

GAHC010088492023



2026:GAU-AS:11300

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

Case No. : WP(C)/2496/2023

CHAMPA NATH (DAS) AND 27 ORS
AGED ABOUT 50 YEARS,
WIFE OF LATE SAJAL DAS,
RESIDENT OF VILLAGE-CLEVAR HOUSE PART- IV,P.O.-NARSINGPUR,
DISTRICT- CACHAR (ASSAM), PIN- 788115,
(DATE OF JOINING- 01-12-2003).

2: GAURANGA BANIK

AGED ABOUT 43 YEARS

SON OF LATE SANTIRAMBANIK

RESIDENT OF KRISHNA NAGAR
E AND D ROAD

P.O- MALUGRAM
SILCHAR
DISTRICT- CACHAR (ASSAM)
PIN- 788002

(DATE OF JOINING- 20-06-1996).

3: SALIM UDDIN BARBHUIYA

AGED ABOUT 56 YEARS

SON OF LATE ISRAK ALI BARBHUIYA

RESIDENT OF VILLAGE- SUNABARIGHAT
P.O.-SUNABARIGHAT
DISTRICT- CACHAR (ASSAM)
PIN- 788013

(DATE OF JOINING-01-04-2003).

4: JAKIR HUSSAIN LASKAR

AGED ABOUT 50 YEARS

SON OF LATE ARJAN ALI LASKAR

RESIDENT OF VILLAGE- SUNDARI PART- II
P.O-SUNDARI PART- II
DISTRICT- CACHAR (ASSAM)
PIN- 788116

(DATE OF JOINING-01-05-2006).

5: SRI JHANTU CHANDA

AGED ABOUT 48 YEARS

SON OF LATE NIRODH CHANDA

RESIDENT OF VILLAGE- PATBARI
P.O.- DHARMIKHAL
DISTRICT- CACHAR (ASSAM)
PIN- 788116

(DATE OF JOINING- 01-08-2007).

6: SRI DILIP PAUL

AGED ABOUT 50 YEARS

SON OF LATE PRAN BALLAV PAUL

RESIDENT OF VILLAGE- SUDAGRAM
P.O- DHALAI
DISTRICT- CACHAR (ASSAM)
PIN- 788114

(DATE OF JOINING-01-06-2004).

7: SRI JITENDRA CHANDRA DAS

AGED ABOUT 53 YEARS

SON OF LATE JAY KUMAR DAS

RESIDENT OF VILLAGE- KACHUDHARAM PART- II

P.O- KACHUDHARAM
DISTRICT- CACHAR (ASSAM)
PIN- 788119

(DATE OF JOINING-01-05-2007).

8: SRI SACHI KUMAR SINGHA

AGED ABOUT 34 YEARS

SON OF THAIBA SINGHA

RESIDENT OF VILLAGE- MOHANPUR PART- V
P.O- KACHUDHARAM
DISTRICT- CACHAR (ASSAM)
PIN- 788119

(DATE OF JOINING- 01-07-2007).

9: SRI SUJOY DAS

AGED ABOUT 44 YEARS

SON OF LATE SANJAY DAS

RESIDENT OF KRISHNACHARAN ROAD
P.O- RANGIRKHARI
SILCHAR
DISTRICT- CACHAR (ASSAM)
PIN- 788005

(DATE OF JOINING-09-12-2002).

10: SRI KANU RANJAN DAS

AGED ABOUT 50 YEARS

SON OF LATE KRIRESH CHANDRA DAS

RESIDENT OF DUARBOND
P.O- DUARBOND
DISTRICT- CACHAR (ASSAM)
PIN- 788113

(DATE OF JOINING- 01-09-2004).

11: SRI PANNA DAS

AGED ABOUT 47 YEARS

SON OF LATE AKHIL CHANDRA DAS

RESIDENT OF LINK ROAD
LANE- 4
P.O- LINK ROAD- 06
DISTRICT- CACHAR (ASSAM)
PIN- 788006

(DATE OF JOINING-10-08-2000).

