

GAHC010028442021



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

Case No. : WP(C)/1102/2021

SIMANTA SAIKIA AND 14 ORS
S/O. SRI UMESWAR SAIKIA, R/O. ABHAYPURIA, P.O. BHAKTIDUAR, P.S.
JENGRAIMUKH, MAJULI, DIST. MAJULI, PIN-785105.

2: MANUJ BORUAH
S/O. BHUDHAR BORUAH
VILL. ABHAIPURIA
P.O. BHAKATIDUAR
P.S. JENGRAIMUKH
JORHAT
DIST. JORHAT
PIN-785001.

3: RAMEN BORA
S/O. LT. GANGARAM BORA
R/O. POHUMORA GAON
P.O. RANGACHAHI NIKINIKHOWA
MAJULI
DIST. JORHAT
ASSAM
PIN-785001.

4: POBITRA SAIKIA
S/O. LT. RAM SAIKIA
R/O. DAKHINPAT
NAWSHALIA GAON
P.O. DAKHINPAT
PIN-785104
DIST. MAJULI
ASSAM.

5: DULAL DUTTA
S/O. LT. RAM CHANDRA DUTTA
R/O. BENGENNATI

P.O. BENGENATI
PIN-785104.

6: PUTUL SAIKIA
S/O. SRI TANKESWAR SAIKIA
R/O. BEZ GAON
P.O. PIN-785104
DIST. MAJULI
ASSAM.

7: JOGEN KALITA
S/O. SRI DULAL KALITA
R/O. CINATOLI
P.O. GAYAN GAON
PIN-DIST. JORHAT
PIN-785001.

8: MRIDUL PEGU
S/O. SRI BIJOY PEGU
VILL. JENGERI BALI CHAPORI
P.O. JENGERAI CHAPORI
P.S. JENGERAI MUKH
MAJULI
DIST. JORHAT
PIN-785105.

9: DIGANTA PAYENG

S/O. SRI PADMESWAR PAYENG
VILL. CHITADARCHUK
P.O. CHITADARCHUK
P.S. GARAMUR
MAJULI
DIST. JORHAT
PIN-785001.

10: SUSEN DOLAKASHARIA
S/O. SRI MANIK DOLAKASHARIA VILL. BONGAON
P.O. BONGAON MAJULI
P.S. KAMALABARI
MAJULI
DIST. JORHAT
PIN-785110.

11: PORESH RAJKHOWA
S/O. NOBIN RAJKHOWA
VILL. KAMAR GUWAL GAON
P.O. POTIYA

MAJULI
DIST. JORHAT
PIN-785001.

12: KUSHAL KALITA
S/O. MAHESWAR KALITA
VILL. NIKINIKHOWA GAON
P.O. RANGACHAHI NIKINIKHOWA
P.S. JENGRAIMUKH
DIST. JORHAT
ASSAM
PIN-785001.

13: PRANAB NAGARIA
S/O. LT. JOBA NAGARIA
VILL. KAMAR GAON
P.S. KAMALABARI
DIST. JORHAT
ASSAM
PIN-785101
P.O. TATAYA.

14: MUKUL KAMAN
S/O. SRI HEMKANTA KAMAN
VILL. CHITADAR CHUK
P.O. CHITADA CHUK
P.S. GARAMUR
MAJULI
DIST. JORHAT
PIN-785104.

15: JOGANATH DOLEY

S/O. LT. MONIBOR DOLEY
VILL. MALAPINDHA
P.O. GUWAL GAON
P.S. GARAMUR
MAJULI
DIST. JORHAT
ASSAM
PIN-785001

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY ITS COMM. AND SECY. TO THE GOVT. OF ASSAM POWER
DISTRIBUTION COMPANY LTD. DISPUR, GUWAHATI-06.

2:THE ASSAM POWER DISTRIBUTION COMPANY LTD.
REP. BY ITS CHAIRMAN BIJULI BHAWAN
PALTANBAZAR
GHY.-01.

3:THE CHIEF GENERAL MANAGER

(D AND S) UAR
APDCL
BIJULEE BHWAN
PLATANBAZAR
GUWAHATI-01.

4:THE MANAGING DIRECTOR APDCL

GUWAHATI
BIJULI BHWAN
PLATANBAZAR
GUWAHATI-01.

5:THE CHIEF EXECUTIVE OFFICER

JORHAT ELECTRICAL CIRCLE
APDCL
JORHAT
ASSAM
PIN-

6:ASSTT. GENERAL MANAGER

JORHAT ELECTRICAL DIVISION NO.II
APDCL
JORHAT
ASSAM
PIN-

7:THE SUB-DIVISIONAL ENGINEER

MAJULI ELECTRICAL SUB-DIVISION GARMUR
MAJULI

Advocate for the Petitioner : MR B P BORAH, MR R S RONGHANG,MR P J DUTTA

Advocate for the Respondent : SC, APDCL,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

15.10.2025

Heard Mr. B.P Bora, learned counsel for the petitioners. Also heard Mr. S.P. Sarmah, learned Standing counsel appearing for the respondents/APDCL.

The petitioners are before this Court claiming parity in terms of the office order dated 01.07.2019 whereby certain outsourced persons were allowed to perform duty in Luit Khabolu Area under Majuli ESD w.e.f 01.03.2018 to 28.05.2018, i.e., for a period of 89 days on daily wage basis as per the APDCL norms. The petitioners are aggrieved that although they are rendering services like these persons, their daily wages have not been granted.

Notice in the matter was issued as far back as 10.03.2021, thereafter, several opportunities were granted to file the affidavit. However, no affidavit has been filed.

In the order dated 26.06.2025, it was ordered that the respondents were granted a last chance to file an affidavit and if the affidavit is not filed, the matter would be heard on the basis of the materials brought on record.

Today when the matter is called up, it is seen that the affidavit has not been filed.

The only dispute in this matter is with regard to the question of whether the writ petitioners are continuing to render their services under the Majuli ESD and if so whether their cases can be considered like other similarly situated persons on daily wage basis.

The learned Standing Counsel, APDCL renews his prayer for filing affidavit.

Considering the prayer made by the learned Standing Counsel, we permit one last opportunity to the respondents to file their affidavit with all relevant records subject however to payment of a cost of Rs. 3000/-.

Let this matter be listed again immediately after two weeks from today.

Affidavit shall be accepted by the Registry upon furnishing proof of payment of cost amount to be deposited in the Gauhati High Court Legal Services Committee.

JUDGE

Comparing Assistant