

GAHC010064742026



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

Case No. : WP(C)/2017/2026

RUBUL KUMAR SAIKIA AND 18 ORS
S/O LATE DEBARAM SAIKIA, R/O P.O- SRIPURIA, KALIBARI ROAD VIA
TINSUKIA, DISTRICT- TINSUKIA, ASSAM, PIN- 786145

2: SURENDRA CHANDRA NATH
S/O LATE GHANA KANTA NATH
R/O VILLAGE- SATGHARIA (SIPAJHAR)
TRINAYANPUR
P.O- SIPAJHAR
DISTRICT- DARRANG
ASSAM
PIN- 784145

3: ROMONI BORDOLOI
S/O LT. DANDADHAR BORDOLOI
R/O ASSAM PETROCHEMICALS LIMITED
NAMRUP
P.O- PARBATPUR
DISTRICT- DIBRUGARH
PIN- 786623

4: SUREN NAHARDEKA
S/O LT PADMA NAHARDEKA
R/O LONG JONG VILLAGE
P.O- NAHARKATIA
DIBRUGARH
PIN- 786610

5: DIMBESWAR SARMAH
S/O LT. GUNAKAR DEVA SARMAH
R/O- GUNA-LAXMI KUTIR
DEVELOPMENT AREA
LANE A
NEAR T.V CENTER

P.O.-CR BUILDING
DIBRUGARH
PIN- 786003

6: PRABHAT CHANDRA DAS
S/O LT. AKON CHANDRA DAS
R/O BANIPUR
DHEKERI GAON
BYLANE 14
BANIPUR
DIBRUGARH
PIN- 786003

7: PRASEN KUMAR GOGOI
S/O LT. TARANATH GOGOI
R/O 2 NO. BALIJAN GAON
P.O- BALIMARA
PIN- 786610

8: DIMBESWAR CHETIA
S/O LT. DHIRESWAR CHETIA
R/O DIHINGIA GAON
P.O- HIJUGURI
DIST- TINSUKIA
PIN- 786192

9: PROMODE BORGOHAIN
S/O KHETRADHAR BORGOHAIN
R/O CHIRANG CHPORI
THANA GOLI BHARATI PATH
DIBRUGARH
PIN- 786001

10: SOMAR ALI
S/O LT. RAB ALI
R/O ASSAM PETROCHEMICALS LIMITED
NAMRUP
QUARTER NO. F-41

11: RAMESH CHANDRA DAS
S/O LT. JUGESH CHANDRA DAS
R/O NAMRUP
P.O- PARBATPUR
DIST- DIBRUGARH
PIN- 786623

12: MANOJYOTI BORGOHAIN
S/O LT. NIRMAL CHANDRA BORGOHAIN

R/O DEVELOPMENT AREA
NEAR DIBRUGARH
T.V. CENTER
P.O- C.R. BUILDING
DISTRICT- DIBRUGARH

13: PHUKAN RAJKONWAR
S/O LT. KAMAL RAJKONWAR
R/O BRAHMAPUTRA VALLEY FERTILIZER CORPORATION LIMITED
NAMRUP
QUARTER NO. 105/111/B
PIN- 786623

14: SOMEER KUMAR SARMAH
S/O LT. JOGENDRA NATH SARMAH
R/O- LORDS APARTMENT
TARAJAN
KAKOTY GAON
JORHAT
PIN- 785001

15: NIROD KUMAR GOGOI
S/O LT. SARBESWAR GOGOI
R/O- HEOJ NAGAR WARD NO. 6
P.O- NAHARKATIA
DIBRUGARH
PIN- 786610

16: PRATUL CHANDRA DEKA
S/O LT. TAMBHA RAM DEKA
R/O- MANPARA SITALA MANDIR PATH
DHIRENPARA
FATASHIL
GUWAHATI
KAMRUP(M)
ASSAM
PIN- 781025

17: ARUN HANDIQUE
S/O SIBANANDA HANDIQUE
R/O CHEREKAPAR KHELUA GAON
P.O- CHEREKAPAR
SIVSAGAR
PIN- 785701

18: BIPUL DUTTA
S/O LT. SURJYA KANTA DUTTA
R/O 2 NO. BEBEJIA

MOHURAMUKH NA-ALI RAIL GATE
TITABOR
P.O- TITABOR
JORHAT
ASSAM
PIN- 785630

19: ARUN CHANDRA MAHANTA
S/O LT. HIRANATH MAHANTA
R/O VILLAGE- BONGALMORA TINIALI
P.O- ISLAMGAON
DISTRICT- LAKHIMPUR
ASSAM
PIN- 78705

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF LABOUR
ANDEMPLOYMENT, SHRAM SHAKTI BHAWAN, RAFI MARG, NEW DELHI-
110001

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

3:THE REGIONAL PROVIDENT FUND COMMISSIONER
MINISTRY OF LABOUR AND EMPLOYMENT
GOVERNMENT OF INDIA
G.S. ROAD
BHANGAGARH
GUWAHATI- 780005.

4:ASSAM PETROCHEMICALS LIMITED PROVIDENT FUND
A TRUST HAVING PF CODE NETSK/725 AND REGISTERED OFFICE AT
NAMRUP
P.O- PARBATAPUR
DIBRUGARH
ASSAM- 786623
REPRESENTED BY ITS CHAIRMAN

5:M/S ASSAM PETROCHEMICALS LIMITED
4TH FLOOR

ORION PLACE
G.S ROAD
BHANGAGARH GUWAHATI
ASSAM- 781005
REPRESENTED BY ITS MANAGING DIRECTOR

Advocate for the Petitioner : MR. N DEKA, MR. M GOGOI, MR VINOD BASFOR, MR. S BANIKYA

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 07.04.2026

Heard Mr. N. Deka, learned counsel, appearing for the petitioners.

2. The petitioners in the present proceeding have raised a grievance with regard to the decision arrived at by the respondent authorities, that the petitioners are not entitled to a higher pension as per the actual wages, on the ground that the employer of the petitioners i.e. proforma respondent no.5, is an exempted establishment and the Trust Rules of the employer does not permit the same. It is further projected that the respondent authorities are seeking to roll back the benefits drawn by the petitioners and have issued demand letters, demanding re-payment of the higher pension, already received by the petitioners in the matter.

3. Issue notice returnable on 14.05.2026.

4. Petitioners to take steps for service of notice upon the respondent no.1, through the Office of the Deputy SGI, as well as service of notice upon the respondent nos.2 & 3, be

effected through Mr. S. Chakravarty.

5. Petitioners to take steps for service of notice upon the respondent no.4 and proforma respondent no.5, by way of speed post within 02 (two) working days from today.

6. Considering the grievance raised in the present writ petition, till the next date of listing, it is provided that no coercive steps be taken against the petitioners.

Registry to list this matter again on **14.05.2026.**

JUDGE

Comparing Assistant