12: ASMAN UDDIN BARBHUIYA

AGED ABOUT 55 YEARS

SON OF LATE HAJI AFTAB ALI BARBHUIYA

RESIDENT OF VILLAGE- SAIDPUR- III
P.O- SAIDPUR
DISTRICT- CACHAR (ASSAM)
PIN- 788013

(DATE OF JOINING- 01-11-2005).

13: SRI SHYAMU DEB

AGED ABOUT 45 YEARS

SON OF LATE KHIROD DEB

RESIDENT OF NATUNPARA
P.O.- HAILAKANDI
DISTRICT- HAILAKANDI (ASSAM)
PIN- 788152

(DATE OF JOINING-01-11-2004).

14: SRI KAMALENDU BHATTACHARJEE

AGED ABOUT 52 YEARS

SON OF LATE KHIRODRANJAN BHATTACHARJEE

RESIDENT OF BILPARPADDANAGAR
P.O- HOSPITAL ROAD
SILCHAR
DISTRICT- CACHAR(ASSAM)

PIN- 788001

(DATE OF JOINING- 05-02-1997).

15: SRI BISWOJIT ROY

AGED ABOUT 53 YEARS

SON OF LATE SRISHMONI ROY

RESIDENT OF MATRISREE LANE

P.O.- G. C. COLLEGE

SILCHAR

DISTRICT- CACHAR (ASSAM)

PIN- 788004

(DATE OF JOINING-21-06-1996).

16: MASHUK AHMED

AGED ABOUT 38 YEARS

SON OF LATE ADAM ALI

RESIDENT OF VILLAGE- MOHANPUR PART- III

P.O.- KATIRAIL

DISTRICT-CACHAR (ASSAM)

PIN- 788804

(DATE OF JOINING- 01-04-2008).

17: SRI NUPUR BHATTACHARJEE

AGED ABOUT 51 YEARS

SON OF LATE NISHI KANTA BHATTACHARJEE

RESIDENT OF VILLAGE- BRAHMANGRAM

P.O.-KALAIN

DISTRICT- CACHAR (ASSAM)

PIN-788815

(DATE OF JOINING-01-04-2008).

18: SRI NIRMAL SEAL

AGED ABOUT 41 YEARS

SON OF LATE NARESH SEAL

RESIDENT OF VILLAGE- SHIVTILLA
P.O.- BIHARA
DISTRICT-CACHAR (ASSAM)
PIN-788817

(DATE OF JOINING-01-04-2008).

19: TH. BENU RANI SINGHA

AGED ABOUT 54 YEARS

DAUGHTER OF MAHENDRA SINGHA

RESIDENT OF VILLAGE- SUDERSHAPUR
P.O.- SUDERSHAPUR
DISTRICT- HAILAKANDI (ASSAM)
PIN- 788163

(DATE OF JOINING-JUNE
2006).

20: SRI SANJIB DUTTA

AGED ABOUT 37 YEARS

SON OF SHYAMAL DUTTA

RESIDENT OF VILLAGE- LOWAIRPOA
P.O.- HATIKHIRA
DISTRICT-KARIMGANJ (ASSAM)
PIN-788726

(DATE OF JOINING-01-12-2004).

21: SRI DEBAL CHANDRA DEB

AGED ABOUT 47 YEARS

SON OF DEBESH CHANDRA DEB

RESIDENT OF VILLAGE- BAGADAHAR
P.O.-PATHARKANDI
DISTRICT- KARIMGANJ (ASSAM)
PIN-788724

(DATE OF JOINING- 01-03-2006).

22: KAMRUL HUSSAIN BARBHUIYA

AGED ABOUT 34 YEARS

SON OF JAMIR ALI BARBHUIYA

RESIDENT OF VILLAGE- PATHARKANDI PART- I

P.O.- PATHARKANDI

DISTRICT- KARIMGANJ (ASSAM)

PIN- 788724

(DATE OF JOINING-01-08-2006).

23: SRI BIMAN CHAKRABORTY

AGED ABOUT 47 YEARS

SON OF LATE BIJOY KUMAR CHAKRABORTY

RESIDENT OF VILLAGE- BAZARGHAT

P.O.-BAZARGHAT

DISTRICT- KARIMGANJ (ASSAM)

PIN- 788735

(DATE OF JOINING-08-02-2006).

24: SRI DIGENDRA CHANDRA ROY

AGED ABOUT 47 YEARS

SON OF LATE KUKESH ROY

RESIDENT OF RAMKRISHNA NAGAR

P.O.- RAMKRISHNA NAGAR

DISTRICT-KARIMGANJ (ASSAM)

PIN- 788156

(DATE OF JOINING-08-10-2003).

25: SUDIPTA NATH

AGED ABOUT 48 YEARS

DAUGHTER OF LATE PRABHAT NATH

RESIDENT OF ASEB COLONY
P.O.- DILLABCHERRA
DISTRICT- KARIMGANJ (ASSAM)
PIN-788736

(DATE OF JOINING-12-07-2003).

26: SRI PRODIP RANJAN CHANDA

AGED ABOUT 45 YEARS

SON OF LATE ABHAY CHARAN CHANDA

RESIDENT OF VILLAGE- FANAIRBOND
P.O.- FANAIRBOND
DISTRICT- KARIMGANJ (ASSAM)
PIN- 788737

(DATE OF JOINING-08-07-2004).

27: SRI JOGESH NATH

AGED ABOUT 58 YEARS

SON OF LATE JATINDRA MOHAN NATH

RESIDENT OF ASEB COLONY
P.O.- DULLABCHERRA
DISTRICT- KARIMGANJ (ASSAM)
PIN-788736

(DATE OF JOINING-01-07-2003).

28: SRI BIJIT KANTI PAUL

AGED ABOUT 53 YEARS

SON OF LATE BISHESHWAR PAUL

RESIDENT OF RAMKRISHNA NAGAR
P.O.- RAMKRISHNA NAGAR
DISTRICT- KARIMGANJ (ASSAM)
PIN-788166

(DATE OF JOINING- 24-07-2003)

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
DEPTT. OF POWER (ELECTRICITY, ASSAM SECRETARIAT, DISPUR,
GUWAHATI-06

2:THE ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI-01
REP. BY ITS CHAIRMAN

3:THE CHAIRMAN
ASSAM POWER DISTRIBUTION COMPANY LTD.
BIJULEE BHAVAN
PALTAN BAZAR
GUWAHATI-01

4:THE MANAGING DIRECTOR
ASSAM POWER DISTRIBUTION COMPANY LTD.
BIJULEE BHAVAN
PALTAN BAZAR
GUWAHATI-01

5:THE CHIEF GENERAL MANAGER
HRA
ASSAM POWER DISTRIBUTION COMPANY LTD.
BIJULEE BHAVAN
PALTAN BAZAR
GUWAHATI-0

Advocate for the Petitioner : MR. O LASKAR, MS A GOGOI,MR. U N CHATTRY

Advocate for the Respondent : SC, APDCL,

:::BEFORE:::

HON'BLE MR. JUSTICE KARDAK ETE

Date on which judgment is reserved : N/A

Date of pronouncement of judgment : 11.08.2026

Whether the pronouncement is of the

Operative part of the judgment : N/A

Whether the full judgment has been

Pronounced : Yes

Judgment & Order (Oral)

Heard Mr. O. Laskar, learned counsel for the petitioners. Also heard Mr. B. Choudhury, learned Standing Counsel for the Assam Power Distribution Company Limited (APDCL), appearing for all the respondents.

2. The petitioners, 28 in number, have instituted this writ petition, *inter alia*, assailing the speaking order dated 21.03.2023 issued by the Managing Director, Assam Power Distribution Company Limited (in short, "APDCL"), whereby their claim for regularisation of service and/or for extending the benefit of minimum of the pay scale payable to an equivalent regularly appointed employee has been rejected. The petitioners have accordingly prayed for a direction to the respondent authorities to regularise their services and/or to extend to them the benefit of minimum of the pay scale, in terms of the judgment and order dated 23.02.2021 passed by this Court in WP(C) No.1351/2020.

3. The case of the petitioners is that they have been working under the APDCL on contractual/outsourced basis as outsourced labourers, meter readers and bill dispatchers for a considerable length of time. Some of the petitioners were engaged as far back as 1996-97 and have continued to render service for periods extending to more than two decades. It is stated that, despite their long period of service, the petitioners have continued to be engaged as contractual/outsourced workers without regularisation of their services.

4. It is stated that the APDCL issued an Employment Notice dated 14.08.2018 inviting applications for various posts including Office-cum-Field Assistant, Sahayak and Mali, and also prescribed eligibility for candidates having experience of working as contractual workers under APDCL, AEGCL and APGCL. The petitioners, having the requisite experience, participated in the selection process. Their names appeared in the provisional merit list published on 10.02.2020 in respect of candidates who had appeared in the OMR based examination held on 28.04.2019 for the post of Office-cum-Field Assistant (experienced), but they were not included in the subsequent short-list for document verification.

5. Being aggrieved by their exclusion from the short-list, the petitioners along with other similarly situated candidates approached this Court by filing WP(C) No.1351/2020. In the said proceeding, apart from challenging their exclusion from the short-list, the petitioners also sought consideration of their cases for regularisation on the ground that they had been rendering service under APDCL for more than 10 years. This Court, by judgment and order dated 23.02.2021, directed the APDCL to consider the individual cases of the petitioners in the manner indicated therein. The said judgment was thereafter forwarded to the respondent authorities along with representations dated 25.02.2021 and 22.03.2021 requesting compliance with the directions of this Court.

6. Pursuant to the aforesaid judgment, the respondent authorities undertook an exercise for verification of the service particulars of the petitioners. By communication dated 14.09.2021, the Chief General Manager (HRA), APDCL, called for the engagement orders, payment records and proof of age of the petitioners for the purpose of verifying their period of service. The concerned

Sub-Divisional authorities thereafter furnished the requisite particulars. The petitioners state that the verification so undertaken disclosed that they had been working under APDCL for more than 10 years and, in respect of some of them, the period of service extended to about 20 to 27 years. The matter was thereafter taken up at the level of the respondent authorities and the Managing Director, APDCL, informed the Power (Electricity) Department that the Board of Directors of APDCL had decided to implement the judgment dated 23.02.2021.

7. However, by communication dated 18.01.2022, the Chief General Manager (HRA), APDCL, informed the Chief General Manager (F&A), APDCL, that the matter regarding providing the eligible petitioners with the minimum pay scale payable to an equivalent regularly appointed employee was to be kept on hold until further instructions. Thereafter, the APDCL passed the impugned speaking order dated 21.03.2023. By the said order, the respondent authorities recorded that none of the petitioners had completed 10 years of service as on 10.04.2006 and that their engagements were not against sanctioned vacant posts, but were need-based. In respect of the claim for financial benefit, it was stated that more than 800 persons were claiming identical benefits and that extending such benefit would involve a financial burden of approximately Rs.21.85 crores per annum, which APDCL claimed it was not in a position to bear.

8. The findings recorded in the impugned speaking order are stated to be contrary to the records and the verification undertaken by the respondent authorities themselves. The ground of financial burden taken by the respondent authorities is also stated to be unsustainable. The petitioners contend that their cases were required to be considered in terms of the judgment and order dated

23.02.2021 passed by this Court. Being dissatisfied with the decision of the respondent authorities and the denial of the benefits claimed by them, the petitioners have approached this Court by filing the present writ petition.

9. Mr. O. Laskar, learned counsel for the petitioners, submits that the impugned speaking order dated 21.03.2023 is liable to be interfered with as the respondent authorities, while considering the cases of the petitioners pursuant to the judgment dated 23.02.2021, have failed to properly give effect to the directions contained therein. Learned counsel submits that the petitioners have been working under APDCL for several years and that their service particulars were called for and verified by the authorities themselves, and therefore the rejection of their claims on the basis of incorrect particulars cannot be sustained.

