

GAHC010028442021



2026:GAU-AS:826

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 KAUSHIK GOSWAMI**

ORDER

Date : 22.01.2026

Heard Mr. P.J. Dutta, learned counsel appearing for the petitioners. Also heard Mr. N. Sharma, learned Standing Counsel, APDCL.

2. By way of this petition under Article 226 of the Constitution of India, the petitioners are seeking approval for payment of daily wages to the petitioner.

3. The brief facts of the case are that the petitioners have been working as outsourced casual worker in the post of Sahayak for the last 10 years under the Majuli Electrical Sub Division. Though the petitioners are working as outsourced casual workers, they are kept in the department on a no-work no-pay basis, and no daily wages are also paid to them. The petitioners assist the regular employees without any payment apart from a meager payment for meter reading. Meanwhile, the Chief Executive Officer of Jorhat Division passed an order dated 01.07.2019, whereby some persons were appointed as outsourced casual workers on a daily wage basis for a period of 89 days. Accordingly, WP(C) No. 5583/2019 and WP(C) No. 8026/2019 were filed before this court seeking similar appointments on a daily basis. This court by judgment & order dated 12.11.2020 was pleased to dispose of the aforesaid writ petitions with a direction for consideration of the representations of the petitioners as to whether the petitioners are on similar footing against those who have received daily wages. Thereafter upon consideration of the representations filed

by the petitioners, the respondents, by order dated 07.01.2021, rejected the case of the petitioners for daily wages; however, the respondent admitted that the petitioners are working and are similarly situated to those casual workers who are receiving daily wages. It appears that the primary reason for denial is want of separate approval from the higher authority. Situated thus, the present writ petition has been filed.

4. Mr. P.J. Dutta, learned counsel for the petitioner, submits that the petitioners are claiming parity in terms of the office order dated 01.07.2019, whereby certain outsourced persons were allowed to perform duty in the Luit Khabolu area under the Majuli Electrical Sub Division from 01.03.2018 to 28.05.2018, i.e., for a period of 89 days on a daily wage basis as per the APDCL norms. He further submits that the petitioners, despite rendering services like those persons receiving daily wages, have not been granted their daily wages.

5. *Per contra*, Mr. N. Sharma, learned Standing Counsel, APDCL, submits that though an affidavit has been filed in the instant case; however, the same having been filed without making the payment of cost as awarded by this court on 15.10.2025 the registry of this court has not accepted the same. He however, submits that the necessary cost of Rs. 3,000/- has already been deposited in the bank account of the Gauhati High Court Legal Services Committee. He further produces a receipt of the said deposit slip before this court which is taken on record and marked as "A".

6. By drawing the attention of this court to paragraph 5, he further submits that among the 15 (fifteen) numbers of petitioners, the name

of Shri Manuj Boruah (petitioner no. 3), Shri Ramen Bora (petitioner No. 3) and Shri Mridul Pegu (petitioner No. 8) have already been included in the enhanced remuneration list dated 11.08.2025. He further submits that the remaining 12 (twelve) numbers of the petitioners were not included in the original list of outsourced workers as the same has not been submitted by the Jorhat Electrical Circle; as such, their names were not included. However, a verification process has been started to verify the credentials of the remaining 12 (twelve) numbers of the petitioners as to whether their names can be included in the outsource workers list. He further submits, on a pointed query being raised by this court that the aforesaid verification is expected to be completed within 1 (one) month from today.

7. Mr. P.J. Dutta, learned counsel for the petitioner, submits that he has received a copy of the said affidavit-in-opposition and has no objection if the same is taken on record. He further submits that in the event the instant writ petition is being disposed of by recording the aforesaid endorsement made by the learned counsel appearing for the APDCL with a direction to complete the verification as assured before this court, he shall not have any objection.

8. Heard the submissions advanced by the learned counsels appearing for the rival parties and have perused the material available on record. Keeping in mind that the cost as awarded by this court on 15.10.2025 has already been deposited in the bank account of the Gauhati High Court Legal Services Committee as directed, this court deems in the interest of justice to accept the affidavit-in-opposition filed by the respondent APDCL. Accordingly, the affidavit-in-opposition

dated 08.01.2026 is called for, and the same is kept on record.

9. Apt to refer to paragraph 5 of the said affidavit-in-opposition which reads as hereunder:

“5. That the deponent begs to state that among the fifteen (15) number of petitioners, the names of Sri Manuj Boruah, Sri Ramen Bora and Sri Mridul Pegu have already been included in the enhanced remuneration list vide Office letter No. CEO/JEC/APDCL/AA/2023/590 dated 11.08.2025. The names of the remaining twelve (12) number of petitioners were not included in the original list of outsourced workers as the same has not been submitted by the Jorhat Electrical Circle, as such their names were not been included. However, a verification process has been started to verify the credentials of the remaining twelve (12) number of petitioners as to whether their names can be included in the outsource workers list.”

10. Reading the aforesaid paragraph of the affidavit-in-opposition, it is apparent that out of the 15 numbers of petitioners, the names of 3 petitioners, i.e., Shri Manuj Boruah, Sri Ramen Bora, and Shri Mridul Pegu, have already been included in the enhanced remuneration list in terms of the office letter dated 11.08.2025. It is further apparent that a verification process has already been undertaken by the respondents to verify the credentials of the remaining 12 petitioners as to whether their names can be included in the outsourced workers list, which is expected to be completed in one month from today, as assured by Mr. N. Sharma, learned Standing Counsel, APDCL .

11. In view of the endorsement and consensus made by the learned counsels for the rival parties, this court, in the interest of justice deems it appropriate to dispose of this writ petition by directing the respondents to complete the verification process within 1 (one) month from the date of receipt of the certified copy of the order and pass the

necessary order thereof.

12. Ordered accordingly.

13. The writ petition stands disposed of.

JUDGE

Comparing Assistant