

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONMT.PET.(C) No. 16/2012 In W.P.(C) No. 365/2006

INTERNATIONAL UNION OF FOOD AGR. & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA MINISTRY OF LAW AND JUSTICE
SECRETARY & ORS.

Respondent (s)

IA No. 136389/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 51720/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 48295/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 28739/2019 - CLARIFICATION/DIRECTION

IA No. 92630/2018 - EXTENSION OF TIME

IA No. 51268/2020 - INTERVENTION APPLICATION

IA No. 48294/2020 - INTERVENTION APPLICATION

IA No. 39587/2020 - INTERVENTION/IMPLEADMENT

IA No. 136388/2020 - INTERVENTION/IMPLEADMENT

IA No. 40394/2020 - INTERVENTION/IMPLEADMENT

IA	No.	70001/2019	-	PERMISSION	TO	FILE	ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES							

IA No. 1/2013 - PERMISSION TO FILE ANNEXURES

Date : 06-02-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Mugdha, Adv.
Mr. Satya Mitra, AOR
Mr. Purbayan Chakraborty, Adv.
Mr. Kamran Khwaja, Adv.
Ms. Jyoti Mendiratta, AOR

For Respondent(s) Ms. Taruna Ardhendumauli Prasad, AOR
Mr. Rakesh Dwivedi, Sr. Adv.
Ms. Astha Sharma, AOR
Mr. Ravinder Singh, Adv.
Mr. Srisatya Mohanty, Adv.
Ms. Raveesha Gupta, Adv.
Mr. Sanjeev Kaushik, Adv.
Ms. Mantika Haryani, Adv.
Mr. Himanshu Chakravarty, Adv.
Mr. Dev Vrat Singh, Adv.
Ms. Muskan Surana, Adv.
Mr. Ranjit Kumar, Sr. Adv.
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Mr. Deepayan Dutta, Adv.
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Ms. B.L.N. Shivani, Adv.
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Ms. Shivika Mehra, Adv.
Mr. S.K. Singhania, Adv.
Mr. Shashank Bajpai, Adv.
Ms. Rekha Pandey, Adv.
Mr. Raj Bahadur Yadav, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Vinod Sharma, AOR
Mrs. Reena Devi, Adv.
Mr. Karan Thakur, Adv.
Mr. Vijay Kumar Singh, Adv.
Mr. Ashish Sheoran, Adv.
Mr. Sandeep, Adv.

Mr. Siddharth, AOR
Mr. Amit Kumar Agrawal, Adv.

Ms. Rashmi Malhotra, AOR
Mrs. Anil Katiyar, AOR
Mr. T. R. B. Sivakumar, AOR

M/S. Mitter & Mitter Co., AOR
Mr. Amit Gupta, Adv.
Mr. Harisankar Mahapatra, Adv.
Mr. Shiv Verma, Adv.

Mr. K. V. Mohan, AOR
Mrs. Tessy Vaghese, Adv.
Mr. K.V. Balakrishnan, Adv.
Mr. Rahul Kumar Sharma, Adv.

Mr. Kumar Dushyant Singh, AOR
Mr. Aneesh Mittal, AOR
Mr. M. P. Vinod, AOR
Mr. Rituraj Biswas, AOR
Mr. A. Karthik, AOR
Mr. Partha Sil, AOR
Mr. Satya Mitra, AOR

Dr. P. George Giri, AOR
Ms. Jasmin Kurian Giri, Adv.
Ms. Mary Scaria, Adv.
Mr. Shaji Sebastian, Adv.
Mr. Naveen Kumar Dass, Adv.
Mr. Pushkar Anand, Adv.

Mr. Thomas Oommen, Adv.

Mr. Abhimanyu Jhomba, Adv.

Mr. Thanpingo Thongal, Adv.

Mr. Nikhil Jagotro, Adv.

Richo, Adv.

Mr. Samir Ali Khan, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

Pursuant to our earlier order dated 03.11.2022, the Committee headed by Hon'ble Mr. Justice A.M. Sapre has submitted the Report so far as the amount due and payable by 25 Companies out of which 15 Companies belong to the Assam Government and the remaining with respect to 10 private Tea Gardens/Companies. The copies of the Report are furnished to learned counsel appearing on behalf of the Union as well as the State Government by Shri Gaurav Agrawal, learned counsel appearing on behalf of the Committee.

