



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 458 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. 603460/53.- Whereas dispute between the Management of Chandypore T.E., Hailakandi, Assam VS 1. Sri Rajdeep Singha (2) Sri Dulal Bakti, workmen of Chandypore T.E. Hailakandi, Assam was referred to the Presiding Officer, Industrial Tribunal, Silchar constituted under the Industrial Dispute Act, 1947 for adjudication and whereas an Award has been given on the dispute by the said Industrial Tribunal, Silchar vide Ref. Case No. 0 of 2025, Award Dated 7/7/2026 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.

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
CACHAR, SILCHAR

Present:- Shri B.ROY,
Presiding Officer,
Industrial Tribunal, Silchar

Reference Case no. 01 of 2025

Tuesday, the 7th day of July 2026

(1) Sri Rajdeep Singha

(2) Sri Dulal Bakti

.....Workmen of Chandypore T.E.
Hailakandi, Assam

-Vs-

The Management of Chandypore T.E.....Management.

Date of Evidence : 12.05.2026

Date of argument : 04.06.2026

Date of Award : 07.07.2026

Advocate for the workman : Mr. P. Dhar

Advocate for the management : None

A W A R D

1. This Reference case has arisen out of Government Notification No.ECF No.603460/37-A dtd.27.01.2025 notified sby the Secretary to the Government of Assam, Labour Welfare Department whereby a dispute has been referred to this tribunal.

2. The industrial disputes have arisen in the matters that whether the management of Chandypore Tea Estate, PO-Chandypore, District-Hailakandi, Assam was justified in dismissing Sri Rajdeep Singha & Sri Dulal Bakti from service, and if not, whether they are entitled to reinstatement or any relief thereof. The Government of Assam referred the dispute for adjudication to Presiding Officer, Industrial Tribunal, Silchar constituted under section 7-A of the Industrial Disputes Act, 1947. Therefore, in exercise of the powers conferred by Clause (c) Sub Section (1) of Section 10 of the Industrial Deputes Act, 1947 (Act XIV of 1947) as amended, the matter has referred to this Tribunal.

3. During the proceeding as the Management was absent on several dates the case proceeded ex-parte against the Management vide order dtd.01.04.2026.

4. The workman namely Dulal Bakti filed his written statement stating that he was appointed as driver in the Chandypore Tea Garden by the management of Chandypore Tea Estate and since the day of his appointment he rendered services till 31.07.2024 and thereafter he was terminated illegally by the Management from the service. It is further stated that the said workman is a constituent member of Bharatiya Cha Karmachari Union, a registered Trade Union under the statutory provisions. He was on sick leave from 29.01.2024 to 30.06.2024 and joined his duty on 02.07.2024 with medical fitness certificate and he was allowed to perform his duty but in the daily attendance Register he was marked absent in the evening although he performed his duty for the whole day. On 03.07.2024 a fake notice was issued to the workman by the Management stating some false and flimsy grounds that he was absent from his duty since 08.12.2023 to 03.07.2024. In connection with the said notice the Labour Officer of Hailakandi issued a letter vide No.4G/4/24/820 dtd.5.07.2024 to the Director of Chandypore T.E. stating that the notice was fake because the signatory of the notice Sri A. Rahman being not an authorized person as he was not related to the Management of Chandypore Tea Estate as per office record. In the said letter it was also stated that the necessary legal action would be initiated by the Labour Department as the Notice deemed as fake and Director of the Tea Estate was instructed to reinstate the workman on the ground that the workman had already submitted petition for medical allowance and application for leave for his absence from duty on medical ground and he also submitted fitness certificate before joining his duty in the garden. It is further stated that the

Bharatiya Cha karmachari Undin raised an industrial dispute before the Labour Officer, Hailakandi for and on behalf of the workman stating that injustice being done by the management of Chandypore T.E. to the workman as he was not allowed to perform his usual duty and not permitted to sign on the attendance register of the garden. A termination letter was issued on 1.08.2024 by the Management of Chandypore Tea Estate to the workman which was received by him on 10.08.2024, the letter was posted by Indian post. In this context a conciliation proceeding was initiated by the Labour-cum-Conciliation Officer, Hailakandi as an Industrial dispute was raised by Bharatiya Cha Karmachari Union for the workman. But due to negative attitude of management the issue remained unsolved. It is further stated that Management of Chandypore Tea Estate has terminated the workman Shri Dulal Bakti most illegally and arbitrarily without holding domestic inquiry into the alleged charges leveled against him as is required as per the statutory provisions. In these premises the workman has prayed to pass an order holding that the dismissal order dtd.01.08.2024 of the workman Dulal Bakti by the management of Chandypore Tea Estate was illegal and that the workman is entitled to be reinstated in his service in Chandypore T.E. with full and back wages along with other outstanding dues.

