



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 457 দিশপুৰ, শুক্ৰবাৰ, 21 আগষ্ট, 2026, 30 শাওণ, 1948 (শক)

No. 457 Dispur, Friday, 21st August, 2026, 30th Sravana, 1948 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LABOUR WELFARE DEPARTMENT

NOTIFICATION

The 19th August, 2026

ECF No. 833242/12.- Whereas dispute between the Management of Contractor Firms, M/s RKP Manpower & M/s E Secure of CG, Food Pvt. Ltd. Damorughat, Chachar, Assam. VS Sri Anm Uddin Laskar & 2 Ors. was referred to the Presiding Officer, Labour Court, Guwahati constituted under the Industrial Dispute Act, 1947 for adjudication and whereas an Award has been given on the dispute by the said Labour Court vide Ref. Case No. 03/2016 Judgment dated 10.7.2026 as shown in the Annexure hereto.

Now, therefore, in exercise of the powers conferred by Section 17(1) of the Industrial Disputes Act, 1947 (Act. XIV of 1947) as amended, the Governor of Assam, is pleased to direct that the said Award to publish by notifying at the Office of the Labour Commissioner, Assam, Guwahati.

(A W A R D As in the Annexure)

ASHRAFUL AMIN,
Joint Secretary to the Government of Assam,
Labour Welfare Department.

IN THE LABOUR COURT OF ASSAM KAMRUP(M) AT GUWAHATI

Present: Sri Lohit Kumar Saikia, AJS
Presiding Officer
Labour Court, Guwahati.

Reference Case No. 03/2016**PARTIES:-**

The management of Contractor Firms,
M/S RKP Manpower & M/S E Secure of CG,
Food Pvt. Ltd Damorughat, Cachar, Assam.

..... **Management**

- Vs-

1. Sri Anam Uddin Laskar
2. Sri Ujjal Pandey
3. Shri Pradip Deb & Others workmen,
M/S RKP Manpower & M/S E Secure Pvt. Ltd.
Cachar, Assam.

..... **Workmen**

APPEARANCE

For the Workmen : Mr. K.M Haloi, Mr. T. Ali, Bhanita Choudhury

For the Management : None

Date of hearing/ argument :28-04-2026

Date on which judgment was reserved:28-04-2026

Date of Judgment : 10-07-2026

AWARD

The Government of Assam vide Notification No. GLR.141/2015/20 dated Dispur, the 16th May, 2016 referred an Industrial Dispute between the management of M/S SRKP, Manpower & M/S E Secure of CG Food Pvt. Ltd, Damorughat, Udharbond, Cachar and their five numbers of workmen to this Court for adjudication. The terms of reference as per government notification are as follows:

- (i) Whether the contractor's firm M/S E-Secure, Jhatkala, Silchar and M/S RKP, Manpower Damorughat, Udharbond, Cachar are justified to dismiss the service of five workman (1) Anam Uddin Laskar (2) Ujjal Pandey (3) Pradip Deb (4) Biswajit Sen and (5) Ghanashyam Kurmi.
- (ii) If not, whether the five workmen are entitled for re-instatement with full back wages or any other relief?

On receipt of the notification, this court registered the present reference case and notices were issued to both the parties calling upon them to file their written statements and documents, if any. In response to the notices issued by this Court the workmen side appeared and filed their written statement whereas the management did not appear or has filed any written statement to contest the suit.

This Court has passed award on 25.10.2016 08 and the said award was sent to the Govt of Assam for publication. However the Hon'ble Gauhati High Court in WP (C) No. 38/2018 has directed this Court to restore the case and take fresh adjudication of the case.

The facts of the case of the workmen, in a nutshell, may be stated as follows:-

The workmen above named are the permanent workers of C.G. Food Pvt. Ltd, Damurghat, Khashpur (Udharbond), Cachar, Assam and while working under the management of C.G. Food Pvt. Ltd. the workers submitted a letter dated 16.02.2015 before the A.G.M., C.G. Food Pvt. Ltd. for increasing their daily wages as per Notification No. ACL. 43/2004 dated 1st March, 2013 of the Office of Labour Commissioner, Assam along with the

copy of said Notification and also submitted letter dated 26.02.2015 before the contractor of C.G. Food Pvt. Ltd for increasing their daily wages as per direction of the said Notification.

