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2026:GAU-AS:17010-DB

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

Case No. : WA/423/2026

1: SHRI TARUN KUMAR BARUA AND ANR
S/O- LATE GIRISH CH. BARUA,
R/O-BARUAPATTI, P.O.- GAURIPUR, WARD NO.3,
DIST.- DHUBRI, ASSAM, PIN-783331.
PREVIOUSLY POSTED AT GAURIPUR ELECTRICAL
SUB-DIVISION, APDCL, GAURIPUR, PIN-783331.

2: SHRI PANKAJ SARKAR
S/O-LATE PHANINDRA NATH SARKAR
R/O-MASTERPARA WARD NO.4 P.O.-GAURIPUR
DIST.- DHUBRI ASSAM PIN-783331.
PREVIOUSLY POSTED AT GAURIPUR ELECTRICAL
SUB-DIVISION APDCL GAURIPUR 78333

-VERSUS-

1: THE ASSAM POWER DISTRIBUTION COMPANY LTD. AND 2 ORS
REPRESENTED BY THE CHAIRMAN, BIJULEE BHAWAN, PALTAN BAZAR,
GUWAHATI-78100.

2:THE MANAGING DIRECTOR ASSAM POWER DISTRIBUTION COMPANY
LTD. BIJULEE BHAWAN PALTAN BAZAR GUWAHATI-781001.

3:THE CHIEF GENERAL MANAGER (HRA) ASSAM POWER DISTRIBUTION
COMPANY LTD. BIJULEE BHAWAN PALTAN BAZAR GUWAHATI-781001

For the Appellant(s) **:** Mr. M.J. Baruah, Advocate.
: Mr. A. Ali, Advocate.

For the Respondent(s) **:** Mr. K.P. Pathak, Standing Counsel, APDCL.

– **B E F O R E** –
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

18.11.2026
(Ashutosh Kumar, CJ)

We have heard Mr. M.J. Baruah, learned Advocate for the appellants and Mr. K.P. Pathak, learned Standing Counsel, APDCL representing the respondents.

The claim of the appellants for being put under the Old Pension Scheme (OPS) has been rejected by the respondents and such claim has also not been sustained by the learned Single Judge vide judgment dated 07.08.2024 passed in WP(C) No.8306/2022 and the order dated 15.07.2026 passed in Review Petition No.107/2026, both of which orders have been assailed in the present appeal.

The appellants were appointed as Bill Clerks/ Meter Readers in a particular Electrical Sub-Division of the Assam State Electricity Board (ASEB) sometimes in the year 1983. They claim to have been appointed against the sanctioned, vacant posts and also appear to have faced a selection test, but such claims were not supported by relevant documents before the Writ Court. However, the fact remains that they continued to work for decades and under the order of this Court dated 11.12.2012 passed in WP(C) No.1234/2008 *(Abdul Kadir & Anr. -Vs- Central Assam Electricity Distribution Company Limited)*, their services were regularized with effect from February/August, 2014. Since this was treated as a fresh appointment for the appellants, they were put under the New Pension Scheme (NPS), which actually aggrieved them.

The appellants made a grievance before the learned Single

Judge that the services of similarly placed muster roll workers of Karbi Langpi Hydro Electric Project have been regularized from their initial dates of appointment in the year 2005 and were given the benefit of Old Pension Schene and death-cum-retirement gratuity. There was no reason, it has been argued, for the appellants to be excluded from such benefit.

The learned Single Judge, after hearing the parties and perusing the documents, found that the initial entry of the appellants in service was by means of outsourcing and not against the regular vacant and sanctioned posts. The Court was also of the view that the orders passed in the year 2014 was not of regularization but of recognizing the services and the experience of the appellants, giving them fresh appointments. Under such circumstances, since the New Pension Scheme had been rolled out, the appellants were put under the same Scheme.

Later, a review petition was filed by the appellants bringing on record certain documents suggesting that their appointments in the year 1983 were against a process of selection.

The learned Single Judge refused to review the order on the ground of delay and the apocryphal origins of the documents produced.

We have also perused the documents furnished by the appellants in the review petition suggesting appointment against a process initiated for such entry in service and have found that those documents do not indicate anything, except for the authorities ensuring their entry as outsourced employees subject to their having necessary trade expertise.

Under such circumstances, the claim of the appellants of a direction for putting them under the Old Pension Scheme, cannot be allowed.

There is no merit in this appeal and, therefore, the same is dismissed.

JUDGE **CHIEF JUSTICE**

Comparing Assistant