

GAHC010158762024



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

Case No. : WP(C)/4219/2024

PRANTIK SARMAH AND 6 ORS
SON OF LATE PRADIP SARMAH, RESIDENT OF VILLAGE- HEMARBORI,
P.O. AND P.S. JAJARI, DIST.- NAGAON, ASSAM, PIN- 782142

2: NAYAN JYOTI DAS
SON OF BHABEN CHANDRA DAS
RESIDENT OF VILLAGE- DURGAJAN
P.O. HARIAMUKH RAHA
P.S. RAHA
DIST- NAGAON
ASSAM
PIN- 782103

3: RAMANI DEKA
SON OF LATE ANANTA DEKA
RESIDENT OF VILLAGE- NIZ BARAPUJIA RAJAGAON
P.O.- BARAPUJIA
PS- RAHA
DIST- NAGAON
ASSAM
PIN- 782103

4: BISWAJIT PATAR
SON OF PUHESWAR PATAR
RESIDENT OF VILLAGE- MAKARIA
P.O.- NELLIE
P.S. JAGIROAD
DIST.- MORIGAON
ASSAM
PIN- 782413

5: GUBINDRA NATH @ GOBIN NATH
SON OF PURNA KANTA NATH
RESIDENT OF VILLAGE- KHANDAJAN MULANKATA

P.O.- MOLANKATA RAHA
P.S. RAHA
DIST- NAGAON
ASSAM
PIN- 782103

6: HAJARAT ALI
SON OF ABDUL AJIJ
RESIDENT OF VILLAGE- SALMARA
P.O. SALMARA
P.S. RAHA
DIST.- NAGAON
ASSAM
PIN- 782425

7: JIARUL HOQUE
SON OF NURUL HOQUE
RESIDENT OF VILLAGE- BAJBATAMARI
P.O. BAJBATAMARI
P.S. KAMPUR
DIST- NAGAON
ASSAM
PIN- 78242

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LIMITED AND 5 ORS
(APDCL), REPRESENTED BY THE CHAIRMAN, APDCL, BIJULEE BHAVAN,
GUWAHATI- 781001

2:THE CHIEF GENERAL MANAGER (HRA)
APDCL
BIJULEE BHAVAN
GUWAHATI- 781001

3:THE GENERAL MANAGER
NAGAON
ELECTRICAL CIRCLE APDCL (CAR)
NAGAON
P.O. AND P.S. NAGAON
DISTRICT- NAGAON
ASSAM
PIN- 782002

4:THE CHIEF EXECUTIVE OFFICER
NAGAON
ELECTRICAL CIRCLE APDCL (CAR)
NAGAON

P.O. AND P.S. NAGAON
DISTRICT- NAGAON
ASSAM
PIN- 782002

5:THE ASST. GENERAL MANAGER
NAGAON
ELECTRICAL DIVISION-II
NAGAON
P.O. AND P.S. NAGAON
DISTRICT- NAGAON
ASSAM
PIN- 782001

6:THE SUB-DIVISIONAL ENGINEER
APDCL (CAR)
RAHA
P.O. AND P.S. RAHA
DISTRICT- NAGAON
ASSAM
PIN- 78210

Advocate for the Petitioner : MR. S C BISWAS, MR. F A HASSAN,MS. P S LASKAR,MR. H A TALUKDAR

Advocate for the Respondent : SC, APDCL,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

28.08.2024

Heard Mr. S.C. Biswas, learned counsel appearing for the petitioners. Also heard Shri K.P. Pathak, learned standing counsel, APDCL for the respondents.

2. Considering the subject matter and as agreed to by the learned counsel for the parties, this writ petition is taken up for disposal at the motion stage itself.

3. The petitioners who are 7 in numbers are working as Outsourced Meter Readers/Bill Clerks under the Raha Electrical Sub-Divisions under the Assam Power Distribution Company Limited (CAR).

4. The petitioners are receiving commission @ Rs.3/- per bill and presently getting Rs.8/- per bill, which are being paid through the Bank account of the concerned contractors. In the board meeting of the Assam Power Distribution Company Limited held on 28th of June, 2023 by resolution No. 93 it was resolved for fixation and increase of wages of Outsourced Workers in APDCL who are getting direct payment from APDCL and converting them to Contractual Workers under APDCL and productive use of the Outsource Workers.

5. However, as the petitioners were not getting direct payment from APDCL and are not being given the increased wages, they have filed the present writ petition with the following prayers:

“Under the above circumstances, it is therefore prayed that Your Lordships would graciously be pleased to admit this petition, call for the records, and issue a Rule, calling upon the Respondents to show cause as to why a Writ in the nature of Mandamus should not be issued

(i) Directing / commanding the respondent authorities to immediately include the indirectly paid outsource workers of APDCL like the petitioners for the benefits as resolved vide resolution No. 93 dated 28.06.2023 (Annexure No. 6) and Office Order dated 02.12.2023 (Annexure No. 8) and pay the said benefits to the petitioners after cross verification of their data and documents.

(ii) Directing the respondent authorities to make

arrangements for direct payment to the account of the petitioners.

(iii) To grant similar relief as granted on 15.02.2024 (Annexure No. 12) to the other similarly situated outsource workers under same nagaon electrical circle in W.P. (C) No. 6365/2023 and 5649/2023.

(iv) To grant all such relief to which the petitioners are legally entitled to an after perusal of records cause or cause being shown if any and upon hearing the parties, Your Lordships may be pleased to make the Rule absolute and / or pass such appropriate Order / Orders or direction as Your Lordships may deem fit and proper in the interest of justice.

And

Further, it is also prayed that pending disposal of the Rule, Your Lordships would be pleased to direct the respondent authorities to immediately cross-verify the data and documents of the petitioners and submit that verified data base to the respondent No. 2 for entitlement of benefits of the resolution No. 93 dated 28.06.2023 (Annexure No. 6) and Office Order dated 02.12.2023 (Annexure No. 8) and / or to grant such interim relief as Your Lordships may deem fit and proper, in the interest of justice..”

6. During the course of hearing, Shri Pathak, the learned Standing Counsel, APDCL has referred to an Office Order dated 02.12.2023, issued by the Chief General Manager, HRA, APDCL as per which, there was a decision to increase the remuneration of outsourced person. He has also placed before this Court

two office orders dated 14.12.2023 and 22.07.2024 by which a committee was constituted to examine the cases of similar nature and by the subsequent notification, the tenure of the committee has been extended.

7. On the basis of the officer orders, the learned Standing Counsel for the APDCL submits that the respondents have complied with the resolution passed by the Board of Directors and, therefore, the petitioners may be directed to submit the available documents before the APDCL authorities and after verification, their grievances would be resolved.

8. Recording the submission made by the learned Standing Counsel for the APDCL, the writ petition is disposed of directing petitioners to submit their documents for verification before the concerned APDCL authorities within a period of 15 days from today. Thereafter, the authorities in APDCL shall consider the case of the petitioner in terms of office orders mentioned above which would also include the aspect of direct payment to the petitioners within a period of 2(two) months from the date of receipt of the documents from the petitioner.

9. With the above observations and directions, this writ petition stands disposed of.

10. The Office Orders are placed on record.

JUDGE

Comparing Assistant