That the management of C.G. Food Pvt. Ltd or their contractor failed to take any satisfactory amends on the petitions of the above named workmen, so the workmen submitted a petition before the Asst. Labour Commissioner, Silchar, Assam on 10.03.2015 for taking necessary actions in to the matter and on receipt of the said petition the Asst. Labour Commissioner, Silchar, Cachar, Assam issued Notice dated 10-03-15 vide o. LR. 10/98/566-568 to all the concerned party.

That the workmen above named also have filed petition dated 12.03.2015 before the Deputy Labour Commissioner on demand of their legitimate daily wages, so the Deputy Labour Commissioner, Assam, Guwahati-16 referred the matter to Asst. Labour Commissioner, Silchar, Assam Vide Letter No. L.R. 15/2014/2708-09 dated 13th March, 2015 for taking appropriate legal action.

That the Addl. Labour Commissioner, Assam, Guwahati-16 also issued Memo No. LR. 15/2014/2843-45 dated 18th March, 2015 to the Asst. Labour Commissioner, Silchar for taking up the matter.

That at the initiation of the Asst. Labour Commissioner, Cachar, Karimganj, Hailakandi and Dima Hasao on 19.03.2015 a discussion was held in the office premises of the Asst. Labour Commissioner wherein the representatives of the C.G. Foods Dipankar Das, Biswapur Dutta Roy for G.C. Man Power, Ritesh Srivastava for E-Secure, Raj Kumar Pandey for RKP Man Power and for the workmen union Ujjal Pandey, Annam Uddin Laskar, Biswajit Sen, Pradip Deb were present and the dispute was settled on mutual consensus and the union decided to withdraw their agitation w.e.f. 20.03.2015 with assurance of the restoration of Industrial peace and harmony and the representative of the management also welcome the decision of the Union and assured to provide the amenities as per

relevant provision of existing law. Which are mentioned in the minutes of decision held in the office of Asstt. Labour Commissioner, Cachar, Silchar on 19.03.2015 between the Management of C.G. Foods and the C.G. Foods United Labour Union, Dumarghat, Udharbond, Cachar, but in gross violation and dishonor to the said minutes of meeting dated 19.03.2015, the contractor of C.G. Foods Ltd. have issued letter of dismissal on a back date i.e. 18.03.2015 to (1) Ghanashayam Kurmi, (2) Anam Uddin Laskar, (3) Biswajit Sen, (4) Prodip Deb, (5) Ujjal Pandey which has caused irreparable loss to the answering workers so they preferred letter dated 21.03.2018 to Asstt. Labour Commissioner, Silchar for taking necessary action into the matter and Asstt. Labour Commissioner, Silchar- cum- Conciliation Officer, vide his letter No. LM.1/52/846-847, dated 24.03.2015 to No. 1. R.K.P. Manpower, Dumorghat, Ghungur Bond, P.O: Udharbond, Dist- Cachar, Assam and 2. E-Secure, Itkhola, Silchar to submit their written statement and thereafter vide Memo No. LM.1/52/1099-1100 dated 30-02-2015, the Asstt. Labour Commissioner-cum- Conciliation Officer, Cachar, Silchar have issued notice No. 1. R.K.P Manpower, Dumorghat, Ghunghur Bond, P.O: Udharbond, Dist: Cachar, Assam, and 2. E-Secure, Itkhola, Silchar directing them to maintain statuesque in respect of the service of the answering workmen.

That, by this time on 04.06.2016, the answering workman above named have received notice of this instant reference case from this Tribunal and begs to submit that the answering workmen are the permanent resident of District Cachar, Assam and there is office of Asstt. Labour Commissioner, Cachar at Silchar so this case is required to be transferred before the Asstt. Labour Commissioner, Cachar, Karimganj, Hailakandi and Dima Hasao at Silchar, otherwise it would be impossible in the part of the answering workmen to appear and contest the case before your Honour and the answering workmen shall be deprived from substantial justice.

That the above named workmen were permanent workers of C.G. Food Pvt. Ltd. and they were doing jobs of perennial in nature.

