

GAHC010118412015



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

Case No. : Cont.Cas(C)/405/2015

NOWGONG CO-OPERATIVE SUGAR MILLS WORKER'S UNION
HAVING ITS OFFICE AT KAMPUR DIST. NAGAON, ASSAM, REP. BY ITS
GENERAL SECRETARY- SRI BHADRA KANTA NATH.

VERSUS

VINOD KUMAR PIPERSANIA and 5 ORS
IAS, CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR, GUWAHATI-
781006.

2:SRI HEMANTA NARZARY
IAS
PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
CO-OPERATION DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:DR. RAVI KOTA
IAS

PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006.

4:SRI V.B. PYARELAL

IAS
ADDITIONAL CHIEF SECRETARY-CUM- PRINCIPAL SECRETARY TO THE
GOVT. OF ASSAM
PUBLIC ENTERPRISES DEPARTMENT
DISPUR

GUWAHATI- 781006.

5:SRI SANJIB GOGOI
IAS
REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI - 781022.

6:SMT. ANUPAMA CHAKRABORTY
OFFICIAL LIQUIDATOR-CUM- MANAGING DIRECTOR FOR THE NAGAON
CO -OPERATIVE SUGAR MILLS LTD.
KAMPUR
DIST. NAGAON
ASSAM

Advocate for the Petitioner : MR.M K BARUAH

Advocate for the Respondent : MR.KHAYERUDDINR-1 and 2

Linked Case : Cont.Cas(C)/705/2015

BHABANANDA DUTTA and 37 ORS
S/O. LT. KASIRAM DUTTA
VILL. BURAGAON
P.O. BARUAH BAMUNGAON

VERSUS

VINOD KUMAR PEPERSENIA and 7 ORS
THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY.-06.

Advocate for : MR.M U MONDAL
Advocate for : MR.A U AHMEDR-1
2 and 5 appearing for VINOD KUMAR PEPERSENIA and 7 ORS

Linked Case : Cont.Cas(C)/801/2015

BENU MOHAN BORAH and 25 ORS.
S/O. LT. GAGAN CH. BORA
VILL. ATI KAMPUR
P.O. and P.S. KAMPUR
DIST. NAGAON
ASSAM.

VERSUS

VINOD KR. PIPERSANIA and 4 ORS.
CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY.-781006.

Advocate for : MR.K GOGOI
Advocate for : DR.B AHMEDR-1
2

4and5 appearing for VINOD KR. PIPERSANIA and 4 ORS.

Linked Case : Cont.Cas(C)/115/2016

GULMAI DAS and 7 ORS
W/O LT. JURMONI DAS
VILL. JELMONI
P.O. DHUDANG

2: GOLAPI MURA
W/O BHADUA MURA
VILL. RANGDHALI GOAN
P.O. BATIPORIA

3: SAGAR CH. BORA
S/O LT. TELTUPI BORA
VILL. KOMARGAON
P.O. DERGAON

4: ANIL BORTHAKUR
S/O LT. NANDESWAR BARTHAKUR
VILL. KURALGURI
P.O. BORUAH BAMUNGAON

5: TULSHI GOGOI
S/O LT. MUKESWAR GOGOI
VILL. and P.O. BATIPORIA

6: LILA DHAR SAIKIA
S/O LT. DURNO SAIKIA
VILL. JERASUK
P.O. GONOK PUKHURI

7: GONESH BORA
S/O LT. GOPAL BORA
VILL. PULUGAMARIA
P.O. GONOK PUKHURI

8: PUNA RAM SAIKIA
S/O LT. MOGORAM SAIKIA
VILL. and P.O. BONGALGAON
ALL THE PETITIONERS ARE DIST- GOLAGHAT
ASSAM
PIN-785621
VERSUS

VINOD KUMAR PEPERSENIA and 7 ORS
IAS
THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY-6

2:HEMANTA NAGARI
IAS
THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM
CO-OP. DEPTT.
DISPUR
GHY-6

3:V.B. PEYARALAL
IAS
THE ADDL. CHIEF SECY. TO THE GOVT. OF ASSAM
PUBLIC ENTERPRISES DEPTT.
DISPUR
GHY-6

4:ROVI KOTA
IAS
THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-6
5:S.K. GOGOI

THE REGISTRAR OF CO-OP. SOCIETIES
ASSAM GOVT. OF ASSAM
KHANAPARA
GHY-22
6:ANIL HAZARIKA
THE MANAGING DIRECTOR
ASSAM
CO-OP. SUGAR MILLS LTD.
BARUAH BAMUNGAON
C/O O/O THE DY. REGISTRAR OF CO-OP. SOCIETIES
ASSAM
7:ANWARUL HAQUE
THE DY. COMMISSIONER
GOLAGHAT
P.O. and DIST- GOLAGHAT
ASSAM
PIN-785621
8:S.K. SANGMA
THE REGIONAL PROVIDENT FUND COMMISSIONER
NORTH EASTERN REGION
G.S. ROAD
BHANGAGARH
GHY-5

Advocate for : MR.M U MONDAL
Advocate for : MR.N HAQUE R-1and2 appearing for VINOD KUMAR
PEPERSENIA and 7 ORS

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

05.02.2024

1. Heard Mr. MU Mondal, learned counsel for the petitioners in Cont. Cas(C) 705/2015 in Cont. Cas(C) 115/2016 and Mr. P H Konwar, learned counsel for the petitioners in Cont. Cas(C) 801/2015. None appears for the petitioner in Cont Cas(C) 405/2015.
2. These batch of contempt petitions are filed assailing wilful and deliberate violation of this Court's common order dated 13.11.2014 passed in WP(C) 6092/2010 and other connected writ petition.

3. By the aforesaid order, this court issued the following directions:

“Since it is the stand of the Finance Department that unless and until the Cooperation Department makes the final proposal for VRS and provide all the required particulars meeting the queries made by the Finance Department, a final decision cannot be taken in the matter, the writ petitions are disposed of directing the Co-operation Department to meet all the queries, which have been raised by the Finance Department and also to submit the final proposal of VRS, along with all required particulars, without any further delay, preferably within 31st of December, 2014. Since the employees in absence of the benefits of the VRS have been suffering ever since the mills/ units have been closed and / or have become defunct, once the complete proposal is submitted and the queries are made, providing all the required particulars by the Co-operation Department, the Finance Department shall also finalize the matter as expeditiously as possible. Let the required exercise be carried out and completed on or before 31st March, 2015.”

4. These matters are pending since 2015. Mr. MU Mondal, learned counsel for the petitioners in Cont. Cas(C) 705/2015 in Cont. Cas(C) 115/2016 and Mr. P H Konwar, learned counsel for the petitioners in Cont Cas(C) 801/2015 submit that though VRS has been granted to the petitioners, however, the full benefits under the VRS has not been paid to the petitioners.

5. Direction was specific that the name of the petitioners for VRS along with required particulars was to be forwarded to the Finance Department and Finance Department was to finalise the matter within 31st December, 2014. As the learned counsel for the petitioners submitted that VRS had already been granted, in the considered opinion of this court, the order in question has duly been complied with.

6. Accordingly, the contempt petitions stand closed.
7. Petitioners shall be at liberty to approach appropriate forum if any grievance still exists as regards calculation of VRS or non-payment of the entire amount.

JUDGE

Comparing Assistant