

GAHC010088712023



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

Case No. : WP(C)/2465/2023

PRABIN HAZARIKA
SON OF LATE MANIRAM HAZARIKA,
RESIDENT OF RRR PALACE, FLAT NO. 1 C,
GNB ROAD, SILPUKHURI, GUWAHATI,
PIN- 781003.

VERSUS

THE ASSAM ELECTRICITY GRID CORPORATION LTD AND 4 ORS
REPRESENTED BY ITS CHAIRMAN
HAVING ITS REGISTERED OFFICE AT 1ST FLOOR,
BIJULEE BHAWAN, PALTANBAZAR,
GUWAHATI- 781001.

2:THE MANAGING DIRECTOR
ASSAM ELECTRICITY GRID CORPORATION LIMITED
BIJULEE BHAWAN
PALTANBAZAR

GUWAHATI- 781001.

3:THE CHIEF GENERAL MANAGER (F AND A)
ASSAM ELECTRICITY GRID CORPORATION LTD.
BIJULEE BHAWAN
PALTANBAZAR

GUWAHATI- 781001.

4:THE GENERAL MANAGER (HR)
ASSAM ELECTRICITY GRID CORPORATION LTD.
BIJULEE BHAWAN
PALTANBAZAR

GUWAHATI- 781001.

5:THE GENERAL MANAGER
LOWER ASSAM T AND T ZONE
ASSAM ELECTRICITY GRID CORPORATION LTD.
NAGAON
ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent :

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

19.05.2023

Heard Mr. J. Patowary, the learned counsel for the petitioner and Mr. S. Katakya, the learned counsel appearing on behalf of the respondent Nos.1 to 5.

2. This Court vide the order dated 10.05.2023 sought for the instructions from the learned counsel appearing on behalf of the respondent Nos.1 to 5 as to whether the judgment dated 03.11.2022 passed by the Coordinate Bench of this Court in WP(C) No.1607/2020 would cover the issue involved in the instant proceedings.
3. The learned counsel appearing on behalf of the respondent Nos.1 to 5 submits that although the issue is covered by the judgment dated 03.11.2022 in WP(C) No.1607/2020 but against the said judgment and order an appeal has been preferred before the Division Bench in WA No.107/2023 wherein the issue is subjudice. The learned counsel

appearing on behalf of the respondent Nos.1 to 5 further submits that in the said appeal, although the judgment and order dated 03.11.2022 passed in WP(C) No.1607/2020 has not been stayed, however, it was observed that the respondent in the writ appeal/petitioner in WP(C) No.1607/2020 shall give an undertaking to the effect that in case the appeal is allowed, the respondent therein shall reimburse the excess amount, if any, paid to him on account of the judgment and order dated 03.11.2022.

4. The learned counsel for the petitioner submits that the petitioner is also willing to give a similar undertaking to that effect.
5. Having heard the learned counsels for the parties and taking into consideration that the issue involved in the instant writ petition is squarely covered by the judgment and order dated 03.11.2022 passed in WP(C) No.1607/2020, this Court disposes of the instant writ petition observing that as the petitioner herein has attained the age of superannuation on 31.03.2016, he cannot be categorized and included in the category of existing pensioner on 31.03.2016 as he acquires the status of the pensioner only on and from 01.04.2016. Under such circumstances, the entitlement of the petitioner has to be worked out in terms with the provision laid down under Rule 4 (a) of the Revised Pay Rules, 2017.
6. Accordingly, this Court, therefore, directs the respondent authorities to work out the entitlement of the petitioner as pensioner under different Heads like Pension, Commutate Value of Pension (CVP), Death cum Retirement Benefit, Leave Encashment benefits etc. on the basis of Rule 4 (a) of the Revised Pay Rules, 2017 and if after such exercise the petitioner

is found entitled for an enhanced amount than that what has been worked out in the Office Order No.AEGCL/ACT/PEN/11808/ 16/220/2 dated 19.04.2016, the same should be disbursed to the petitioner in an expeditious manner.

7. It is further directed that the said exercise be undertaken and completed within a period of 2 (two) months from the date of submission of a certified copy of this order by the petitioner at the Office of the respondent No.2.
8. Before parting with the record, this Court further deems it proper to observe and direct that the petitioner shall submit, along with the certified copy of the instant order, an undertaking to the effect that in case the Writ Appeal No.107/2023 is decided in favour of the appellants therein, he shall reimburse the excess amount paid to him on account of the order passed herein.

JUDGE

Comparing Assistant