

GAHC010031862023



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

Case No. : WP(C)/1079/2023

KAILASH SARMA AND 8 ORS
SON OF LATE GOPESWAR SARMA,
RESIDENT OF VILL. GAMARIMURI,
POST OFFICE- KAITHALKUCHI, POLICE STATION- BELSOR,
DISTRICT- NALBARI, PIN- 781370, ASSAM.

2: BIKASH BARMAN
SON OF LATE SUREN BARMAN

RESIDENT OF VIL. CHAMATA

POST OFFICE- CHAMATA
POLICE STATION- BELSOR

DISTRICT- NALBARI
PIN- 781306

ASSAM.

3: PRADIP BARMAN
SON OF LATE LOHIT BARMAN

RESIDENT OF VILL.- RUPIABATHAN

POST OFFICE- CHAMATA
POLICE STATION- BELSOR

DISTRICT- NALBARI
PIN- 781306

ASSAM.

4: RAMESWAR BARMAN
SON OF LATE BAGARAM BARMAN

RESIDENT OF VILLAGE- GAMARIMURI

POST OFFICE- KAITHALKUCHI

POLICE STATION BELSOR

DISTRICT- NALBARI

PIN- 781370

ASSAM.

5: NAZMAL HUSSAIN

SON OF LATE TALEB ALI

RESIDENT OF VILL. CHAMATA

POST OFFICE- PASCHIM CHAMATA

POLICE STATION- BELSOR

DISTRICT- NALBARI

PIN- 781306

ASSAM.

6: PANKAJ DEKA

SON OF LATE ATUL DEKA

RESIDENT OF VILLAGE- BARNARDDI

POST OFFICE- BARNARDDI

POLICE STATION- BELSOR

DISTRICT- NALBARI

PIN - 781303

ASSAM.

7: MAKIB ALI

SON OF LATE MAKSHED ALI

RESIDENT OF VILLAGE- BATSOR

POST OFFICE- BARNARDDI

POLICE STATION- BELSOR

DISTRICT- NALBARI
PIN - 781303

ASSAM.

8: KANIKA DEKA
SON OF LATE DEBENDRA NATH

RESIDENT OF VILL. BANGAON

POST OFFICE- BANAGRAM

POLICE STATION- BELSOR
DISTRICT- NALBARI
PIN- 781303

ASSAM.

9: FAIDUL HUSSAIN
SON OF LATE MAFIZUDDIN AHMED

RESIDENT OF VILL. CHAMATA

POST OFFICE- PACHIM CHAMATA

POLICE STATION- BELSOR

DISTRICT- NALBARI
PIN- 781306

ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY,
POWER (ELECTRICITY) DEPARTMENT,
ASSAM SECRETARIAT, DISPUR,
GUWAHATI, PIN- 781006.

2:THE MANAGING DIRECTOR
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULEE BHAWAN
PALTAN BAZAR

GUWAHATI
PIN- 781001.

3:THE CHAIRMAN
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULEE BHAWAN
PALTANBAZAR

GUWAHATI
PIN- 781001.

4:THE CHIEF GENERAL MANAGER
HRA
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULEE BHAWAN
PALTANBAZAR

GUWAHATI
PIN- 781001.

5:THE CHIEF EXECUTIVE OFFICER
NALBARI ELECTRICAL DIVISION
APDCL
NALBARI
ASSAM

Advocate for the Petitioner : MR. T K MISRA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

20.12.2023

Heard Mr. P. K. Munir, learned counsel for the writ petitioners. Also heard Mr. K. P. Pathak, learned Standing Counsel, APDCL appearing for the respondent Nos.2 to 5. Ms. A. Talukdar, learned Govt. Advocate, Assam is present on behalf of respondent No.1.

The writ petitioners herein are all contractual workers working as Meter Readers and Bill Clerks under the APDCL. As per the case projected in the writ petition,

all the petitioners have been working continuously for more than 10 years. They have the requisite qualification to be regularly appointed as Meter Readers and Bill Clerks. As such, a prayer has been made in the writ petition to issue a writ of mandamus directing the respondents to regularise the services of the petitioners as Meter Readers and Bill Clerks.

Mr. Munir, learned counsel for the petitioners has also relied upon and referred to the order dated 03.01.2022 passed by this Court in WP(C) No.1241/2020, WP(C) No.1813/2020 and WP(C) No.1332/2020 to submit that similar writ petitions have already been disposed of by this Court with a direction upon the respondents to consider the case of those writ petitioners for regularisation. As such, a similar order be passed in the present case as well.

Responding to the above, Mr. K. P. Pathak, learned departmental counsel submits that although the case of the writ petitioners in the earlier batch of writ petitions was duly considered by the authorities in terms of the order dated 03.01.2022, yet, due to financial constraints, their services could not be regularised. However, taking note of the ground realities and the predicament faced by the casual workers/outsourced workers such as the petitioners, the company has recently issued an Office Order dated 02.12.2023 enhancing the remuneration of the outsourced workers who are getting direct payment from the APDCL. As such, if an order is passed to that effect, the case of the writ petitioners herein will also be considered for extending the benefit of the Office Order dated 02.12.2023.

Mr. Munir, learned counsel for the petitioners has agreed to such an order.

In view of the above, this writ petition is disposed of by providing that the APDCL may examine the cases of all the nine petitioners individually and if found to be

genuine, the benefit of enhanced pay scale as notified by the Office Order dated 02.12.2023, be extended to them.. The aforesaid exercise be carried out and completed, as expeditiously as possible, but not later than 60 days from the date of receipt of a certified copy of this order.

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

JUDGE

Comparing Assistant