That the management of C.G. Food Pvt. Ltd. resorted to a camouflage and shown the present workmen as employee of contractors firms. This was not known to the workmen as they were engaged and their wages were paid by the management of C.G. Food Pvt. Ltd.

That the management did not provide minimum wages to the workmen as prescribed by the government from time to time. As such, the union of the workmen namely C.G. Food United Labour Union bearing Registration No. 2621 raised demand for payment of minimum wages to the workmen as per the government notification. But, the management was not paying any heed to such demand.

During the course of hearing, the workmen side has adduced evidence in affidavit of one witness namely Sri Anam Uddin Laskar and exhibited the following documents viz;

- i. Exhibit-1 is the Registration Certificate issued by the Registrar of Trade Union, Assam.
- ii. Exhibit-2 is the minutes of conciliation dated 19-03-2025.
- iii. Exhibit-3,4,5,6 and 7 are the termination letters.

I have heard argument advanced by learned counsels of the workmen sides. Learned counsel for the workmen during argument has submitted that the termination of the workmen was carried out without following the due procedure of law. It has been further submitted that there was no misconduct done on the part of the workmen and therefore the management is liable to reinstatement with workmen with full back wages. Perused the pleadings as well as oral and documentary evidence on record. I have also gone through the awards passed by my learned predecessors.

Decisions, discussions and reasons thereof:

ISSUE NO.-1

(1) Whether the contractor's firm M/S E-Secure, Jhatkala, Silchar and M/S RKP, Manpower Damorughat, Udharbond, Cachar are justified to dismiss the service of five workman (1) Anam Uddin Laskar (2) Ujjal Pandey (3) Pradip Deb (4) Biswajit Sen and (5) Ghanashyam Kurmi.

Now, for the fair decision of the preliminary issues and case in hand let us look into evidences adduced by both the parties.

Workmen Witness No.1, Sri Anam Uddin Laskar in his evidence in affidavit has reiterated the same facts as taken by the workmen in their written statement. He has stated that the management had shown the workmen as employee of contractor firms and this was not known to the workmen as they were engaged and their wages were paid by the management. It has been further submitted that the management did not pay any heed to the demand for minimum wages, workers union of C.G Food Pvt. As such the matter was sent for conciliation with utmost hope regarding payment of minimum wages as per government notification. But, to the utter shock and surprise, after the conciliation dated 19-03-2025, management issued termination letter to the present workmen namely Anam Uddin Laskar, Pradip Deb, Ujjal Pandey, Biswajit Sen and Ghanashyam Kurmi putting the date of terminatin on 18-03-2015.

At this juncture, to decide the above preliminary issue is pertinent to answer to the question which arises out of the circumstances is that Whether the contractor's firm M/S E-Secure, Jhatkala, Silchar and M/S RKP, Manpower Damorughat, Udharbond, Cachar are justified to dismiss the service of five workman (1) Anam Uddin Laskar (2) Ujjal Pandey (3) Pradip Deb (4) Biswajit Sen and (5) Ghanashyam Kurmi.

At the outset, let us plunge into the facts of the case which shows that The workmen above named were the permanent workers of C.G. Food Pvt. Ltd, Damurghat, Khashpur (Udharbond), Cachar, Assam and while working under the management of C.G. Food Pvt. Ltd. the workers submitted a letter dated 16.02.2015 before the A.G.M., C.G. Food Pvt. Ltd. for increasing their daily wages as per Notification No. ACL. 43/2004 dated 1st March, 2013 of the Office of Labour Commissioner, Assam along with the copy of said Notification and also submitted letter dated 26.02.2015 before the contractor of C.G. Food Pvt. Ltd for increasing their daily wages as per direction of the said Notification.

That the management of C.G. Food Pvt. Ltd. resorted to a camouflage and shown the present workmen as employee of contractors firms. This was not known to the workmen as they were engaged and their wages were paid by the management of C.G. Food Pvt. Ltd.

That the management did not provide minimum wages to the workmen as prescribed by the government from time to time. As such, the union of the workmen namely C.G. Food United Labour Union bearing Registration No. 2621 raised demand for payment of minimum wages to the workmen as per the government notification. But, the management was not paying any heed to such demand.

