

GAHC010021832022



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

Case No. : WP(C)/848/2022

GOUTAM DEKARAJA AND 11 ORS.
SON OF LATE NANDARAM
DEKARAJA
R/O APDCL OFFICE COLONY, HOJAI, P.O. HOJAI, DIST. HOJAI, ASSAM, PIN-
782435

2: SRI KISHORE KR. BORO
SON OF LATE TOPESWAR BORO
HOJAI ELECTRICAL SUB-DIVISION
P.O. HOJAI
DIST. HOJAI
ASSAM
PIN-782435

3: SRI CHOITANYA RAY
SON OF LATE CHITTA RANJAN RAY
R/O VILL- MATIKHOLA
P.O. SINGARI BASTI
HOJAI ELECTRICAL SUB DIVISION
DIST. HOJAI
ASSAM
PIN-782435

4: SRI JITEN SAINARY
SON OF LATE BISHARAM SAINARY

R/O VILL- HOJAI DAKHIN BIDYANGAR
HOJAI ELECTRICAL SUB DIVISION
P.O. HOJAI
DIST. HOJAI
ASSAM
PIN-782435

5: SRI JATIN DAS

SON OF JEEBAN DAS
R/O VILL- DIMARUGURI
P.O. DIMARUGURI
DIST. NAGAON
ASSAM

6: SRI RINKU BORAH
SON OF LATE SUSHIL CH. BORAH
HOJAI ELECTRICAL SUB-DIVISION
P.O.HOJAI
DIST. HOJAI
ASSAM
PIN-782435

7: SRI MADHU SUDHAN BHUYAN
SON OF LATE BIRBAL BHUYAN
R/O VILL- DAKHIN GOLAGHALIA BASTI
P.O. HOJAI
DIST. HOJAI
ASSAM
PIN-782435

8: SRI MITHUN DAS
SON OF LATE MOHANLAL DAS
R/O VILL- DANGARIBARI
P.O. HOJAI
DIST.HOJAI
ASSAM
PIN-782435

9: SRI HARERAM SAHU
SON OF SIBAMONI SAHU

R/O VILL- RAMPUR
P.O. AMTOLA
P.S. HOJAI
DIST.HOJAI
ASSAM
PIN-782435

10: SRI RATAN CHANDA
SON OF ROMANI MOHAN CHANDRA
P.O. TLE BOSTI

DIST. HOJAI
ASSAM
PIN-782435

11: MD. MOCKBUL HUSSAIN
SON OF LATE MOHAMMED ALI

R/O PACHIN NILBAGAN
P.O. NILBAGAN
DIST.HOJAI
ASSAM
PIN-782435

12: SRI DULAN DAS
SON OF CHUNILAL DAS
R/O SILIGURI BASTI
P.O. SILIGURI BASTI
DIST.NAGAON
ASSA

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LTD AND 5 ORS.
REP. BY ITS CHAIRMAN, BIJULEE BHAWAN, PALTANBAZAR, GUWAHATI,
ASSAM, PIN-781001

2:THE CHAIRMAN

SELECTION COMMITTEE -B
APDCL/AEGCL/APGCL
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI
ASSAM
PIN-781001.

3:THE CHIEF GENERAL MANAGER (HRA)
ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL)
BIJULEE BHAWAN
PALTANBAZAR
GUWAHATI
ASSAM
PIN-781001.

4:THE ASSISTANT GENERAL MANAGER

HOJAI ELECTRICAL DIVISION
APDCL (CAR)
HOJAI
DIST. HOJAI
ASSAM
PIN-782435

5:THE CHIEF EXECUTIVE OFFICER

NAGAON ELECTRICAL CIRCLE
APDCL (CAR)
NAGAON
ASSAM
PIN-782001.

6:SUB-DIVISIONAL ENGINEER

HOJAI ELECTRICAL SUB-DIVISION
APDCL
HOJAI
NAGAON
ASSAM
PIN-78200

Advocate for the Petitioner : MS. B BHUYAN

Advocate for the Respondent : SC, APDCL

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

24.05.2023

Heard Ms. B. Bhuyan, learned senior counsel assisted by Ms. B. Bora, learned counsel appearing for the writ petitioners. Also heard Mr. S. P. Sharma, learned Standing Counsel, APDCL appearing for the respondents.

The petitioners herein are working as Sahayak/Meter Readers under the Hojai Electrical Sub-Division of the APDCL. Aggrieved by the fact that their services have not been regularised till today, the instant writ petition has been filed.

By referring to the judgment and order dated 23.02.2021 passed by the learned Single Judge in WP(C) No.1351/2020 Ms. B. Bhuyan, learned senior counsel for the petitioners submits that although her clients case would not come within the

purview of the aforesaid judgment, in so far as the relief granted in respect of Sahayak/Meter Readers who have completed more than 10 years of continuous service is concerned, yet, in view of the observation made in paragraph 11 of the judgment requiring the respondent authorities to also consider the case of those Sahayak/Meter Readers who have not completed 10 years of continuous service so as to find out a suitable economic package for them, this writ petition can be disposed of by directing the respondent authorities to bestow appropriate consideration on the case of the writ petitioners as well.

Responding to the above, Mr. Sharma, learned Standing Counsel, APDCL submits that the writ petitioners herein are not eligible for consideration even as per the observations made in paragraph 11 of the aforesaid judgment.

Be that as it may, in paragraph 11 of the judgment and order dated 23.02.2021 the learned Single Judge has made the following observation :-

“11. As regards any of the petitioners who may not have satisfied the requirement of having worked continuously for 10 years, we request the respondent APDCL to also consider their case and find out a suitable economic package for them as per the acceptability of the respondent APDCL. Ordered accordingly.”

The above observation clearly goes to show that the respondents have been asked to suitably consider the cases of those Sahayak/Meter Readers who are not able to satisfy the requirement of having worked continuously for 10 years, for extending a suitable economic package to them. On such consideration, whether the petitioners or any of them would be entitled to any relief, is a matter of factual verification, which would depend on the representation and

the documents furnished by the petitioners. However, what is apparent is that even if the petitioners have not satisfied the requirement of continuous service of 10 years, even then, their case would deserve some consideration by the APDCL authorities albeit, not on equal footing with those who have completed 10 years of continuous service.

In view of the above, without expressing any opinion on the merit of the claims made in the writ petition, this petition is disposed of with a direction upon the respondent authorities to consider the case of the petitioners in the light of the observation made in paragraph 11 of the judgment and order dated 23.02.2021 as quoted above. Facilitating the above, the petitioners to submit proper representations along with supporting documents before the respondent No.3 within a period of four weeks from today, by enclosing a certified copy of this order. If such a representation is filed, as directed above, the respondents will examine the case of the petitioners in the light of the observation made in paragraph 11 of the judgment and order dated 23.02.2021 and dispose of the same by a reasoned order within a further period of three months thereafter.

With the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant