GAHC010215222026

2026:GAU-AS:15116

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

Case No. : WP(C)/5463/2026

KHAGEN CHANGMAI AND 46 ORS
S/O LOKESWAR CHANGMAI, RESIDING AT BORBIL GAON NO 1, TINSUKIA, ASSAM 786171

2: PREM PRASAD JAISHI
S/O GOVINDA PRASAD JAISHI
RESIDING AT VASTU RESIDENCY
1ST FLOOR
BLOCK B-4
VENCHI JOTE
PATHARGHATA
CHAMTA
DARJEELING
WEST BENGAL 734009

3: GANESH SHARMA
S/O PADAM PANI SHARMA
RESIDING AT HOUSE NO 21088
CENTRAL DIGBOI
AOC BLOCK 2 NDPT
P.O. DIBOI
TINSUKIA
ASSAM 786171

4: BOJENDRA KUMAR GHOSH
S/O BIRENDRA KISHORE GHOSH
RESIDING AT DUUPLEX 3
NOVEL APARTMENT
NAFAR CHANDRA NASKAR ROAD
GARIA
KOLKTA
WEST BENGAL 700084

5: SORRA GURAYYA

S/O LATE SORRA KAMAYYA
RESIDING AT SANTINAGAR VEEDHI
PALLISARADH
DIST. SRIKAKULAM
ANDHYRA PRADESH 532222

6: NIBAS CHANDRA SARMA
S/O RAJANI KANTA SARMA
RESIDING AT BY LANE NO 45
KOCHPARA
VTC
DHARAPUR
P.O. AZARA
KAMRUP M
ASSAM 781017

7: T JANKI RAO
S/O T. APPANNA
RESIDING AT 1-472
L MAIN ROAD
BYPALLOIE
SRIKAKULAM
ANDHRA PRADESH 532219

8: D ARAMBU REDDY
S/O DALLI PAPAIAH
RESIDING AT 1-66
CHUKKA VEEDHI
SRIKAKULAM
ANDHRA PRADESH 532312

9: MD HUSSAIN AHMED
S/O FAIZUR RAHMAN
RESIDING AT 04 BARLASKAR
MALUGRAM
P.S.
VILL. MALUGRA
MELA ROAD
CACHAR
ASSAM 788002

10: RAM DARASH MAURYA
S/O LATE BAIJ NATH MAURYA
RESIDING AT 48
VINAYAK PURAM
VIKAS NAGAR
UTTAR PRADESH 226022

11: LOLIT KOTOKY
S/O LT. SURENDRA NATH KOTOKY
RESIDING AT BOHOTIA GAON
BAPUJU NAGAR
JORHAT
ASSAM 785006

12: KANAK CHANDRA GOGOI
S/O BAPURAM GOGOI
RESIDING AT HOUSE NO 125
BOKAKHAT TOWN
HIGH SCHOOL ROAD
GOLAGHAT
ASSAM 785612

13: P MADAN MOHAN
S/O LATE PALA MADHAVA REDDY
RESIDING AT 1-307/A BIG STREET
SRIKAKULAM
ANDHRA PRADESH 532312

14: DAL PRASAD ADHIKARI
S/O PURNA BAHADUR LAMA
RESIDING AT JANKI VILLAGE APARTMENT B/2
DAGAPUR
DARJEELING
WEST BENGAL 734010

15: GANESH BAHADUR CHETRY
S/O KHARKA BAHADUR CHETRY
RESIDING ATVASTU RESIDENCY
CHAMTA
DARJEELING
WEST BENGAL 734009

16: JIT BAHADUR KONWAR
S/O LATE GOBINDAR KONWAR
RESIDING AT VASTU RESIDENCY CHAMTA DARJEELING
WEST BENGAL 734009

17: ISWARI PRASAD SAPKOTA
S/O LATE CHANDRA BAHADUR NEWAR SRISTHA
RESIDING AT VASTU RESIDENCY
NANDALAL THAPA PATH
CHAMTA
DARJEELING
WEST BENGAL 734009

18: JIT BAHADUR SONAR
S/O JAGOORAM SONAR
RESIDING AT FLAT NO 4
BLOCK 4A
MOUNT VEIEW APARTMENT
NEAR SALBARI HAT
DARJEELING
WEST BENGAL 734009

19: PROBIN CH PHUKAN
S/O MAHESWAR PHUKAN
RESIDING AT SHANTIGRAM HOUSING COMPLEX
TRIPURA ROAD
KHANAPARA
KAMRUP M
ASSAM 781022

20: ASHIM PAUL CHOUDHURY
S/O SASHI MOHAN PAUL CHOUDHURY
RESIDING AT FLAT NO A3-401
PUSHPANJALI PARTMENT
LOKHRA
SAWKUCHI
KAMRUP M
ASSAM 781040

21: DIKSHIT KUMAR BHATTACHARJEE
S/O TIKANDRA NATH BHATTACHARJEE
RESIDING AT VIDYANAGAR BY LANE 1 NAMGHAR PATH PANJABARI
. KAMRUP M
ASSAM 781037