Now, on perusal of the exhibit-4,5 ,6 and 7 which are the termination notices it clearly shows that the management has terminated the workmen of this case from their employment without following any procedure established by law. Further, materials available on record reveals that management did not hold any domestic enquiry nor issued any charge sheet or show cause notices to the workmen which is a clear violation of principle of natural justice. It is pertinent to mention here that rules of a departmental proceeding which is reproduced as follows:

“A departmental enquiry for terminating an employee involves a structured, legally sound process, typically starting with the issuance of a formal charge sheet detailing misconduct. Key stages include serving the charges, conducting a fair investigation (hearing evidence/witnesses), submitting an enquiry report, and providing the employee with a final opportunity to explain before dismissal, adhering to principles of natural justice.

Steps in the Departmental Enquiry Process: .Initiation & Preliminary Inquiry:
A complaint is filed, and a preliminary investigation takes place to check for prima facie evidence of misconduct.

- **Issuance of Charge Sheet:** *A formal charge sheet or Show Cause Notice is served, detailing the specific allegations, along with a statement of allegations, and demanding a written explanation within a specified timeframe.*
- **Appointment of Enquiry Officer (EO):** *The disciplinary authority appoints an Enquiry Officer (and sometimes a Presenting Officer to present the management's case) to conduct the investigation.*
- **Conducting the Enquiry (Regular Hearing):**
- **Preliminary Hearing:** *The EO reads out the charges, records the employee's plea (admission or denial), and sets the timeline.*
- **Evidence Collection:** *Management presents witnesses and documents; the employee is given the opportunity to cross-examine management witnesses and produce their own defense evidence.*
- **Recording Proceedings:** *The entire process is documented, and the employee must be present for all proceedings.*

- **Enquiry Report:** *Upon closing the hearing, the EO prepares a report based on evidence, finding whether the charges are proven or not, and submits it to the disciplinary authority.*
- **Final Action (Termination/Punishment):** *The disciplinary authority reviews the report. If guilty, a final show-cause notice regarding the proposed punishment (termination) is given to the employee before the final dismissal order is passed.*

Failure to adhere to these procedural steps, particularly not providing a fair chance to be heard, can make the termination unlawful.”

That apart, the management also did not appear in this case to contest the suit and in absence of which the claims of the workmen remains unrebutted.

In the light of above circumstances, it can be presumed that the retrenchment of the services of the workmen were arbitrary in nature and not in accordance with the conditions of Industrial Dispute Act, 1947 which outlines the conditions that must be met before an employer can retrench (terminate) a workman. It essentially protects employees by requiring employers to follow a specific procedure and provide certain benefits before terminating their employment.

It is also very much relevant to recite the decisions of the Hon'ble Apex Court in **1994 Supp (3) Supreme Court Case 671** wherein it has been categorically stated that *once the termination is found illegal consequential order of grant of back wages must follow unless there are reasons justifying a departure from normal order. Back wages must be granted from the date of termination till reinstatement.*

Thus from the above proven facts, I find substance in the aforesaid discussions and held that the retrenchment of the workman is palpably illegal and against the mandate of act. For the reasons and discussions made above this issue is answered in the affirmative and in favour of the workman.

ISSUE NO.-2

If not, whether the five workmen are entitled for re-instatement with full back wages or any other relief?

In view of discussions made in Issue No.1, this issue is decided in favour of the workmen.

The workman are entitled to the following reliefs:-

1. Since, it has been already held that the workman has been illegally retrenched from their service, in result, Management is directed to pay full back wages from the date of their termination within two months from the date of passing of this award till realisation.
2. Management is also directed to release the dues of the workman including arrear, gratuity and earned leave within two months from the date of passing of this award along with all other post retirement benefits.
3. Management is directed to pay compensation amount of Rs. 1,50,000/- towards grant for illegal termination of the workman.

With this the case stands disposed of on contest.

A copy of the award be forwarded to the appropriate government for information and publication in the official gazette.

Given under my hand and seal on this 10th day of July 2026 at Guwahati.

L. K. SAIKIA,
Presiding Officer,
Labour Court, Guwahati.