10. Learned counsel submits that, insofar as petitioner Nos. 2, 14 a& 15 are concerned, the respondent authorities have proceeded on an erroneous basis regarding their dates of engagement. It is submitted that petitioner No. 2 was engaged on 20.06.1996, petitioner No. 14 on 05.02.1997 and petitioner No. 15 on 21.06.1996, whereas the particulars relied upon by APDCL in its affidavit-in-opposition do not correctly correspond to the petitioners concerned. Learned counsel submits that the finding that the said petitioners had not completed the requisite period of service therefore requires reconsideration on the basis of the correct records.

11. Learned counsel, referring to the principles governing regularisation, places reliance upon the judgment of the Hon'ble Supreme Court in **Secretary, State of Karnataka vs. Umadevi & Others**, reported in **(2006) 4 SCC 1**, and submits that the cases of employees who had completed 10 years of service as

on 10.04.2006, without the intervention of any order of the Court and against sanctioned posts, were required to be considered as a one-time measure. Learned counsel submits that the judgment dated 23.02.2021 itself directed APDCL to examine the individual cases of the petitioners in the light of the aforesaid principle.

12. Learned counsel also places reliance upon the judgment dated 08.06.2017 passed by the Division Bench of this Court in WA No.45/2014 and submits that persons who have been continuously engaged and are performing the same nature of work as regularly appointed employees are entitled to at least the minimum of the pay scale payable to the corresponding regularly appointed employees. Learned counsel submits that the judgment dated 23.02.2021 specifically directed APDCL to consider those petitioners who had not completed 10 years of service as on 10.04.2006 but had completed more than 10 years thereafter for extending the benefit of minimum of the pay scale.

13. Learned counsel submits that the plea of financial burden taken by APDCL cannot constitute a valid ground for denying the benefit directed to be considered by this Court. Learned counsel submits that the respondent authorities cannot, after continuing the petitioners for several years and utilising their services, deny them fair remuneration by merely referring to the financial implications involved. In support of the said submission, learned counsel also places reliance upon the decision of the Hon'ble Supreme Court in **Haryana State Minor Irrigation Tubewells Corporation & Others vs. G.S. Uppal & Others**, reported in **(2008) 7 SCC 375**.

14. Learned counsel submits that the judgment and order dated 23.02.2021 had required the respondent authorities to examine the individual cases of the

petitioners in the manner indicated by this Court. It is submitted that the respondent authorities, while passing the impugned speaking order, have not properly undertaken such consideration and have, therefore, failed to extend the benefit contemplated under the said judgment.

15. Learned counsel further submits that the petitioners have rendered service for several years, in some cases extending to more than 25 years, and have now become over-aged for competing with fresh candidates. Having utilised their services for such a long period, it is contended that the respondent authorities cannot adopt a policy of continuing them as contractual/outsourced workers indefinitely while denying them the benefit of regularisation or, at the least, the minimum of the pay scale payable to an equivalent regularly appointed employee.

16. Learned counsel further submits that denial of the minimum of the pay scale to the petitioners, despite their having performed duties similar to those performed by regularly appointed employees, is contrary to the principle of equal pay for equal work and the guarantees contained in Articles 14 and 16 of the Constitution of India. It is accordingly submitted that the impugned speaking order dated 21.03.2023 is liable to be set aside and the respondent authorities be directed to extend to the petitioners the benefits contemplated under the judgment and order dated 23.02.2021.

17. Mr. B. Choudhury, learned Standing Counsel for the APDCL, submits that the respondent authorities, pursuant to the judgment and order dated 23.02.2021 passed in WP(C) No.1351/2020, examined the cases of the petitioners with regard to their claim for regularisation as well as for extending the benefit of minimum of the pay scale. Learned Standing Counsel submits

that, upon such consideration, the APDCL undertook an exercise for identifying the eligible outsourced workers and, having regard to their length of service and the financial position of the Corporation, decided to enhance their remuneration.

