

GAHC010058972022



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

**Case No. : WA/347/2022**

JANASADHARAN NEWSPAPER EMPLOYEES UNION  
REP. BY ITS PRESIDENT MRINAL KANTI MISRA, HOUSE NO.- 15,  
NARIKALBASTI, CHINAKI PATH, GUWAHATI- 781024.

VERSUS

1.THE STATE OF ASSAM AND 7 ORS.  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
LABOUR AND WELFARE DEPARTMENT, DISPUR, GUWAHATI- 6.

2:THE LABOUR COMMISSIONER CUM AUTHORITY  
UNDER THE WORKING JOURNALISTS AND OTHER NEWSPAPER  
EMPLOYEES (CONDITIONS OF SERVICE) AND MISCELLANEOUS  
PROVISIONS ACT 1955  
GOPINATH NAGAR GUWAHATI-16.

3:THE ASSISTANT LABOUR COMMISSIONER  
ULUBARI KAMRUP (M), ASSAM PIN- 781007.

4:THE LABOUR INSPECTOR, GUWAHATI  
OFFICE OF THE ASSTT. LABOUR COMMISSIONER  
KAMRUP (M) ULUBARI GUWAHATI - 781007.

5:THE DEPUTY COMMISSIONER, KAMRUP (M)  
GUWAHATI, ASSAM, PIN- 781001.

6:THE CERTIFICATE OFFICER  
BAKIJAI BRANCH KAMRUP (M)  
GUWAHATI ASSAM- 781001.

7:JANASADHARAN PRINTING AND PUBLISHERS (P)  
LTD., A COMPANY DULY REGISTERED UNDER THE COMPANIES ACT  
1956 HAVING ITS REGISTERED OFFICE AT INDUSTRIAL ESTATE  
BAMUNIMAIDAM GUWAHATI- 781021  
REP. BY ITS DIRECTOR TAPAN KR. BORA.

8:TAPAN KR. BORAH  
S/O BHABA NATH SHARMA  
R/O P.S ROAD, DIST.- NAGAON.

**Linked Case : WA/76/2022**

1.JANASADHARAN PRINTING AND PUBLISHERS PVT. LTD. AND ANR.  
A COMPANY DULY REGISTERED UNDER THE COMPANIES ACT  
1956 HAVING ITS REGISTERED OFFICE AT INDUSTRIAL ESTATE  
BAMUNIMAIDAM, GUWAHATI - 781021  
REP. BY ITS DIRECTOR SRI TAPAN KR. SHARMA

2: SRI TAPAN KR. SHARMA  
S/O BHABA NATH SHARMA  
R/O P.S. ROAD, DIST. NAGAON  
ASSAM, PIN – 782120.

VERSUS

1. THE STATE OF ASSAM AND 6 ORS.  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
LABOUR AND WELFARE DEPARTMENT  
DISPUR, GUWAHATI -6.

2:THE LABOUR COMMISSIONER CUM AUTHORITY  
UNDER THE WORKING JOURNALISTS AND OTHER NEWSPAPER  
EMPLOYEES (CONDITIONS OF SERVICE)  
AND MISCELLANEOUS PROVISIONS ACT, 1955  
GOPINATH NAGAR, GUWAHATI -16.

3:THE ASSTT. LABOUR COMMISSIONER  
ULUBARI, KAMRUP (M), ASSAM, PIN – 781007.

4:THE LABOUR INSPECTOR, GUWAHATI  
OFFICE OF THE ASSTT. LABOUR COMMISSIONER  
KAMRUP (M), ULUBARI, GUWAHATI – 781007.

5:THE DEPUTY COMMISSIONER, KAMRUP (M)  
GUWAHATI, ASSAM, PIN – 781001.

6:THE CERTIFICATE OFFICER  
BAKIJAI BRANCH, KAMRUP (M)  
GUWAHATI, ASSAM- 781001.

7:JANASADHARAN NEWSPAPER EMPLOYEES UNION  
REP. BY ITS PRESIDENT SRI MRINAL KANTI MISRA  
HOUSE NO. 15, NARIKALBASTI  
CHINAKI PATH, GUWAHATI - 781024.

**Linked Case : WA/75/2022**

1.JANASADHARAN PRINTING AND PUBLISHERS PVT. LTD. AND ANR.  
A COMPANY DULY REGISTERED UNDER THE COMPANIES ACT  
1956 HAVING ITS REGISTERED OFFICE AT INDUSTRIAL ESTATE  
BAMUNIMAIDAM, GUWAHATI-781021 REP. BY ITE DIRECTOR TAPAN KR.  
SHARMA

2: TAPAN KR. SHARMA  
S/O LT. BHABA NATH SHARMA R/O P.S. ROAD  
DIST. NAGAON ASSAM PIN-782001

VERSUS

1.THE UNION OF INDIA AND 5 ORS.  
REP. BY THE SECRETARY TO THE GOVT. OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT SHRAM SHAKTI BHAWAN  
NEW DELHI-110001

