

GAHC010268052023



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

Case No. : WP(C)/6923/2023

ANWAR HUSSAIN LASKAR AND 3 ORS.
SON OF- ABDUL KALAM LASKAR, RESIDENT OF VILL.- BOALI HAOAR,
SUNDARI PART-II, CACHAR, ASSAM

2: MUKUL CHANDRA DAS
SON OF- BHABENDRA CHANDRA DAS
RESIDENT OF VILL- DIDARKOSH PART- IV
CACHAR
ASSAM
PIN- 788099

3: RAJUL HOQUE BARBHUIYA
SON OF FARIJ UDDIN BARBHUIYA
RESIDENT OF VILL- BAGDIRGRAM PART-IV
CACHAR
ASSAM
PIN- 788121

4: JASIM UDDIN AHMED
SON OF ISLAM BARI AHMED
RESIDENT OF VILL- NEAR HATIKAL HIGH SCHOOL
BIDAROHIPAR
CACHAR
ASSAM
PIN- 78811

VERSUS

THE ASSAM POWER DISTRIBUTION LTD (APDCL) AND 4 ORS
TO BE REPRESENTED BY CHAIRMAN, APDCL, BIJULEE BHAWAN,
PALTANBAZAR, GUWAHATI- 781001

2: THE CHIEF GENERAL MANAGER
HRA

APDCL
BIJULEE BHAWAN
GUWAHATI- 01

3:THE GENERAL MANAGER
CACHAR ELECTRICAL CIRCLE
MEHERPUR
SILCHAR-15

4:THE ASSISTANT GENERAL MANAGER
SILCHAR ELECTRICAL SUB-DIVISION PANPATY
SILCHAR-01

5:THE SUB-DIVISIONAL ENGINEER
SONAL ELECTRICAL SUB-DIVISION APDCL
KABUGAN

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 09.02.2024

Heard Mr. L. R. Mazumdar, learned counsel for the petitioners. Also heard Mr. S. P. Sarma, learned standing counsel, APDCL for all the respondents.

2. The petitioners before this Court are Outsourced Sahayak in the Office of the Sub-Divisional Engineer, Sonai Electrical Sub-Division APDCL, Kabuganj. They are receiving the salary directly from the APDCL and the board meeting of the Assam Power Distribution Company Ltd. held on 28th of June, 2023 by resolution No. 93 resolved for fixation and increase of wages and Outsourced Workers in APDCL who are getting direct payment from APDCL and converting

Outsourced Workers to Contractual Workers under APDCL and productive use of the Outsourced Workers. However, as the petitioners were not given the increase wages, they have filed the present writ petition with the following prayers:

“Under the premises aforesaid, it is therefore, most respectfully prayed that Your Lords would be graciously pleased to admit this petition, call for the records, issue of mandamus directing the respondents authorities to verified the service records of the petitioners in terms of the Order dated 22.08.2023 (Annexure-13) which are not done rather other similarly situated whose service records were verified and/or pass such other orders as Your Lordships may deem for and proper for the ends of justice.”

3. During the course of hearing, Mr. S. P. Sarma, learned standing counsel APDCL has produced an Office Order dated 02.12.2023, issued by the Chief General Manager, HRA, APDCL and the office order is reflected 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, Ebsite: www.apdcl.org.

No.MD/APDCL/RC/Outsourced/19/2017/Pt-1/29

Date: 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:

Sl. No.	Experience in APDCL as outsourced engagement as on 31.10.2023	Monthly remuneration (Rs.)
1.	Less than 5 years	12,000.00
	If any MR/BC/OCFA of Experience less than 5 years is interested to work as sahayak in the Sub-station	13,000.00
2.	Equal to or more than 5 years but less than 10 years	14,000.00
	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	15,000.00
3.	Equal to or more than 10 years	17,000.00
	If any MR/BC/OCFA of Equal to or more than 10 years is interested to work as Sahayak in the Sub-station	18,000.00

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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

On the basis of the Office order dated 02.12.2023, learned standing counsel, 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 relevant documents before the APDCL Authority and after

verification their grievance would be resolved.

4. Regarding the submissions made by the learned standing counsel, APDCL, this writ petition is disposed of directing the 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 within a period of 2(two) months from the date of receipt of the documents from the petitioner.

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

The Office Order dated 02.12.2023 is placed on record.

JUDGE

Comparing Assistant