18. Learned Standing Counsel submits that, upon due consideration of the long-standing demand of the outsourced workers and with the approval of the Government of Assam, the Board of Directors of APDCL, by Resolution No.93(I) (II) adopted in its meeting dated 28.06.2023, decided to enhance the monthly remuneration of eligible outsourced workers receiving direct payment from APDCL. Pursuant thereto, Office Order dated 02.12.2023 was issued prescribing enhanced remuneration based upon the length of engagement of the concerned outsourced workers, with the enhanced remuneration for those having 10 years or more of experience being fixed at Rs. 18,000/- per month.

19 Learned Standing Counsel submits that the aforesaid benefit was thereafter extended to 27 out of the 28 petitioners by Office Orders dated 14.12.2023 issued by the concerned Chief Executive Officers of APDCL. It is submitted that petitioner No. 3, namely, *Salim Uddin Barbhuiya*, had expired on 17.10.2023, prior to issuance of the said Office Orders. Thus, he submits that the direction of this Court to consider the cases of the petitioners has been duly acted upon and the eligible petitioners have been granted enhanced remuneration.

20. Learned Standing Counsel, however, submits that the claim of petitioner Nos. 2, 14 & 15, for regularisation cannot be accepted as they do not fulfil the requirement of having completed 10 years of service as on 10.04.2006. Referring to the service particulars verified by the respondent authorities, it is

submitted that the dates of initial engagement relied upon by APDCL do not establish completion of 10 years of service by the said petitioners as on the relevant date.

21. Learned Standing Counsel further submits that the one-time exercise contemplated in **Umadevi** (supra) had already been undertaken by APDCL in the year 2013 and the employees found eligible in the said exercise had already been regularised. It is therefore submitted that the petitioners, who do not fulfil the conditions contemplated for such one-time regularisation, cannot claim regularisation as a matter of right.

22. Learned Standing Counsel submits that the engagement of the petitioners was need-based and was not against any sanctioned vacant post. The mere fact that the petitioners have continued to render service for a considerable period would not, by itself, confer upon them any right to regularisation, particularly when the requirements for regularisation in terms of the applicable law are not satisfied.

23. Insofar as the claim for minimum of the pay scale is concerned, learned Standing Counsel submits that the judgment dated 23.02.2021 did not direct automatic grant of the minimum pay scale to every petitioner, but required the respondent APDCL to consider the individual cases in accordance with the conditions indicated therein. It is submitted that, pursuant to such consideration, the APDCL has already granted enhanced remuneration to the eligible petitioners.

24. Learned Standing Counsel further submits that the decision to enhance the remuneration was taken after considering the financial position of APDCL and

the fact that more than 800 similarly situated outsourced workers were claiming identical benefits. Extending the benefit of minimum of the regular pay scale to all such workers would entail a substantial recurring financial liability upon the Corporation. It is therefore submitted that the decision taken by APDCL was a conscious decision based upon the financial implications involved.

25. Learned Standing Counsel submits that the impugned speaking order dated 21.03.2023 was passed upon consideration of the relevant service particulars and the financial implications involved and that there is no deliberate non-compliance with the judgment dated 23.02.2021. It is submitted that the petitioners have already been granted enhanced remuneration pursuant to the subsequent decision of APDCL and, therefore, no further direction for grant of minimum of the regular pay scale or regularisation is called for.

26. I have considered the submissions of the learned counsel for the parties and have also perused the records placed before the Court.

27. It is not in dispute that the petitioners have been working under the APDCL for a considerable length of time. The records further disclose that pursuant to the judgment and order dated 23.02.2021 passed in WP(C) No.1351/2020, the respondent authorities undertook an exercise for consideration of the individual cases of the petitioners. In the course of such exercise, the APDCL also took a decision to enhance the remuneration of the eligible outsourced workers, having regard to their length of service and the financial position of the Corporation.