2:THE STATE OF ASSAM  
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
LABOUR AND EMPLOYMENT DEPTT.  
DISPUR GUWAHATI-6

3:THE ADDITIONAL SECRETARY  
LABOUR AND EMPLOYMENT DEPTT. GOVT. OF ASSAM  
DISPUR GUWAHATI-6

4:THE DEPUTY SECRETARY  
LABOUR AND EMPLOYMENT DEPTT. GOVT. OF ASSAM  
DISPUR GUWAHATI-6

5:THE LABOUR COMMISSIONER  
CUM AUTHORITY UNDER THE WORKING JOURNALISTS AND OTHER  
NEWSPAPER EMPLOYEES (CONDITIONS OF SERVICE) AND  
MISCELLANEOUS PROVISIONS ACT 1955  
GOPINATH NAGAR GUWAHATI-16

6:JANASADHARAN NEWSPAPER EMPLOYEES UNION  
REP BY ITS PRESIDENT SRI MRINAL KANTI MISRA  
HOUSE NO. 15 NARIKALBASTI  
CHINAKI PATH GUWAHATI-781024.

For the Appellant(s) : Mr. S. Borthakur, Advocate in WA No.347/2022.  
: Mr. D. Das, Senior Advocate assisted by Mr. T. Chakraborty and Mr. I. Bhuyan, Advocates in WA Nos.75/2022 & 76/2022.

For the Respondent(s) : Mr. D.K. Sarmah, Additional Senior Government Advocate for State respondents.  
: Mr. B. Chakraborty, Central Government Counsel for respondent No.1 in WA No.75/2022.  
: Mr. S. Borthakur, Advocate for respondent No.6 in WA No.75/2022 and for respondent No.7 in WA No.76/2022.  
: Mr. D. Das, Senior Advocate assisted by Mr. T. Chakraborty and Mr. I. Bhuyan, Advocates for respondent Nos.7 & 8 in WA No.347/2022.

– BEFORE –  
**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**  
**HON'BLE MR. JUSTICE SUMAN SHYAM**

**02.05.2024**

*(Vijay Bishnoi, CJ)*

These writ appeals are filed by the appellants being aggrieved with the judgment and order dated 21.01.2022, whereby the learned Single Judge of this Court, after hearing the counsel for both the sides has disposed of the writ petitions, i.e. WP(C) No.1274/2018 and WP(C) No.7158/2021, while observing that the dispute regarding non-payment of arrears by the appellant Janasadharan Printing and publishers Private Limited to its employees is required to be decided by the Labour Court, Guwahati in the reference.

The learned Single Judge has observed that the Labour Court, Guwahati shall dispose of the said reference within a period of 4(four) months from the date of the appearance of the parties before it. Learned Single Judge has further directed that pending the reference before the Labour Court, the Janasadharan Printing and

Publishers Private Limited shall deposit an amount of Rs.25,00,000/- (Rupees twenty five lakhs) in the office of the Labour Commissioner-cum-Authority within a period of 4(four) weeks and the same shall be disbursed to the members of the Janasadharan Newspaper Employees Union which would remain subject to the outcome of the proceedings before the Labour Court.

This Court, while passing the order dated 17.02.2023 has taken note of the fact that as per the directions given by this Court on 14.03.2022, an amount of Rs.15,00,000/- (Rupees Fifteen Lakh) has been deposited by the Janasadharan Printing and Publishers Private Limited before the Registrar of the Gauhati High Court.

Learned counsel appearing for the parties are in agreement that the matter be decided by the Labour Court, Guwahati as directed by the learned Single Judge and in the meantime, the amount of Rs.15,00,000/- so deposited by way of Fixed Deposit before the Registrar of this Court be disbursed to the members of the Janasadharan Newspaper Employees Union. A request is made on behalf of the counsel for the parties that the Labour Court, Guwahati be directed to decide the reference expeditiously.

In view of the joint submission made by the learned counsel for the parties, these writ appeals are disposed of with the expectation that the Labour Court, Guwahati shall decide the reference expeditiously, preferably within a period of 6(six) months from the date of appearance of the parties before the Labour Court.

The parties are directed to remain present before the Labour Court, Guwahati on 28.05.2024 through their representatives or counsel.

The amount of Rs.15,00,000/- so deposited by the Janasadharan Printing and Publishers Private Limited before the Registrar, Gauhati High Court be disbursed to the Janasadharan Newspaper Employees Union along with the interest so accumulated on the said deposit. The said disbursement be made within a period of 2(two) weeks from the date of production of a certified copy of this order.

The Janasadharan Newspaper Employees Union shall maintain proper record of disbursement of the said amount to its members and shall also furnish a list of employees, to whom the disbursement is made, to the Janasadharan Printing and Publishers Private Limited within a period of 2(two) weeks from the date of disbursement.

Needless to say that the disbursement of Rs.15,00,000/- along with the interest shall remain subject to the outcome of the proceedings before the Labour Court, Guwahati.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**