

GAHC010107512024



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

Case No. : WP(C)/2828/2024

BINAPANI NEOG
W/O- LATE MOHENDRA KR. NEOG,
R/O- NA ALI, BOLIA GOHAIN PUKHURI PAR,
P.O- BOLIA GOHAIN PUKHURI, DIST- JORHAT, ASSAM, PIN-785001

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LTD AND 4 ORS
REP. BY ITS CHAIRMAN HAVING ITS REGD. OFFICE AT 1ST FLOOR,
BIJULEE BHAWAN, PALTAN BAZAR, GUWAHATI-01

2:THE MANAGING DIRECTOR
ASSAM POWER DISTRIBUTION COMPANY LTD

BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI-01

3:THE CHIEF GENERAL MANAGER (F AND A)
PENSION
ASSAM ELECTRICITY GRID CORPORATION LTD
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI-01

4:THE ASSISTANT GENERAL MANAGER (F AND A)
PENSION
ASSAM ELECTRICITY GRID CORPORATION LTD
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI-01

5:THE ASSISTANT GENERAL MANAGER
JORHAT ELECTRICAL DIVISION-II

ASSAM POWER DISTRIBUTION COMPANY LTD.

JORHAT
PIN-78500

Advocate for the Petitioner : MR. J PATOWARY

Advocate for the Respondent : SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 03-06-2024

03.06.2024

Heard Mr. J. Patowary, learned counsel for the petitioner as well as Mr. K.P. Pathak, learned standing counsel for the APDCL for the respondent nos.1, 2 and 5 and Ms. K. Phukan, learned standing counsel for the respondent nos.3 and 4.

2. The case of the petitioner is that she had retired from service as Accounts Officer, Jorhat Electrical Division-II, APDCL.

3. On retirement, the petitioner was paid retirement benefits in terms of ROP rules, 2010. However, the petitioner claims that she later on came to know that she is entitled to a higher pension amount in terms of ASEB Revision of Pay Rules, 2017 which have been given retrospective effect from 01.04.2016. Therefore, the petitioner claims that she would be entitled to revision of her last pay drawn on 31.03.2016 as per Rule 4(a) of the ASEB

Revised Pay Rules, 2017.

4. The petitioner claims that without revising her last pay, the respondent authorities have revised her pension by applying Rule 32 of the ROP Rules, 2017 and therefore the petitioner has filed this writ petition under Article 226 of the Constitution of India, seeking an appropriate direction upon the respondents for revision of pay in terms of the last pay drawn which would be calculated as per her last pay as on 31.03.2016.

5. At the outset the learned standing counsel for the APDCL has produced a copy of the minutes of the JCC meeting held on 27.02.2024, and it is projected that in the said meeting a resolution has been taken to provide the benefit of revised pay scale as per ASEB Revision of Pay Rules, 2017 and in this regard he has produced a copy of the said minutes.

6. It is submitted that although the petitioner is relying on the judgment of the Division Bench of this Court in WA 107/2023, wherein order dated 22.03.2023 was passed.

7. Accordingly, it is submitted that as per his instructions the respondent authorities have considered the claim of the petitioner in terms of the ROP, 2017. He has further submitted, upon instructions, that the respondent no.1 is only seeking liberty from the Court to disburse the arrear benefit which may accrue the petitioner in five installments spread over a span of two financial years. However, he submits that the decision on the entitlement of the

petitioner to the revised pay scale would be taken within a period of one month from the date of producing a certified copy of this order.

8. In view of the statement made at the Bar by the learned standing counsel for the APDCL, the Court is inclined to dispose of the writ petition at the motion stage by providing that the competent authorities in the APDCL shall take a decision on the claim of the petitioner for the benefit of revised pay scale as per the Revision of Pay Rules, 2017 by considering the entitlement of the petitioner as per her revised last pay drawn on 31.03.2016.

9. It is also provided that while disposing of the claim of the petitioner, it would be open to the respondents to provide a definite time-line within which they would disburse the arrear payment calculated to be due to the petitioner. It would be also open to the respondents to comply with all codal formalities as may be required for their purpose.

10. As the matter has been disposed of at the motion stage in such terms as indicated above, liberty is granted to the petitioner to approach the Court, if she is still aggrieved.

JUDGE

Comparing Assistant