award on 22.05.2018 whereby it was held that the question of reinstatement of the petitioner did not arise on account of the overage but the petitioner was entitled to full back wages from the date of termination till his employment in Behali Tea Estate in the year 2001 as Pharmacist. The Management, i.e. the respondent No.5 was directed to pay full back wages to the

workman from the date of termination to his appointment in Behali Tea Estate as Pharmacist.

6. The records further reveal that taking into account that there was a requirement for a quantification of the amounts, the petitioner filed an application in terms with Section 33C(2) of the Act of 1947 seeking appropriate quantification. On the basis thereof, a case was registered before the learned Labour Court of Assam being Reference Case No.1/2019. The respondent No.5 duly participated in the said proceedings by filing the written statement. Subsequent thereto, an award was passed on 20.09.2022 by the learned Labour Court holding inter-alia that the petitioner herein was entitled to an amount of Rs.6,42,809.26p along with interest at the rate of 9% on the said amount from 02.05.2018 till realization. The said award was passed in terms with Section 33C(2) of the Act of 1947 and thereupon forwarded to the appropriate Government in terms with Section 33C(2) of the Act of 1947 by the learned Labour Court. However, there was no action taken by the appropriate Government in terms with Section 33C(4) of the Act of 1947, and it is under such circumstances, the petitioner is before this Court.

7. Though notice had been issued in the instant matter as far back as on 06.12.2024, there is no instruction placed before this Court as to why the appropriate Government till now has not

taken any action to proceed in terms with Section 33C(4) read with Section 33C(1) of the Act of 1947 thereby directing the Collector to recover the said amount from the respondent No.5 as arrears of land revenue.

8. Ms. U. Das, the learned Additional Senior Government Advocate submits that she requires two weeks time to obtain the necessary instructions.

9. Taking into account that the petitioner has been fighting for his dues since 2001, this Court directs the State respondents to apprise this Court on 14.11.2025 as to what steps have been taken in terms with the aforementioned provisions.

10. List accordingly.

JUDGE

Comparing Assistant