

GAHC010244202023



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

Case No. : WP(C)/6365/2023

BAHARUL ISLAM AND 4 ORS
S/O- LATE FAHIM UDDIN,
R/O- VILLAGE KATAHGURI,
P.O- TUKTUKI,
P.S- DHING,
DIST- NAGAON, ASSAM, PIN-782123

2: RUPAN NATH @ RUPAN DEBNATH
S/O- LATE LOHIT DEBNATH
R/O- VILLAGE BETKATI GAON
P.O- CHAMUA GAON
P.S- DHING
DIST- NAGAON
ASSAM
PIN-782123

3: JAMANUR RAHMAN
S/O- ABDUL WAHEB
R/O- VILLAGE BATADRAVA BARBHETI
P.O- BARBHETI
P.S- BATADRAVA
DIST- NAGAON
ASSAM
PIN-782122

4: NUR JAMAL
S/O- GENDHU SHEIKH
R/O- VILLAGE SUNSERI
P.O- KANDHULIMARI
P.S- DHING
DIST- NAGAON
ASSAM
PIN-782123

5: ABDUL MUTALIB
S/O- OMAR ALI
R/O- VILLAGE CHITALMARI PATHER
P.O- CHITALMARI BEEL
P.S- JURIA
DIST- NAGAON
ASSAM, PIN-78212

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LIMITED AND 5 ORS
REP. BY THE CHAIRMAN , APDCL, BIJULEE BHAWAN, PALTAN BAZAR,
GUWAHATI- 781001, DIST.- KAMRUP(M), ASSAM.

2:THE CHIEF GENERAL MANAGER (HRA)
APDCL
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001
DIST.- KAMRUP(M)
ASSAM.

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

4:THE CHIEF EXECUTIVE OFFICER
NAGAON ELECTRICAL CIRCLE APDCL (CAR) NAGAON
P.O AND P.S- NAGAON
DIST-NAGAON
ASSAM
PIN-782002

5:THE DIVISIONAL ENGINEER
APDCL (CAR) NAGAON
P.O AND P.S- NAGAON
DIST-NAGAON
ASSAM
PIN-782002

6:THE SUB DIVISIONAL ENGINEER
APDCL (CAR) DHING
P.O AND P.S- DHING
DIST-NAGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR. S C BISWAS
Advocate for the Respondent : SC, APDCL

Linked Case : WP(C)/5649/2023

RINKU BORDOLOI AND 8 ORS.
S/O- LATE DEOKAN BORDOLOI
R/O- VILL. 1 NO. KAKI
3 NO. GAON
P.O. AND P.S. KAKI
DIST. HOJAI
ASSAM
PIN- 782442.

2: NABAJYOTI HAZARIKA @ NABA HAZARIKA
S/O- NABIN HAZARIKA
R/O- VILLAGE- 2 NO. KAKI
NARAYANPUR
P.O. THAISUPAR
P.S. KAKI
DIST. HOJAI
ASSAM
PIN- 782446.

3: PINKI MISHRA TIWARI
W/O- OM SHANKAR MISHRA
R/O- WARD NO. 5 LANKA TOWN
P.O. AND P.S. LANKA
DIST. HOJAI
ASSAM
PIN- 782446.

4: MINTU BORAH
S/O- SUREN BORAH
R/O- VILL.- NIZ BHELOGURI
P.O. AND P.S. SAMAGURI
DIST. NAGAON
ASSAM
PIN- 782140.

5: MUSTAK AHMED
S/O- GIYASUDDIN AHMED
R/O- VILL.- NIZ CHALCAHLI
PO. CHALCHALI
P.S. SAMAGURI
DIST. NAGAON

ASSAM
PIN- 782141.

6: PANKAJ KALITA
S/O- TANKA KALITA
R/O- VILL.- BORHAMPUR BEJOR GAON
P.O. AND P.S. BORHAMPUR
DIST. NAGAON
ASSAM
PIN- 782102.

7: NARAYAN SARMAH
S/O- BHUSHAN SARMAH
R/O- VILL.- NONOI MIKIRPAR URIAGAON
P.O AND P.S. NONOI
DIST. NAGAON
ASSAM
PIN- 782101.

8: GOLAP BORA
S/O- BHADRESWAR BORAH
R/O- VILL.- DIPHALU
P.O. ITACHALI
P.S. AND DIST. NAGAON
ASSAM
PIN- 782003.

9: WAHIDUR RAHMAN
S/O- LATE ABDUL HAKIM
R/O- VILL.- BORBHETI
P.O. KACHAMARI
P.S. SADAR NAGAON
DIST. NAGAON
ASSAM
PIN- 782002.
VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LIMITED AND 8 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.
PS AND DIST. NAGAON
ASSAM
PIN- 782002.
4:THE ASSISTANT GENERAL MANAGER

HOJAI ELECTRICAL DIVISION APDCL (CAR)
HOJAI
P.O. AND P.S. HOJAI
DIST. HOJAI
ASSAM
PIN- 782435.

5:THE CHIEF EXECUTIVE OFFICER NAGAON
ELECTRICAL CIRCLE APDCL (CAR)
NAGAON
P.O. P.S. AND DIST. NAGAON
ASSAM
PIN- 782002.

