

GAHC010261812023



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

Case No. : WP(C)/2613/2024

M/S MIDMARK INDIA PVT LTD
HAVING ITS OFFICE AT FOF, B-16, B WING, 4TH FLOOR, ART GUILD
HOUSE, PHOENIX MARKET CITY, LBS MARG, KURLA (WEST) MUMBAI-
400070, REPRESENTED BY ITS MANAGING DIRECTOR, SRI SUMEET
AGGARWAL, SON OF SHARWAN KUMAR AGARWAL, AGED ABOUT 45
YEARS, C/O M/S MIDMARK INDIA PVT LTD.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, LABOUR
WELFARE DEPARTMENT, DISPUR, GUWAHATI-6

2:THE LABOUR COMMISSIONER
ASSAM
GOPINATH NAGAR
GUWAHATI-16

3:THE DEPUTY COMMISSIONER
KAMRUP (M)
HENGRABARI
GUWAHATI-36

4:SHRI DEBOBRATA BOSE
SON OF LATE SUDHINDRA BOSE
R/O- 103 (F)
KAZIRANGA APARTMENT HOUSING SOCIETY
ANANDA NAGAR
LANE 4 PANDU PORT
ADABARI TINIALI
GUWAHATI- 78101

Advocate for the Petitioner : MR. P K GARODIA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

22.05.2024

Heard Mr. R. Dubei, learned counsel for the petitioner who submits that by filing this writ petition, the petitioner has challenged the Judgment & Award dated 28.02.2023 passed by the Presiding Officer, Labour Court of Assam, Kamrup (M) at Guwahati in Reference Case No. 13/2017, by which the respondent No. 4 was entitled to reinstatement in service with full back wages and other benefits along with litigation cost of Rs. 10,000/-. The learned counsel submits that grounds for challenging the Judgment & Award amongst others is that since the company under which the workman was working having been defunct and not having its establishment or office in the Northeast, the reference could not have been made by the State Government.

In view of above, issue notice of motion returnable by four (4) weeks. Mr. S.R. Baruah, learned State Counsel for the respondent Nos. 1, 2 & 3. Petitioner to take steps for service of notice upon the respondent No. 4 by registered post with A/D due within three (3) days. Petitioner shall also furnish requisite extra copy of the writ petition to Mr. S.R. Baruah within two (2) day. Call for the LCR

as well.

List the matter after four (4) weeks. The interim prayer will be considered on the next returnable date.

JUDGE

Dika

JUDGE

Comparing Assistant