

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION © NO. 16 OF 2012

IN
WRIT PETITION (C) NO. 365 of 2006

INTERNATIONAL UNION OF FOOD AGR.
& ORS. PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. RESPONDENT(S)

O R D E R

In this case, we find that workmen, who worked for about 20 years have not been paid their wages. Their condition is pitiable and some of them have resorted to commit suicide. In some cases, these workmen are part of an unorganized Sector. In some cases proceedings have been initiated by the workmen and in some cases by the Government for recovery of dues. The amounts have been locked in litigation and without any relief to the workers. Having regard to these circumstances, we consider it appropriate to

hear the State Government on the question of interim relief that may be granted to the workmen.

IN RE: ASSAM

The State Government has responded to the proposal in a most positive manner. Shri Maninder Singh, learned Additional Solicitor General appearing for the State of Assam has stated that there are about 16,133 retired workers and staff of the corporation, many of whom had retired over 20 year back and 839 retired persons but continuing in service. The Corporation owns 15 Tea Estates in the State of Assam. It is also stated across the Bar that appropriation, i.e., the money would be placed in the hands of the Executive within a period of 90 days. However, an MOU would be signed by the State Government and the Assam Tea Corporation during that period.

In these circumstances, we pass the following order:

(i) State of Assam is directed to complete the process of appropriation within a period of 60 days from today. The MOU shall also be signed during this period.

(ii) In the meanwhile, the State Government along with Corporation shall update the list of unpaid retired workers and notify them that they would pay the amounts. For this purpose the workers shall appear and have their identities and claims duly verified.

(iii) The State Government would put in hand the necessary funds of Rs. 99 Crores to the Corporation which shall disburse the said amount upon verification of these retired employees.

(iv) In case the workers have died, the amounts shall be disbursed to the legal representatives upon verification of their status by the Corporation.

(v) Upon verification of their identities and claims they shall make payment in chronological order, i.e., those who have retired earlier shall be paid before those who have retired later.

(vi) The process of verification and identification shall be commenced immediately.

(vii) The Government shall be entitled to recover those amount from all those employers whose primary duty was to pay the wages, as a revenue demand or any other efficacious manner.

We are conscious that the total number of garden whose workers are unpaid is about 22. For this purpose we consider it appropriate to pass orders in relation to other gardens after hearing the owners. The list of gardens which are not owned by the Assam Tea Corporation is as follows:

Sl. No.	Name of the Address of the Tea Estate	Name of the Address of the Company
1.	Rangoliting Tea Estate P.O. Lohoal, Dist – Dibrugarh, Assam - 786010	M/s Ganeshka Kanoi Tea Company, Mithapukhuri Road, Jorhat, Assam - 785001
2.	Wokha Tea Estate P.O. Furkating Dist- Golaghat Assam – 785610	Kharikatia Tea & Industries Ltd. CF-366, Salt Lake City Sector-1, Kolkata - 700064
3.	Haotoli Tea Estate P.O.: Hautley, Dist-Golaghat Assam- 785702	Boruah & Boruah Tea & Trading Pvt. Ltd. Bordoloinagar, Sector-2, Lane-5 Tinsukia- 786125
4.	Chandmari Tea Estate P.O. - Tinsukia, Dist- Tinsukia Assam - 786125	Chandmari Tea Co. (P) Ltd 37 A.T Road, Talap Bali Bazar, PO- Talap, Tinsukia, Assam- 786156
5.	Gillapukhuri Tea Estate, P.O- Borguri, Dist- Tinsukia, Assam – 786126	Gillapukhuri Tea Company Ltd. 9, Brabourne Road, 3 rd Floor, Kolkata- 700001
6.	Hukanpukhuri Tea Estate, P.O.- Tinsukia, Dist- Tinsukia, Assam – 786125	Nandlall & Sons Tea Industries Pvt Ltd. Bishmile, P.O – Chabua, Dist – Dibrugarh, Assam - 786184
7.	Dhelakhat Tea Estate, P.O- Tinsukia, Dist- Tinsukia, Assam- 786125	Dhelakhat Tea Company Ltd. 4, Dr. Rajendra Prasad Sarani (Clive Row), Kolkata - 700001

The State of Assam is directed to notify the owners of those Tea gardens about these proceedings before us. Accordingly issue notice to those above Tea gardens through their companies/managment returnable in two weeks.

