

FORM. II
TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA

Complaint No. 23 of 2023

(Sunil Bauri Vs Hiracherra Tea Estate)

ORDER SHEET

Sl.No.	DATE	ORDER	NOTE
17	31.05.24	<p>In compliance to the Commission's order dated 16.04.2024 the labour Commissioner has submitted a report on 20.05.2024 and the Commissioner P.F. Regional Officer has also submitted his report to the Commission on 30.05.2024.</p> <p>According to the report of the Labour Commissioner, the original employer Md. Makarram who collected money through his Chit Fund (Sunshine Tea Processing Company Private Ltd) is not traceable. In his absence, the said Tea Estates are run by the workers themselves including selling of green tea leaves and maintenance of the tea garden. Due to absence of the employer, no fruitful steps could be taken towards recovery of the arrears payable as minimum wages as directed by the Commission.</p> <p>It appears from the report of the Labour Officer, Unakoti District, which has been forwarded to the Commission by the Labour Commissioner that for recovery of wages, the Labour Inspector, Kumarghat on behalf of the State of Tripura had filed application in the court of the authority</p>	

appointed under the payment of wages Act, 1936 against Md. Makarram, Director of Sunshine Tea Processing Co. Pvy. Ltd. and against the concerned companies for Sonamukhi Tea Estates, Notingcherra Tea Estates, Devasthal Tea Estates and Hiracherra Tea Estates. All those applications for recovery of wages went through the legal procedures but due to non-availability of employer or any authorized representative of the management on behalf of the employer, the legal procedure for recovery of wages could not be completed by the authorized court under the payment of wages Act, 1936 and the process was closed.

This was the status of the cases as long back as on 22.05.2014. It is not clear from the report of the Labour Commissioner what happened during the last 10 years and whether any effective steps were initiated by the Labour Department for recovery of the arrear wages of the poor labourers of those tea gardens. The Labour Commissioner has further mentioned in his report that the DM & Collector, Unakoti District was requested to provide unskilled work under the MGNREGA, so that they could not face any hardship to maintain their livelihood.

However, providing work under MGNREGA has got absolutely no relevance to the issue of recovery of arrear wages of those labourers. The Labour Commissioner should furnish an updated report to the Commission before the next date mentioning clearly what effective steps have been taken for the recovery of arrear wages and to trace out the

absconding employer Md. Makarram and his associates.

The P.F. Commissioner, Regional Office, Agartala in his report dated 30.05.2024 to the Commission has mentioned that steps have been initiated for enabling the workers of four tea gardens namely: a. Sonamukhi Tea Estates, b. Notingcherra Tea Estates, c. Devasthal Tea Estates and d. Hiracherra Tea Estates under Unakoti District, Tripura. From his report it is clear that a total of 858 tea garden workers of those four tea gardens have PF balances in their accounts and the total amount of said PF is Rs. 1,62,36,929/- (one crore sixty two lakhs thirty six thousand nine hundred and twenty nine). The P.F. Commissioner has mentioned about some discrepancies in the service records of the employees like in the name, date of birth, gender etc. Also EPFO data base could not be completed as rectification was required before linking the particulars with Aadhar. As a consequence, their Universal Account Numbers (UAN) could not be generated.

However, the Regional P.F. Commissioner has intimated the Commission that to finalize the payment of EPF to the workers of those tea gardens, Sri Prasanta Karmakar, Enforcement Officer and Sri Pijush Roy, Section Supervisor have been made Liaison Officer to resolve any queries / issue of the workers of those tea gardens. Their Mobile numbers have also been given to the leaders of the workers.

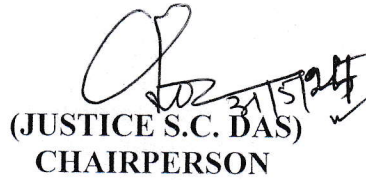
While the Commission appreciates the positive steps taken by the Regional P.F. Commissioner in pursuance to

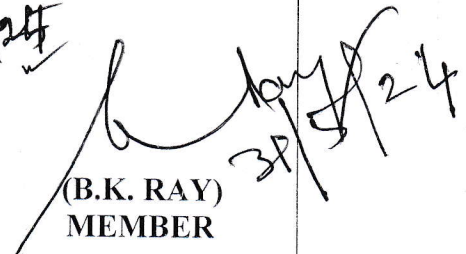
the Commission's order, he should ensure that all eligible workers receive their EPF money at the earliest as there has already been inordinate delay in settling the issue. The Regional P.F. Commissioner should inform the Commission about the latest status of the cases before the next date.

List it on 16.07.2024



(S.C. SAHA)
MEMBER


(JUSTICE S.C. DAS)
CHAIRPERSON


(B.K. RAY)
MEMBER