Having gone through the Report submitted by Hon'ble Mr. Justice A.M. Sapre Committee, it appears that the amount due and payable to the workers/staff/sub-staff has been dealt with and worked out by the Committee in Chapter VII. Ultimately, the Committee has concluded in para (xvii) and (xviii) as under:-

"xvii. Consequent upon the passing of the two orders mentioned above, necessary corrections were accordingly carried out and finally a quantum of dues payable to each worker was worked out to be Total Rs. 409,86,11,452/- (excluding interest on PF dues). A summary of legal dues which constitute the total liability of corporation is mentioned herein below:

Sr. No.	No. of Beneficiaries	Nature of Due	Amount
1.	2,045	Gratuity	16,08,08,599/-
2.	16,451	Interest on Gratuity	30,93,91,087/-

3.	17,374	Arrear Wages	55,68,81,553/-
4.	962	Salary	31,83,22,533/-
5.	1,362	Leave with Wages & Leave Encashment	1,36,17,211/-
6.	17,828	Arrear Bonus	13,31,13,683/-
7.	18,839	Ration Compensation	58,85,32,951/-
8.	14,004	Firewood Compensation	18,46,94,994/-
9.	642	Medical Reimbursement	1,14,24,371/-
10.	777	LTA	4,83,09,288/-
11.	18,202	PF on Arrear Wages	23,58,15,903/-
12.	18,956	PF on ongoing Wages	153,76,99,276/-
		TOTAL	409,86,11,452/-
		Interest on delayed PF (approx.)	207,89,66,796/-
		Edli/Admin Charges (approx.)	8,83,58,058/-
		Damarage/Interest (approx.)	4,18,00,000/-
		APPROX GRAND TOTAL	630,77,36,306/-

xviii. The garden-wise summary of various dues along with respective Volume number consisting of their original records, is mentioned herein below:

Sr. No.	Name of Garden	No. of Workers	Legal Dues	Vol. No.
1.	Cinnamara	2,658	53,94,28,238/-	A-I
2.	Sycotta	2,788	59,00,62,093/-	A-22-A
3.	Naganijan	1,192	27,72,30,157/-	A-3
4.	Deepling	1,275	31,14,25,270/-	A-4
5.	Rajabarri	374	08,17,33,041/-	A-5
6.	Neigheriting	1,449	29,29,54,828/-	A-6
7.	Rungamatty	1,044	20,91,35,109/-	A-7
8.	Messamara	917	20,92,23,397/-	A-8
9.	Amluckie	1,401	29,58,60,124/-	A-9
10.	Dejoovalley	756	18,55,98,538/-	A-10
11.	Loogsoong	1,177	26,80,66,288/-	A-11
12.	Bholaguri	253	05,30,01,590/-	A-12
13.	Longai	1,865	32,44,81,004/-	A-13
14.	Isabheel	1,171	17,74,75,663/-	A-14
15.	Bidyanagar	633	10,12,27,103/-	A-15
	Jorhat Office	34	02,87,21,689/-	A-16
	Head Office	66	15,29,87,320/-	A-17
	TOTAL	19,053	409,86,11,451/-	

so far as the Tea Gardens run by Assam Tea Corporation Limited

[ATCL] (Assam Government is concerned). Insofar as the 10 private Tea Gardens are concerned, the Committee has concluded in the Report and ascertained the dues as mentioned in Chapter VIII. Ultimately, in Sub-Chapter VIII-A to VIII-J, the amount due and payable by the concerned private Tea Gardens have been dealt with.

Shri Ranjit Kumar, learned Senior Advocate, appearing for the State of Assam/Assam Government Tea Gardens are concerned, has objected to the Report and the amount held to be due and payable with respect to Seventh Pay-Commission recommendation.

From the material on record, it appears that the Committee, in its earlier order dated 19.05.2022, specifically dealt with the same issue of arrears/liability as per the Seventh Pay-Commission recommendation and thereafter directed the ATCL/concerned Chartered Accountants to furnish the computation, which subsequently came to be furnished, which came to be considered by the two Chartered Accountants appointed by the Committee and thereafter, the Committee has concluded, as above.

We accept the Report submitted by the Committee consisting of Hon'ble Mr. Justice A.M. Sapre, so far as the amount due and payable to the workers/staff/sub-staff of the Tea Gardens run by ATCL/Assam Government as well as the private Tea Gardens in the State of Assam.

We direct that the amount due and payable as per the Committee's Report be paid to the concerned workmen/staff/sub-staff within the time stipulated by the Committee after due verification

and on proper identification. If there is any difficulty, any of the parties may approach the Committee for disbursement, which may be considered by the Committee.

So far as the Tea Gardens in other States are concerned, it is reported that so far as the Kerala Tea Gardens are concerned, the Report is likely to be submitted within a period of one month.

Put up on 20.03.2023 so far as the State of Kerala Tea Gardens are concerned.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR