

GAHC010159722023



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

Case No. : WP(C)/4444/2023

DEEPAK BHUYHAR
S/O- LATE SH. DEOPATI BHUYHAR, R/O- INDIAN OIL CORPORATION
LIMITED (ASSAM OIL DIVISION), DIGBOI, P.O. AND P.S. DIGBOI, DIST.
TINSUKIA, ASSAM

VERSUS

THE OIL INDIA CORPORATION LIMITED AND 3 ORS.
REPRESENTED BY THE CHAIRMAN CORPORATE OFFICE, CORE-2, 7
INSTITUTIONAL AREA, LODI ROAD, NEW DELHI-110003.

2:THE CHIEF GENERAL MANAGER
INDIAN OIL CORPORATION LIMITED (ASSAM OIL DIVISION) DIGBOI
DIST. TINSUKIA
ASSAM
PIN- 786171.

3:THE CHIEF H.R. MANAGER
INDIAN OIL CORPORATION LIMITED (ASSAM OIL DIVISION) DIGBOI
DIST. TINSUKIA
ASSAM
PIN- 786171.

4:THE CHIEF EMPLOYEES RELATION MANAGER (CERM)
IOCL (AOD)
DIGBOI REFINERY
P.O. DIGBOI
PIN- 786171
ASSA

Advocate for the Petitioner : MR. B BARUAH

Advocate for the Respondent : SC, I O C

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

21-08-2023

Heard Mr. B. Baruah, learned counsel for the petitioner and Mr. K. Kalita, learned Standing Counsel, Indian Oil Corporation for all the official respondent Nos. 1 to 4.

2) Since 31.12.1993, the petitioner is serving as Helper under the respondent No.4. Later, pursuant to the order of the Court dated 22.09.2017, passed in WP(C) No. 5068/2009 as well as the judgment and order dated 26.07.2022, passed by Hon'ble Division Bench in WA No. 6/2019, the service of the petitioner was regularized and confirmed w.e.f., 13.05.1997 as Chemical Attendant-I, Grade-I in the Pay Scale of Rs. 23,000/- to Rs. 78,000/- with other benefits accrued thereof.

3) According to the petitioner, though the respondent IOC is duty bound to issue written communications to him on the subject of payment of consequential benefits on regularization of his service w.e.f., 13.05.1997 that accrued to him from the date of regularization of his service i.e., 13.05.1997 upto 30.11.2022 but the petitioner is yet to receive such benefits w.e.f., 1997 upto 2022 as per his entitlement.

4) It is also stated that he is unaware about the deduction that has been made from his arrear dues while releasing the accrued service benefits for the considerable period of 25 years including provisional taxes and actual amount on account of accrued service benefits paid to him on lump sum amount.

5) It is also urged by the petitioner that he was given lesser amount than the actual amount he is entitled for.

6) The petitioner submitted that being an employee of the respondent IOC, Assam Oil Division, Digboi, he is entitled to one Salary Grade to the next higher salary grade on completion of every seven years of service with increments and other service benefits and considering his service being regularized w.e.f., 13.05.1997 in the post of Chemical Attendant-I, Grade-I, he should have been paid such benefits by the respondent IOC-AOD, Digboi, but the same has not yet been paid to him.

7) The petitioner stated that on 20.06.2022, his lawyer sent legal notice to the respondent No.4, the Chief Employees Relation Manager (CERM), IOCL (AOD), Digboi Refinery particularly, to his claim on being regularisation of his service w.e.f., 13.05.1997 in the post of Chemical Attendant-I, Grade-I.

8) Hence, this writ petition.

9) After hearing the learned counsels for the parties, this writ petition is disposed of directing the petitioner to submit a detail representation before the Chief Employees Relation Manager, Indian Oil Corporation Limited, Assam Oil Division, Digboi Refinery stating his grievances regarding the claim of the benefits he is entitled for, with a certified copy of this order and a copy of this writ petition including the annexures appended thereto along with his permanent address, mobile number, e-mail id etc., on or before **31.08.2023** obtaining necessary acknowledgement from the said authority in that regard.

10) In the event of filing such representation by the petitioner as directed above, the Chief Employees Relation Manager, IOCL (AOD), Digboi Refinery shall dispose of the said representation of the petitioner within a period of 90 (ninety) days from the receipt of the same from the petitioner, if so required, giving a personal hearing to the petitioner, intimating the petitioner about the outcome of his representation. If the petitioner is found entitled for any such financial benefits claimed by him in this writ petition, the authorities in the IOCL (AOD), Digboi Refinery, Digboi shall pay him such financial benefits as per his entitlement, in accordance with law.

11) With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant