

Form of Order Sheet

District: Cachar

Court of :- District Judge, Cachar, Silchar.

Present: Sri Darak Ullah, AJS.

P.W. Appeal No-1 of 2018 (Arising out of P.W. Case No.5/07)

Ram Avatar Agarwal Vs Gurudas Choudhury.

Sl. No	Date of Order or Proceeding	Order or other proceeding	Signature of the Court	Office action taken on order.
1	2	3	4	5
	<u>6.02.19</u>	This appeal is pending for admission in view of pendency of Misc. Case No.3/2018. The appellant has preferred the instant appeal and the brief story is that the respondent as applicant had filed P.W. Case No.5/2007 against the appellant in the Court of learned Asstt. Labour Commissioner Cum-Authority under the payment of wage Act, in which he stated that he joined at Lakhipur T.E. on 01.08.1995 as Pharmacist and the appellant by threat and illegal pressure compelled the respondent to tender resignation with effect from 05.10.2004. The further allegation of the respondent was that wages was pending for the period of July 2004 to September 2004 for a period of three months and he also claimed bonous, leave salary, subsidised Ration value, annual T.A. and gratuity. It is further alleged that the respondent submitted one petition on 25.10.2004 to the Manager, Lakhipur T.E. for making necessary payment in respect of the aforesaid items but after repeated demand and request, the appellant failed		

	<u>6.02.19</u> <u>Contd...</u>	to make payment to the respondent. Thereafter, P.W. case No.05/2017 was started against the appellant as Owner/Managing Partner of Lakhipur T.E. It is contended that in the aforesaid Case, the appellant as O.P. filed the written statement stating that the applicant was not a qualified pharmacist for the purpose of a Medical Treatment unit and the matter was referred to the concerned higher Medical authority i.e, Drug Inspectors, Assam, Guwahati. Thereafter, the Drugs Inspector called for the entire relevant Certificates, documents & records and after hearing that matter in details he informed that the respondent is not at all entitled to serve any Medical Unit as Medical Officer for treatment of patients of various diseases, and further advised the garden authority to remove him immediately and not to allow him to work as Medical Officer in the Garden Hospital and accordingly, after getting the opinion of the concern Higher authority, the respondent was asked to resign from the Post of Medical Officer of Lakhipur T.E. and on 05.10.2004 he resigned from the Post of Medical Officer of Lakhipur T.E. and he was asked to take his dues if any and to vacate the company's quarter. But in spite of repeated request the respondent neither vacated the Company's quarter nor received his rendered service dues. Subsequently, the Asstt. Labour Commissioner-Cum-Authority Cachar, Silchar in absence of the appellant and/or his engaged Lawyer, passed ex-parte order without hearing the appellant. Hence, the appellant filed this instant appeal.		
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	<u>6.02.19</u> <u>Contd...</u>	As there is a delay of 25 days and, as such, the appellant has filed a separate petition being No.144/10 which was registered as Misc. Case No.3/2018. After hearing both the side today the said petition is rejected by this Court and the Misc. Case No.3/2018 is dismissed. In view of the order passed in Misc. Case No.3/2018 and more particularly in view of the fact that the appellant has not submitted any certificate from the authority to the effect that the appellant has deposited the amount payable under the direction of the authority vide judgment and order dated 15.12.2017 in P.W. Case No.5/2007, I am of the opinion that this appeal is not liable to be admitted and hence, this appeal is not admitted and dismissed in limine.	District Judge, Cachar, Silchar.	
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