IN RE: WEST BENGAL

We are informed by the Central Government that in the State of West Bengal there are pending dues of workmen. Shri Gonsalves, learned senior counsel for the petitioner submits that according to Central Government affidavit, Rs. 30 Crores are unpaid. These dues are apparently not paid in respect of workmen who were employed by 45 Tea Gardens.

On the question of interim relief which we propose to pass Shri Banerji learned senior counsel for the State of West Bengal submitted that there is no negligence by the State regarding unpaid workers. On the contrary, the State has spent large amounts on the development of various schemes for those workers as mentioned on pages 25-26 of the Additional affidavit filed by the State of West Bengal. It appears that this is so. We, however, see no reason why the State

should not temporarily spent further amounts for paying dues to workers of an unorganized sector in respect of wages due to them for work actually rendered.

Having regard to the plight of the workers and the pitiable conditions in which they are living we consider it appropriate in the interest of justice to pass the following order:

(i) The State Government would pay the necessary funds of Rs. 15 Crores to the employees upon verification within 60 days.

(ii) Notices shall be issued to the workers to present their claims and only upon verification the said amounts shall be disbursed to them.

(iii) In case the workers have died, the amounts shall be disbursed to the legal representatives upon verification their status.

(iv) Upon verification of their identities

and claims they shall make payment in chronological order, i.e., those who have retired earlier shall be paid before those who have retired later.

(v) The process of verification and identification shall be commenced immediately.

(vi) The Government shall be entitled to recover those amount from all those employers whose primary duty was to pay the wages, as a revenue demand or any other efficacious manner.

A list which is mentioned at Annexure-D (Page Nos. 27 to 34) to the additional affidavit filed on behalf of the State of West Bengal which is as follows:

Status of Running but Stressed Tea Estates

S.No.	Name of Tea Estate/Garden	No. of Workers	Management
1.	Ramjhora	1141	M/s Hind Tea Company Ltd. Mr. Narendra Barelia Arun Tea Warehouse Complex, 2.5 Mile Sevoke Road, Siliguri – 734001 Rocpcm01@gmail.com
2.	Mujnai	1095	M/s Anjuman Tea Company Ltd. 8, Khairu Place, 4 th Floor, Room No. 2,

			Kolkata – 700072 Anjuntea2011@gmail.com
3.	Jaybirpara	636	ESS ESS Endeavour Pvt. Ltd., M.G.Road, Khalpara, Siliguri, Dist- Darjeeling
4.	Kalchini	2003	M/s Mars Plywood Mr. Roshanlal Agarwala Maitra Bhawan Sevoke Road, Siliguri – 734001 Srnakipuria.ca@gmail.com
5.	Kohinoor	975	Khayerbari Tea Co. LTD ,21 MR Road Khalpara Siliguri-734005
6.	Chinchula (Merico)	1371	Merico Tea Estate Limited, 64 A Hemanta Basu Sarani (2 nd Floor), Kolkata-700001
7.	Birpara	2623	M/s Duncans Industries Ltd Duncan House 31, Netaji Subhas Road
8.	Dumchipara	1918	Kolkata 700 001 Telephone:(033) 2230 0962/2185 Fax: (033) 2248 6021 E-mail: dil_secretarial@duncans-tea.com
9.	Carron	757	M/S Basu Pvt Ltd 114 Harish Mukherjee Road, Kol-25
10.	Kathalguri	1356	M/s Hind Tea Company Ltd. Mr. Narendra Barelia Arun Tea Warehouse Complex, 2.5 Mile Sevoke Road, Siliguri – 734001 Rocpcm01@gmail.com
11.	Chamurchi	1052	216.Mahatma Gandhi Road, Kolkata-700007 Mr. R.P. Tewari, Chamurchi Argo(India) Ltd.216.Mahatma Gandhi Road, Kolkata-700007
12.	Shikarpur – Bhandapur	1551	24, Ganesh Chandra Avenue, Commerce House, 5Th Floor, Room No 7, Kolkata-13 Shri Ramabtar Berlia, Director Shri Basant Kumar Berlia, Director Shri Narendra Berlia, Director 233, Sevoke Road, 2 nd Mile, Siliguri
13.	Raipur	617	C/O, Abhhoy & Co., Nehru Road, Khalpara, Siliguri, Darjeeling