28. Pursuant thereto, the Board of Directors of the APDCL, by Resolution No.93(I)(II) adopted in its meeting dated 28.06.2023, decided to enhance the

remuneration of the eligible outsourced workers receiving direct payment from the APDCL. Accordingly, Office Order dated 02.12.2023 was issued providing for enhanced remuneration based upon the length of engagement, and the benefit thereof was extended to 27 out of the 28 petitioners. To that extent, the respondent authorities have acted upon the direction issued by this Court in the earlier proceeding.

29. Insofar as the prayer for regularisation is concerned, petitioner Nos. 2, 14 & 15, have claimed such benefit on the basis of their length of service. Even taking into consideration the dates of engagement relied upon by the petitioners, namely, 20.06.1996 in respect of petitioner No. 2, 05.02.1997 in respect of petitioner No. 14 and 21.06.1996 in respect of petitioner No. 15, none of them had completed 10 years of service as on 10.04.2006. They, therefore, do not come within the category of employees contemplated in **Umadevi** (supra), whose cases could be considered for regularisation as a one-time measure. The prayer for regularisation, therefore, cannot be granted.

30. The petitioners have also claimed the benefit of minimum of the pay scale. In this regard, it is to be noticed that the petitioners have continued to render service under the APDCL for several years and their claim is that they have been discharging duties corresponding to those performed by regularly appointed employees in the Grade-IV category. The Hon'ble Supreme Court in **State of Punjab vs. Jagjit Singh & Others**, reported in **(2017) 1 SCC 148**, has considered the claim of temporary employees for minimum of the pay scale and has held that where temporary employees discharge duties and responsibilities similar to those discharged by regular employees, they would be entitled to the minimum of the pay scale applicable to the corresponding regular employees.

31. The fact that the petitioners may not be entitled to regularisation would not, by itself, disentitle them from claiming minimum of the pay scale. In **Jagjit Singh** (supra), the Hon'ble Supreme Court has held that temporary employees who discharge duties and responsibilities similar to those performed by regular employees cannot be denied the minimum of the pay scale applicable to the corresponding regular post merely on account of the nature of their engagement.

32. In the present case, the petitioners have been continuing in service for a considerable period and have been discharging duties under the APDCL. The fact that they are engaged as outsourced workers cannot, by itself, be a ground for denying them the benefit of minimum of the pay scale, if the duties and responsibilities actually performed by them are the same as, or comparable with, those performed by the corresponding regularly appointed Grade-IV employees. The claim, therefore, has to be considered with reference to the nature of duties actually discharged by the petitioners.

33. The grant of enhanced remuneration pursuant to the Office Order dated 02.12.2023 also does not, by itself, conclude the claim of the petitioners for minimum of the pay scale. The enhanced remuneration was fixed by the APDCL for eligible outsourced workers on the basis of their length of engagement. The claim for minimum of the pay scale, on the other hand, is based upon the nature of duties and responsibilities discharged by the petitioners and the principle of equal pay for equal work recognised in **Jagjit Singh** (supra).

34. Having regard to the aforesaid position, this Court is of the considered opinion that the respondent authorities deserve to be directed to examine the individual cases of the petitioners with reference to the duties and

responsibilities actually discharged by them and the corresponding Grade-IV posts in the regular establishment. It is ordered accordingly. If it is found that the petitioners have been discharging duties and responsibilities similar to those attached to the corresponding regularly appointed Grade-IV employees, they shall be paid the minimum of the pay scale applicable to such corresponding post, in terms of the principle laid down in **Jagjit Singh** (supra).

35. It has also been submitted on behalf of the petitioners that the benefit of enhanced remuneration under the Office Order dated 02.12.2023 has not been extended to all the petitioners. If that be so, the respondent authorities shall verify the individual cases and extend such benefit to the petitioners who are found eligible under the said Office Order.

36. The aforesaid exercise directed to be undertaken, shall be completed within a period of 3 (three) months from today.

37. The writ petition stands disposed of, in terms above.

JUDGE

Comparing Assistant