22: PAPLU BHATTA
S/O NAKUL CHANDRA BHATTA
RESIDING AT MISSION PARA
DIGBOI
TINSUKIA
ASSAM 786171

23: BINOY KUMAR MALAKAR
S/O ROHINI KANTA MALAKAR
RESIDING AT PLOT NO Z-20
NLS AREA
DIGBOI
TINSUKIA
ASAM 786171

24: DIPAK KUMAR DAS

S/O RUP KANTA DAS
RESIDING AT 38 ASHA DEEP REGENCY
PUBJYOTI NAGAR
NOONMATI
KAMRUP M
ASSAM 781020

25: HITANGSHU BHATTACHARJEE
S/O HARENDRA CHANDRA BHATTACHARJEE
RESIDING AT BISHNU RABHA PATH
BELTOLA TINIALI
GUWAHATI
ASSAM 781028

26: GUNEDHAR BORA
S/O LATE TANKESWAR BORA
RESIDING AT QUARTER 1571
HOSPITAL TILLAH
DIGBOI
ASSAM 786171

27: SMT BINA KONWAR
W/O DULJIT KUMR KONWAR
RESIDING AT FLAT NO 2B
BLOCK 1
SARAL MOHAN RESIDENTIAL COMPLEX
KAHILIPARA MAIN ROAD
JATIA
KAMRUP M
ASSAM
781019

28: CHANDER FARWAHA
S/O LATE DA RAM FARWAHA
RESIDING AT HOUSE NO 25A
LIC COLONY
MUNDI KHARAR
SAS NAGAR
MOHALI
PUNJAB 140301

29: BIREN HAZARIKA
S/O RUDRA KANTA HAZARIKA
RESIDING AT BORBIL NO 3
RAMNAGAR
DIGBOI
TINSUKIA
ASSAM 786171

30: SATISH CH BARMAN
S/O JOGENDRA NATH BARMAN
RESIDING AT A-2
LAKSHMI NIWAS ENCLAVE
2ND FLOOR
BONGAIN ROAD
GUWAHATI
BELTOLA
KAMRUP M
ASSAM 781028

31: BANGARI KUMAR
S/O BANGARI SOMALAH
RESIDING AT 1-121
SUVARNAPURAM
SRIKAKULAM
ANDHAR PRADESH 532243

32: APHUN KHAMTI
S/O LATE SHALVOI KHAMTI
RESIDING AT TINGRARI DOOM DOOM ROAD
NO 1
ASSOMIYA GAON
DIGBOI
TINSUKIA
ASSMA 786171

33: PRADIP KUMAR BORAH
S/O LATE HIRANYA KUMAR BORAH
RESIDING AT JUNAKI PATH
BORBIL NO 3
BORBIL GAON
TINSUKIA
ASSAM 786171

34: SANKAR SARKAR
S/O TUTU SARKAR
RESIDING AT N0001
MAHAMAYA COLONY
SILIGURI M
CORP. PRADHAN NAGAR
DARJEELING
WES BENGAL 734003

35: LIL BAHADUR SONAR
S/O BIR BAHADUR SONAR
RESIDING AT MOUNT VIEW APARTMENT

BLOCK B
FLAT NO 1
GROUND FLOOR
NEAR SALBARI HAT
DARJEELING WEST BENGAL 734009

36: PRASANTA SHARMA
S/O SURJYA KANTA SHARMA
RESIDING AT H. NO 10 BONKONWAR TILLA
OPPOSITE KHARGHULI
KAMRUP M
ASSAM 781004

37: MOLOY BARUAH
S/O SUKHENDRA BARUAH
RESIDING AT GOLAI GAON NO 1
DAGBOI
TINSUKIA
ASSAM 786171

38: AZIM UDDIN AHMED
S/O LATE KAJIMUDDIN AHMED
RESIDING AT GOLAI GAON NO 1
DIGBOI
TINSUKIA
ASSAM 786171

39: BHABI LAL DARJEE
S/O MON BAHADUR DARJEE
RESIDING AT MILAN NAGAR
DIGBOI
TINSUKIA
ASSAM 786171

40: JEERU MAHESWAR REDDY
S/O JEERU PURSOTHAM REDDY
RESIDING AT CORAMANDAL GATE
MALKAPURAM
VISAKHAPATNAM
ANDHRA PRADESH 530011

41: DEBAJYOTI DAS
S/O NARENDRA CH DAS
RESIDING AT N.H. 38 ROAD
GOLAI GAON
NO 1
TINSUKIA DIST.
DIGBOI

ASSAM 786171

42: SMTI NILA MALAKAR
W/O LATE SANTOSH MALAKAR
RESIDING AT PLOT NO Z-18
NEW SETTLEMENT AREA
MULIABARI
DIGBOI
ASSAM 786171