			Mr. Raimohan Saha, Nehru Road, Khalpara, Siliguri
14.	Srinathpur	239	Srinathpur Tea Company Ltd. 262, Bidhan Road, Siliguri – 734401
15.	Bamandanga – Tondu	1254	Bamandanga Tea Estates Pvt. Ltd., 4A, Pollock Street,410,Swaika Centre,4 th Floor,Kolkata-700001
16.	Samsing	1500	Rajesh Agarwal, Sevoke Road, C/o PCM Tower, Siliguri, Darjeeling - 734001. Official Address 3 rd Floor, PCM Tower,2 nd Mile, Sevoke Road, Bhaktinagar, Siliguri
17.	Hantapara	1898	M/s Duncans Industries Ltd Duncan House 31, Netaji Subhas Road Kolkata 700 001 Telephone:(033) 2230 0962/2185 Fax: (033) 2248 6021 E-mail: dil_secretarial@duncans-tea.com
18.	Garganda	1517	M/s Duncans Industries Ltd Duncan House 31, Netaji Subhas Road Kolkata 700 001 Telephone:(033) 2230 0962/2185 Fax: (033) 2248 6021 E-mail: dil_secretarial@duncans-tea.com
19.	Demdima	1645	M/s Duncans Industries Ltd Duncan House 31, Netaji Subhas Road Kolkata 700 001 Telephone:(033) 2230 0962/2185 Fax: (033) 2248 6021 E-mail: dil_secretarial@duncans-tea.com

**Status of Non-functional Tea Estates/Garden which are getting Financial Assistance to
Workers of Locked out Industrial Units (FAWLOI)**

S.No.	Name of Tea Estate/Garden	No. of Workers	Management
1.	Red Bank	888	The Redbank Tea Co. (P) Ltd. Om Palace, Ramkrishna Road, P.O.: Siliguri, Dist: Darjeeling
2.	Bundapani	1215	M/s Sarada Pleasure & Adventure Ltd..P.O.- Siliguri, Dist:-Darjeeling

3.	Dheklapara	604	M/s Dekhlapara Tea Company Ltd. – In Liquidation – Calcutta High Court
4.	Madhu	961	DIABARI TEA CO LIMITED 73, Metcalf Street, Kolkata, West Bengal, india,700013
5.	Surendranagar	233	Lease cancelled by the State of West Bengal. Previous owners:- M/s Mars Plywood Mr. Roshanlal Agarwala Maitra Bhawan Sevoke Road, Siliguri – 734001 Srnakipuria.ca@gmail.com
6.	Kumlai	1103	KUMLAI TEA & INDUSTRIES LTD, 1 GANESH CHANDRA AVENUE KOLKATA- 700013

Status of Tea Estates/Garden which are NOT getting Financial Assistance to Workers of Locked out Industrial Units (FAWLOI)

S.No.	Name of Tea Estate/Garden	No. of Workers	Management
1.	Dharanipur	374	Lease cancelled by the State of West Bengal. Previous owners:- M/s Mars Plywood Mr. Roshanlal Agarwala Maitra Bhawan Sevoke Road, Siliguri – 734001 Srnakipuria.ca@gmail.com
2	Tulsipara	1141	M/s Duncans Industries Ltd.
3.	Lankapara	2132	Duncan House 31, Netaji Subhas Road Kolkata 700 001 Telephone:(033) 2230 0962/2185 Fax: (033) 2248 6021 E-mail: dil_secretarial@dunc

The State of West Bengal is directed to notify the owners of those Tea gardens about these proceedings before us. Accordingly issue notice to those above Tea gardens through companies/management returnable in two weeks.

