

GAHC010067402026



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

Case No. : WP(C)/1913/2026

SRI SIMANTA BORDOLOI
S/O-HARA KANTA BORDOLOI, R/O- LOUKHOWA ROAD, TOWN TELIA
GAON, NAGAON, P.O-NAGAON, DIST.-NAGAON, ASSAM, PIN-782002

VERSUS

THE STATE OF ASSAM AND OTHERS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT OF ASSAM, POWER DEPARTMENT, DISPUR, GHY 781006

2:THE ASSAM POWER GENERATION CORPORATION LIMITED (APGCL)
TO BE REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR
APGCL
BIJULEE BHAWAN
GHY 781001

3:THE CHIEF GENERAL MANAGER
(HR)
APGCL
BIJULEE BHAWAN
GHY 781001

4:THE GENERAL MANAGER (HR)
APGCL
BIJULEE BHAWAN
GHY 781001

5:SRI SUPRIYO DAS
SO SITANGSHU DAS
RO SHIV BARI ROAD
DIPHU
KARBI ANGLONG

PIN 782460
PH NO 700246473

Advocate for the Petitioner : TAWHID LASKAR, SHAHANAWAZ CHOWDHURY,MS. S
NISHA SULTANA,N GAUTAM,MR. K N CHOUDHURY

Advocate for the Respondent : GA, ASSAM, SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

01.04.2026

Heard Mr. K.N. Choudhury, learned Senior counsel assisted by Mr. T Laskar, learned counsel for the petitioner. Also heard Mr. D. Nath, learned Standing Counsel, APGCL for the respondents No. 1 to 4.

2. The petitioner is aggrieved by the impugned order dated 17.03.2026 issued by the General Manager (HR) whereby the amount of Rs. 1,09,046/- has been directed to be recovered from the petitioner for the services rendered by him in his capacity as Assistant Manager (F&A), APGCL Headquarter, Bijulee Bhawan for the period w.e.f. 21.06.2024 to 28.02.2026 as his promotion to the post of Assistant Manager (F&A) was found to have been wrongly issued.

3. The learned Senior counsel for the petitioner submits that the petitioner was duly selected and promoted to the post of Assistant Manager on the recommendation of the DPC. He was promoted by order dated 20.06.2024 which subsequently stood cancelled by order dated 04.08.2025. Mr. Choudhury therefore submits that there can be no fault attributed to the petitioner as he was duly selected by the DPC and his name was recommended for promotion, he had put in his services as a Manager (F&A) for the period concerned.

Therefore the recovery sought to be made is totally unjust and arbitrary. He

submits that the principle laid down in State of Punjab vs. Rafiq Masih & others, reported in (2015) 4 SCC 334 is squarely applicable in the case and the respondents will be restrained from recovery of the amount till the disposal of the writ petition.

4. Mr. D. Nath, learned Standing Counsel submits that he would like to complete his instructions in the matter and file the necessary affidavit.

5. Having heard the learned counsel for the parties, let Notice be issued, returnable on 08.05.2026.

6. Since Mr. D. Nath, learned Standing Counsel, APGCL appears and accepts notice on behalf of the respondents No. 1 to 4, Notices are waived. However, extra copies be furnished within one week from today.

7. Steps on respondent No. 5 be taken by speed post within two weeks from today.

8. Meanwhile, the impugned order dated 17.03.2026 issued by the General Manager (HR) shall remain stayed till 08.05.2026.

9. List on 08.05.2026.

JUDGE

Comparing Assistant