5. The workman Sri Rajdeep Singha filed his written statement stating that the dismissal order dtd. 20.07.2024 of the workman issued by the management is illegal and the management was indulged in unfair Labour practice. It is further stated that the said workman is a constituent member of Bharatiya Cha Karmachari Union, a registered Trade Union under the statutory provisions. He was appointed as clerical staff by the management of Chandypore Tea Estate and he has rendered his duties in the tea garden honestly and

diligently. On 03.01.2024 he applied for 15 (fifteen) days Earned Leave w.e.f. 04.01.2024 to 20.01.2024 on account of his urgent cause. The then manager Mr. M.P. Nath of the Tea Estate verbally granted the leave as applied for and requested the workman to attend the office on 09.01.2024 and 12.01.2024 for exigency of the garden work which was duly complied by him. Subsequently, one new manager who was posted in place of Mr. P.Nath with malafide intention granted only four days leave to the workman instead of 15 (fifteen) days leave as applied for by the workman putting his signature on 09.01.2024 on the leave application of the workman dtd. 03.01.2014. The leave of the workman for 15 days was sanctioned by Mr. P. Nath, the then manager of the Tea Estate. After completion of the period of sanctioned leave the workman was supposed to join his duty on 21.01.2024 but due to serious illness he could not join his duties in time. The workman requested the management to adjust his further leave of absence with the medical leave due to him; but the management did not consider the plea of the workman rather they decided to hold domestic enquiry into his alleged misconduct of unauthorized absence. A domestic enquiry was held on 03.03.2024 by a paid person who conducted the enquiry contrary to the principles of natural justice. The findings of the Enquiry Officer were perverse, biased and preconceived since the enquiry was initiated by the management with ulterior motive for harassing the workman. The management of the Tea Estate took action blindly on the findings of the Inquiry Officer without giving any opportunity to the workman to make any explanation on the findings of the Enquiry by furnishing a copy of the findings/report of the Enquiry to the workman. The dismissal order of the management to the workman is illegal and arbitrary. It is further stated that Bharatiya Cha karmachari union for and on

behalf of the workman made several correspondences requesting the management of the Tea Estate to consider and reinstate the workman to his service in the Tea Estate, but the management paid no heed to it. The Union also raised industrial dispute before the Labour-cum-conciliation officer at Hailakandi who initiated conciliation proceedings in the matter. But due to adamant attitude of the management no suitable decision was arrived at and issue of the conciliation proceedings remained unsolved. In these premises the workman has prayed to pass an order / award holding that the dismissal order dtd.20.07.2024 of the workman by the management was illegal and that the workman is entitled to reinstatement in his service in Chandypore T.E. with full and back wages along with other outstanding dues.

6. In the proceeding the workmen side submitted examination in-chief-on-affidavit of two witnesses namely Sri Dulal Bakti and Rajdeep Singha. I have heard learned counsel for the workmen.

7. The workman Sri Dulal Bakti reiterated the same versions in his evidence as stated in his written statement. In his deposition, he stated that he was appointed as a Driver in Chandypore Tea Estate and continued in service till 31.07.2024 and thereafter he was terminated illegally by the management. He further deposed that he remained on sick leave from 29.01.2024 to 30.06.2024 and resumed duty on 02.07.2024 after submitting a medical fitness certificate. However, despite performing his duties he was marked absent in the attendance register and was subsequently served with a fake notice alleging unauthorized absence since 08.12.2023 to 03.07.2024. He further stated that the Labour Officer, Hailakandi, issued a letter dtd. 05.07.2024 stating that the notice was fake as signatory of the notice Mr. A. Rahman was not an authorized person and directed the management to

reinstate him as he had already submitted application for medical allowance and fitness certificate before resuming duties. The Bharatiya Cha karmachari Undion raised an industrial dispute before the Labour Officer, Hailakandi for and on behalf of the workman as the workman was not allowed to perform his usual duty and was not permitted to sign on the attendance register of the garden. Surprisingly a termination letter was issued on 01.08.2024 by the Management of Chandypore Tea Estate to the workman which was received by him on 10.08.2024 and in this context a conciliation proceeding was initiated by the Labour-cum-Conciliation Officer, Hailakandi as an Industrial dispute was raised by Bharatiya Cha Karmachari Union for the workman but the issue was not solved due to negative attitude of management. The management of Chandypore Tea Estate has terminated the deponent most illegally and arbitrarily without holding any domestic enquiry as per the statutory provisions. The workman has prayed to pass an order holding that the dismissal order dtd.01.08.2024 to the workman by the management of Chandypore Tea Estate was illegal and that the workman is entitled to reinstatement in his service in Chandypore T.E. with full and back wages along with other outstanding dues.

The workman has submitted the following documents along with his deposition :-

- (1) Xerox copy of appointment letter dtd. 1.02.1996
- (2) Xerox copy of joining to duty dtd. 03.07.2024
- (3) Xerox copy of medical fitness certificate
- (4) Xerox copy of Notice dtd. 03.07.2024
- (5) Xerox copy of the letter no. LG/4/24/820 of Labour Officer, Hailakandi
- (6) Xerox copy of the W/S dtd.19.08.2024 addressed to the Enquiry Officer/Conciliation Officer, Hailakandi.