IN RE: STATE OF TAMIL NADU

According to the Central Government in the State of Tamil Nadu, an amount of 17 Crores is outstanding and payable to the workmen as dues for the work rendered by them. Shri V. Giri, learned counsel for the State of Tamil Nadu states that as on date, the liability is to the extent of about Rs. 9.5 crores.

Undoubtedly, the primary liability is of the employers. However, having regard to the circumstances of this case which we have adverted to earlier we consider it

appropriate to pass the following order:

(i) The State Government would pay the necessary funds of Rs. 9.5 Crores to the employees upon verification within 60 days .

(ii) Notices shall be issued to the workers to present their claims and only upon verification the said amounts shall be disbursed to them.

(iii) In case the workers have died, the amounts shall be disbursed to the legal representatives upon verification of their status.

(iv) Upon verification of their identities and claims they shall make payment in chronological order, i.e., those who have retired earlier shall be paid before those who have retired later.

(v) The process of verification and identification shall be commenced immediately.

(vi) The Government shall be entitled to

recover those amount from all those employers whose primary duty was to pay the wages, as a revenue demand or any other efficacious manner.

We are informed by the State of Tamil Nadu that primary liability is of the employer list of which is as follows :

Address of the Tea Gardens

S. No.	Name of the Tea Estate & Address	Name of the Company & Address
1.	High Forest Estate Post, Valparai, Coimbatore, Tamil Nadu, Pincode – 642127	Mahavir Plantations Pvt. Ltd. 24/1511, Indira Gandhi Road, Kochi - 682003
2.	Liddelsdale & Prospect Liddlellsdale Estate Naduvattam Post, Ooty Tulak, The Nilgiris, Tamil Nadu – 643224	Mahavir Plantations Pvt. Ltd. 24/1511, Indira Gandhi Road, Kochi - 682003
3.	Manjushree, New Hope & Glenvans New Hope Estate, New Hope Post, Gudalur Taluk, The Nilgiris Tamil Nadu – 643226	Manjushree Plantations Limited, 7E Neelamber Building, 28B Shakespeare Sarani, Kolkata 700017
4.	Seaforth Estate, Seaforth Post, Gudalur Taluk, The Nilgiris Tamil Nadu - 643228	Mahavir Plantations Pvt. Ltd. 24/1511, Indira Gandhi Road, Kochi - 682003

We accordingly consider it appropriate to direct the State of Tamil Nadu to notify the owners of those Tea gardens about these

proceedings before us. Accordingly issue notice to those above Tea gardens through companies/management returnable in two weeks.

IN Re: Kerala

As far as state of Kerala is concerned, the total amount unpaid, according to Shri Gonsalves is a large sum of Rs. 27 crores. This is denied by Shri G. Prakash who states that only a total of Rs. 2.79 cores is due as arrears to the workmen of the Tea Estates in the State of Kerala. We accordingly pass the following order:

(i) The State Government would pay the necessary funds of Rs. 2.79 Crores to the employees upon verification within 60 days

(ii) Notices shall be issued to the workers to present their claims and only upon verification the said amounts shall be disbursed to them.

(iii) In case the workers have died, the amounts shall be disbursed to the legal

representatives upon verification of their status.

(iv) Upon verification of their identities and claims they shall make payment in chronological order, i.e., those who have retired earlier shall be paid before those who have retired later.

(v) The process of verification and identification shall be commenced immediately.

(vi) The Government shall be entitled to recover those amount from all those employers whose primary duty was to pay the wages, as a revenue demand or any other efficacious manner.