6:THE DIVISIONAL ENGINEER APDCL (CAR) HOJAI
P.O. P.S. AND DIST. HOJAI
ASSAM
PIN- 782435.

7:THE SUB-DIVISIONAL ENGINEER APDCL (CAR)
HOJAI
P.O. P.S. AND DIST. HOJAI
ASSAM
PIN- 782435.

8:THE DIVISIONAL ENGINEER APDCL (CAR)
NAGAON
P.O.
P.S. AND DIST. NAGAON
ASSAM
PIN- 782002.

9:THE SUB-DIVISIONAL ENGINEER APDCL (CAR)
NAGAON
P.O. P.S. AND DIST. NAGAON
ASSAM
PIN- 782002.

Advocate for : MR. S C BISWAS
Advocate for : SC
APDCL appearing for THE ASSAM POWER DISTRIBUTION COMPANY
LIMITED AND 8 ORS

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
:: O R D E R ::

15-02-2024

Heard Mr. S.C. Biswas, learned counsel appearing for the petitioners. Also heard Mr. B. Das, learned standing counsel, APDCL for the respondents.

2. As both the writ petitions have common cause of action and the relief sought for are identical, they are taken up together for disposal by this common order.

3. The petitioners in WP(C) No. 6365/2023 are Outsource Meter Readers/Bill Clerks under Dhing Electrical Sub-Divisions Assam Power Distribution Company Limited (CAR) and the petitioners in WP(C) No. 5649/2023 are Outsource Meter Readers/Bill Clerks under Lanka and Nagaon Electrical Sub-Divisions 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 premises above circumstances, it is therefore, prayed that Your Lords 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 respondents 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) by way of suitable amendment of the said resolution 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 all such relief to which the petitioners are legally entitled to and 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.”

6. During the course of hearing, Mr. Das, learned standing counsel APDCL has produced an Office Order dated 02.12.2023, issued by the Chief General Manager, HRA, APDCL. The office order is reproduced herein below:

“ASSAM POWER DISTRIBUTION COMPANY LIMITED

(A fully customer centric company)

Office: Nijulee Bhawan, Paltanbazar, Guwahati-871001, Assam

E-mail: CGM.HR@apdcl.org, Website:www.apdcl.org.

No.MD/APDCL/RC/Outsourced/19/2017/Pt-1/29Date: 02/12/2023

OFFICE ORDER

1. Upon due consideration of the long-standing demand of the Outsourced workers of the Assam Power Distribution Company Ltd. And keeping in mind the Current Financial condition of the APDCL and with due approval from the Govt. of Assam, the BOD vide Resolution No.93(I) (II) adopted in the Board Meeting Dated 28.06.2023, has decided to enhance the remuneration of the Outsourced workers, who are found to be eligible after their document verification is fixed as shown below:

<i>Sl. No.</i>	<i>Experience in APDCL as outsourced engagement as on 31.10.2023</i>	<i>Monthly remuneration(Rs.)</i>
<i>1.</i>	<i>Less than 5 years</i>	<i>12,000.00</i>

	<i>If any MR/BC/OCFA of Experience less than 5 years is interested to work as sahayak in the Sub-station</i>	<i>13,000.00</i>
2.	<i>Equal to or more than 5 years but less than 10 years</i>	<i>14,000.00</i>
	<i>If any MR/BC/OCFA of Experience equal to or more than 5 years but less than 10 years is interested to work as sahayak in the Sub-station</i>	<i>15,000.00</i>
3.	<i>Equal to or more than 10 years</i>	<i>17,000.00</i>
	<i>If any MR/BC/OCFA of Equal to or more than 10 years is interested to work as Sahayak in the Sub-station</i>	<i>18,000.00</i>

2. However, the Monthly remuneration of Outsourced workers In the Skilled Category (Computer Operator with Diploma/Ex-Serviceman/Driver/Sahayak with ITI/LT/HT line certificate) on having a minimum of 3(three) years of Working Experience as on 31.10.2023 is made equal of 15,000.00.

3. The benchmark set for collection of reading/preparation of bills for each outsourced BC/MRs is 1050 nos. Below this benchmark, they shall not be entitled to get payment at enhanced rates and shall continue to work at present pay per bill basis. Further, due to installation of Smart Meters, wherever it is not feasible to allot 1050-meter readings per MR/BC, the concerned CEOs may re-allocate different working sub-divisions to the MR/BCs or may engage them in any other work (Sahayak/Peon/Chowkidar, etc.) as per their qualifications.

4. The effective date of enhancement of remuneration shall be from 01.12.2023.

5. The Provisional List of eligible Outsourced workers for enhancement of remuneration shall be published Circle-wise and Phase-wise from December 2023 onwards.

By order etc

*Chief General Manager (HRA),
APDCL, Bijulee Bhawan, Paltanbazar, Guwahati-1"*

7. On the basis of the officer order dated 02-12-2023, 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, both the writ petitions are disposed of directing petitioners to submit their documents for verification before the concerned APDCL authorities within a period of 1(one) month from today. Thereafter, the authorities in APDCL shall consider the case of the petitioner in terms of office order dated 02-12-2023 and also for 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 petitions stand disposed of.

10. The Office Order dated 02-12-2023 is placed on record.

JUDGE

Comparing Assistant