(7) Xerox copy of letter dtd. 16.08.2024 of Labour Officer, Hailakandi.

(8) Xerox copy of letter dtd. 04.11.2024 of the Labour Officer, Hailakandi.

8. The workman, Sri Rajdeep Singha, in his examination-in-chief, reiterated the averments made in his written statement. Briefly, in his deposition he stated that he was appointed as a clerical staff member in Chandypore Tea Estate and had been discharging his duties sincerely and diligently. On 03.01.2024 he applied for 15 (fifteen) days Earned Leave from 04.01.2024 to 20.01.2024 due to an urgent cause and the then Manager, Mr. M.P. Nath, verbally sanctioned the leave and requested him to attend the office on 09.01.2024 and 12.01.2024 for exigencies of work, which he duly complied with. From his deposition it appears that after the change of management, the new Manager, on 09.01.2024 with malafide intention, sanctioned only four days leave by putting signature of the deponent in his leave application dtd.03.01.2024, although the leave for fifteen days had already been granted by the previous Manager. The workman further deposed that he acted in accordance with the instructions of the then Manager and the prevailing leave rules of the Tea Estate. He further stated that although he was supposed to resume duty on 21.01.2024, he could not do so due to serious illness. His request to adjust the subsequent period of absence against the medical leave due to him was rejected by the management, which instead initiated disciplinary proceedings alleging unauthorized absence. According to the workman, the domestic enquiry dtd. on 03.03.2024 was conducted in violation of the principles of natural justice. He alleged that the Enquiry Officer's findings were biased, perverted and predetermined as the inquiry was initiated by the management with mala fide motive to harass him. The management has taken action blindly

on the biased and pre-conceived findings of the Enquiry Officer without giving him any opportunity to make any explanation on the findings of the enquiry. The workman also stated that the Bharatiya Cha Karmachari Union made repeated correspondences to the management seeking his reinstatement, but the same were ignored. Thereafter, the Union raised an industrial dispute before the Labour-cum-Conciliation Officer, Hailakandi. However, the conciliation proceedings ended in failure for negative attitude of the management. The workman has prayed to pass an order / award holding that the dismissal order dtd.20.07.2024 to him (workman) by the management was illegal and that the workman is entitled to reinstatement in his service in Chandypore T.E. with full and back wages along with other outstanding dues.

The following documents are submitted by the workman Rajdeep Singha-

- (1) Xerox copy of appointment letter dtd.29.03.2021
- (2) Xerox copy of letter dtd.20.07.2024 of the management
- (3) Xerox copy of letter dtd. 13.03.2026 of labour Officer, Hailakandi.
- (4) Xerox copy of written statement of Sri Rajdeep Sinha before Labour/Conciliation Officer, Hailakandi.

9. As per Section 11 of the Industrial Dispute Act, the tribunal has the power of a civil court while dealing with a reference case and the tribunal can enforce attendance of witnesses, production of documents and also can issue commission for examination of the witnesses. In the instant case after the reference was made, both the parties were issued notices, but the management did not appear in this proceeding. The workmen appeared and filed their written statements stating that their termination from service were illegal. They also adduced their examination-in-chief and submitted some photocopies of documents.

10. It is pertinent to mention here that in the instant case the petitioners failed to comply the provisions of Or.7 R-14, Or. 13 R-1 and Or.18 R.4 of CPC relating to production of documents relied upon by the petitioners.

11. In the course of trial the workmen did not take any steps for calling the original records from the office of the employer in order to substantiate their averments. Basically, in a civil suit / proceeding it is the duty of the party to take steps for producing the documents in original and if any particular document is in the custody / possession of the O.P. then the party willing to prove those documents can file petition before the tribunal for issuing directions to the other party for production of the original documents.

12. In the instant case the workmen did not take any such steps and only relied on some photocopies of the documents which are not admissible in evidence under the present facts and circumstances of the case.

Though the workmen filed their examination – in- chief in support of their written statements but they failed to produce relevant documentary evidences in support of their case.

13. In view of the above, it is held that the workmen failed to substantiate their respective cases by adducing cogent evidence.

14. Copies of this award shall be forwarded to the State Government forthwith for information and necessary action.

15. The case is dismissed exparte.

APPENDIX

EXHIBITS:

Exhibits of the Plaintiff

Nil

Exhibits of the Defendant: Nil.

WITNESSES

Witness for workmen

Witness No.1 Dulal Bakti

Witness No.2 Rajdeep Sinha

Witness for Management:

DW-1 – Bina Das, defendant no.1 of the suit.

B. ROY,
Presiding Officer,
Industrial Tribunal, Silchar.