43: RANJIT HAZARIKA
S/O LALIT CHANDRA HAZARIKA
RESIDENT OF BAPAPUNG
DIGBOI
TINSUKIA
ASSAM
PIN 786171

44: DHARMESWAR DUTTA
S/O MAHENDRA DUTTA
RESIDING AT MATHURA NAGAR
ASSAM SACHIVALAYA
DISPUR
KAMRUP M
ASSAM 781006

45: JEETEN KR DAS
S/O NALINI RANJAN DAS
RESIDING AT BALIJAN FOREST VILLAGE
DIGBOI 786171

46: SMTI JUTI GOGOI
W/O LATE GUNINDRA NATH GOGOI WHO EXPIRED ON 09.06.2025
RESIDING AT BISHNU RABHA PATH
BORBIL NO 1
DIGBOI
TINSUKIA
ASSAM 786171

47: SMTI MINAKHI GOGOI
W/O LATE DIGANA KUMAR GOGOI WHO EXDPIRED ON 2ND MRCH 2025
RESIDING AT BORBIL NO 1
NEAR LIONS CLUB
DIGBOI
TINSUKIA
ASSAM 78617

VERSUS

UNION OF INDIA AND 5 ORS
MINISTRY OF LABOUR AND EMPLOYMENT, REPRESENTED BY
SECRETARY, SHRAM SHAKTI BHAWAN, RAFI MARG, NEW DELHI 110001

2:THE CENTRAL PROVIDENT FUND COMMISSIONER
THE EMPLOYEES PROVIDENT FUND ORGANIZATION
MINISTRY OF LABOUR AND EMPLOYMENT GOVT. OF INDIA
BHAVISHYA NIDHI BHAWAN
14
BHIKAJI CAMA PLACE
NEW DELHI 110066

3:THE REGIONAL PROVIDENT FUND COMMISSIONER II EMPLOYEES PROVIDENT FUND ORGANIZATION REGIONAL OFFICE
TINSUKIA
ASSAM
PIN 786192

4:INDIAN OIL CORPORATION LTD
ASSAM OIL DIVISION EMPLOYEES PF TRUST DIGBOI
PIN 786171
ASSAM.

5:GENERAL MANAGER (HUMAN RESOURCE)
INDIAN OIL CORPORATION LTD
ASSAM OIL DIVISION
P.O. DIGBOI
DIST. TINSUKIA
ASSAM
PIN 786171

6:THE ADDL CENTRAL PROVIDENT FUND COMMISSIONER (HQ)
PENSION
EMPLOYEES PROVIDENT FUND ORGANIZATION MINISTY OF LABOUR AND EMPLOYMENT
GOVT. OF INDIA
NBCC CENTRE
BLOCK 2
GROUND FLOOR 4TH FLOOR
EAST IDWAI NAGAR
NEW DELHI 11002

For the Petitioner(s) : Mr. A.R. Das, Advocate

For the Respondent(s) : Mr. R. Sarma, CGC

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 07.10.2026

Heard Mr. A.R. Das, the learned counsel appearing on behalf of the petitioners. Mr. R. Sarma, the learned CGC appears on behalf of the respondent Nos. 1, 2, 3 and 6.

2. The present writ petition has been filed assailing a show cause notice dated 26.03.2026 issued by the respondent No. 3 thereby calling upon all Pension on Higher Wages (PoHW) members under the Indian Oil Corporation Limited to show cause as to why the benefit of higher pension granted under Pension on Higher Wages should not be cancelled and the pension reverted to the normal pension as per the statutory wage ceiling.

3. Pursuant to the said show cause notice being issued, the petitioners have submitted a reply. Thereupon, pending adjudication of the said show cause proceedings, the petitioners have approached this Court by filing the present writ petition.

4. Nothing could be shown before this Court that the respondent No. 3 lacks jurisdiction to issue the show cause notice.

5. In addition to that, this Court has also perused the reply so

submitted to the show cause notice and therein also, there is no mention that the respondent No. 3 lacks jurisdiction to issue the show cause proceedings.

6. Consequently, it is the opinion of this Court that as the matter is pending before the respondent No. 3 and the petitioners have been issued a show cause notice, interference by this Court at this juncture would not be in the interest of justice, more so when nothing could be shown that the respondent No. 3 did not have the jurisdiction to issue the show cause notice.

7. It is also relevant at this stage to observe that if any order is passed in the said proceedings initiated by the respondent No. 3, the petitioners have statutory remedies including the remedy of approaching this Court and as such, it would not be proper on the part of this Court to entertain the present writ petition.

8. Be that as it may, this Court, taking into account the reply so submitted to the show cause proceedings is also of the opinion that the petitioners or their union should be given an opportunity of personal hearing prior to such decision being taken.

9. Under such circumstances, the writ petition, therefore, stands disposed of with the following observations and

directions:

(i) This Court is not inclined to entertain the instant writ petition against the show cause notice dated 26.03.2026.

(ii) Taking into account that the petitioners have submitted their reply to the show cause notice, this Court directs the respondent No. 3 before taking a decision to give an opportunity of personal hearing to the petitioners against whom action is sought to be taken for cancellation of the higher pension.

(iii) There shall be no order as to costs.

JUDGE

Comparing Assistant