We are informed by the State of Kerala that primary liability is of the employer list of which is as follows :

Sl. No.	Name of the Tea Estate & Address	Name of the Company &
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		Address
1.	Peermade and Lonetree Peermade Tea Company Cheenthalaar Post, Peermade Taluk, Idukki Distt. Kerala - 685501	Peermade Tea Company Limited, TC-12/76 “Silver Oaks”, PMG-Plamoodu Road, Pattom Palace P.O., Thiruvananthapuram, Kerala 695004
2.	Glenmary Estate, Peermade Post, 685531	Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
3.	Ladrum Tea Estate, Peermade – 685531 Idukki Kerala	Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
4.	Kuduakaranm Estate, Peermade – 685531 Idukki Kerala	Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
5.	Manjumallai Tea Estate Vandiperiyar – 685533, Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
6.	Thengakal Tea Estate, Vandiperiyar – 685533, Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
7.	Pambannar Tea Estate, Peermade – 685531, Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
8.	Pasumullai	Poabs Enterprises (P) Ltd,

	Tea Estate, Vandiperiyar-685533 Idukki Kerala	District Pathnamthitta, Kuttoor PO Thiruvalla 689106
9.	Granby Tea Estate, Vandiperiyar- 685533 Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
10.	Nellikai Tea Estate, Vandiperiyar – 685533 Idukki Kerala	Poabs Enterprises (P) Ltd, District Pathnamthitta, Kuttoor PO Thiruvalla 689106
11.	Koliekanam Tea Estate, Peermade, Idukki Distt. Kerala	Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
12.	Mount Tea Estate Peermade, Idukki Dist. Kerala	Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
13.	Tungamullay Tea Estate, Peermade, Idukki Dist. Kerala	Bethel Plantations Pvt Ltd Corporate Office Glenmary Estate Peermade Idukki, Kerala 685531
14.	Bonaccard Tea Estate, Bonaccard Post, Via Nedumandagu Vithurathiruvanathapuram – 695551	Mahavir Plantations Pvt. Ltd. Silver Bright House, Chullikal Road, Kochi - 682005

**We accordingly consider it appropriate to
direct the State of Kerala to notify the**

owners of those Tea gardens about these proceedings before us. Accordingly issue notice to those above Tea gardens through companies/management returnable in two weeks.

.....J.
[S.A. BOBDE]

.....J.
[L. NAGESWARA RAO]

NEW DELHI,
APRIL 04, 2018.

ITEM NO.1

COURT NO.7

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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.33241/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date :04-04-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.
Ms. Aditi Gupta, Adv.
Ms. Olivia Bang, Adv.
Ms. Jyoti Mendiratta, AOR

For Respondent(s)

Mr. Bhaskar P Gupta, Sr. Adv.
Ms. Sangeeta Mandal, Adv.
Ms. Sukanya Basu, Adv.
for M/S. Fox Mandal & Co., AOR

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

Mr. Aman Lekhi, ASG
Ms. Vibha Datta Makhija, Sr. Adv.
Ms. Rashmi Malhotra, Adv.
Mr. S.K. Singhania, Adv.
Mrs. Anil Katiyar, AOR

Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Mr. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.
Mr. Vijay Shankar V.L., Adv.

Mr. Ajay Marwah, AOR
Mr. Mool Singh, Adv.

Mr. Debal Banerji, Sr. Adv.
Ms. Astha Sharma, Adv.
Mr. Amit Verma, Adv.
for M/S. PLR Chambers And Co., AOR

Mr. Maninder Singh, ASG
Mr. Shuvodeep Roy, AOR
Mr. Ankit Roy, Adv.
Mr. Prabhash Bajaj, Adv.
Mr. Sayooj Mohan Das, Adv.

Mr. Debojit Borkakati, Adv.

Mr. V. Giri, Sr. Adv.
Mr. T.R.B. Siva Kumar, Adv.
Mr. K.V. Ram Kumar, Adv.

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

The matter is adjourned in terms of directions to the State of Assam, West Bengal, Tamil Nadu and Kerala.

Issue notice to the Tea gardens through companies. Management in respect of above-mentioned States returnable in two weeks.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Kumari Pokhriyal]
Asstt. Registrar

[Signed order is placed on the file]