GAHC010069822024

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

Case No. : WP(C)/1928/2024

ASWINI KUMAR MEDHI
S/O- LATE JOGESWAR MEDHI,
R/O- BIJOY NAGAR, NOONMATI,
P.O. AND P.S.- NOONMATI, GUWAHATI,
DIST.- KAMRUP(M), ASSAM, PIN- 781020.

VERSUS

THE ASSAM POWER GENERATION CORPORATION LIMITED AND 4 ORS
REPRESENTED BY ITS CHAIRMAN HAVING ITS REGISTERED OFFICE AT
BIJULEE BHAWAN, PALTAN BAZAR, GUWAHATI- 781001.

2:THE MANAGING DIRECTOR
ASSAM POWER GENERATION CORPORATION LTD.
BIJULEE BHAWAN
PALTAN BAZAR

GUWAHATI- 781001.

3:THE MANAGING DIRECTOR
ELECTRICITY GRID CORPORATION LIMITED
BIJULEE BHAWAN
PALTAN BAZAR

GUWAHATI- 781001.

4:THE CHIEF GENERAL MANAGER (HR)
ASSAM POWER DISTRIBUTION COMPANY LTD.
BIJULEE BHAWAN
PALTAN BAZAR

GUWAHATI- 781001.

5:THE GENERAL MANAGER (HR)

OFFICE OF THE CHIEF GENERAL MANAGER (GEN.)

ASSAM POWER GENERATION CORPORATION LTD

Advocate for the Petitioner : MR S MUKTAR

Advocate for the Respondent : SR. SC, APGCL

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

03.05.2024

Heard Mr. S. Muktar, learned counsel for the petitioner. Also heard Mr. H.R. Das, learned Standing Counsel, APGCL, Mr. S.P. Sharma, learned Standing Counsel, APDCL and Mr. S. Kotoky, learned Standing Counsel, AEGCL.

2] The issue involved in this case is identical since this Court has been informed that to that which has been decided by this Court in an earlier case, namely, WP(C) No.1607/2020 vide Judgment and Order dated 03.11.2022, this case is taken up for disposal at the Motion stage itself.

3] The learned counsel for the respondents submit that although the issue is covered by the judgment and Order dated 03.11.2022 in WP(C) No.1607/2022

but against the said Judgment and Order an appeal has been preferred before the Division Bench in W.A. No.107/2023 and the issue is presently subjudiced before the Appellate. The learned counsel appearing on behalf of the respondents 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 respondents 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 respondents therein shall reimburse the excess amount, if any, paid to them 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 counsel 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.1607/2022, this Court disposes of the instant writ petition observing that as the petitioner herein having attained the age of superannuation on 31.03.2016, 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 provisions laid down under Rule 4 (a) of the Revised Pay Rules,

2017.

6] Accordingly, this Court directs the respondent authorities to work out the entitlement of the petitioner as a pensioner under different Heads like Pension, Commuted 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.MD/APGCL/PEN/M-16/1192/22 dated 31.03.2016 at the time of his retirement, the same should be disbursed to the petitioner in an expeditious manner and in terms of the decision taken in the Joint Committee of Chairman (JCC) Meeting Held on 27.02.2024.

7] It is further directed that the said exercise be undertaken and completed within a period 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 W.A. 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 therein.

9] With the above observations, the writ petition stands disposed of.

JUDGE

Comparing Assistant