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

Case No. : WP(C)/5017/2026

SRI AMIYA KUMAR SARMA AND 6 ORS
S/O LT. G.K. SARMA, R/O H.NO. 3, NABAGRHAH PATH, CHANDMARI, P.O. SILPUKHURI, GUWAHATI-781003.

2: SRI UMESH CHANDRA THAKURIA
S/O LT. DEBASWAR THAKURIA
R/O GARIGAON BEZPARA
P.O. GARIGAON
GUWAHATI-781012. PHONE NO. 98643-63863

3: SRI NABIN DAS
S/O LT. DANDI RAM DAS
R/O H.NO. 3
HIRIMBAR PATH
KUNDIL NAGAR
BYE-LANE NO. 4
UDALBAKRA
GUWAHATI-781034.

4: SRI MURALI DHAR DEKA
S/O LT. DR. SARAT CH. DEKA
R/O FATASIL AMBARI TINIALI
GUWAHATI-781025

5: SRI NALIN KR ROY
S/O LT. RAGHUNATH ROY
R/O H.NO. 9
SAWKUCHI TINIALI
PIPELINE PATH
GUWAHATI-781040.

6: SMT MANI DAS MAHANTA
D/O LT. BALLAVE CH. MAHANTA
R/O MAGNUS APARTMENT FLAT NO.-402B

BELTOLA TINIALI OPP. KALI MANDIR
GUWAHATI-781028

7: SMT SABITRI PHUKON
D/O LT. ANANTA NATH PHUKAN
R/O H. NO. 10 BHETAPARA
R/O GHORAMARA
HORENDRA DAIMARY PATH
GUWAHATI-781028

VERSUS

THE ASSAM POWER DISTRIBUTION CO LTD AND 4 ORS
REPRESENTED BY ITS CHAIRMAN, HAVING ITS REGISTERED OFFICE AT 1ST FLOOR, BIJULI BHAWAN, PALTANBAZAR, GUWAHATI-1.

2:THE MANAGING DIRECTOR
ASSAM POWER DISTRIBUTION CO. LTD.
BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-781001.

3:THE CHIEF GENERAL MANAGER (HR)
ASSAM POWER DISTRIBUTION CO. LTD.
BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-781001.

4:THE ASSISTANT GENERAL MANAGER (F AND A)
GAD
ASSAM POWER DISTRIBUTION CO. LTD.
BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-781001

5:THE ASSISTANT GENERAL MANAGER (F AND A)
PENSION
ASSAM ELECTRICITY GRID CORPORATION LTD.
BIJULEE BHAWAN
GUWAHATI-781001

Advocate for the Petitioner : MR. J PATOWARY, MS. A SARMA

Advocate for the Respondent : SC, APDCL,

Linked Case : WP(C)/5137/2026

PRATAP CH. NATH AND 3 ORS.
S/O LT. PRADIP CH. NATH
R/O BHARAT SEVAK PATH
BYE LANE NO. 7
RANGAPUKHURIPAR
MISSION CHARIALI
P.O. DEKARGAON
DIST.-SONITPUR
ASSAM
PIN-784501.

2: AMIYA KR. NATH
S/O LT. INDRA PRASAD NATH
R/O HAZARAPAR
VILL.-LALMATI
DIST.-SONITPUR
P.O.-TEZPUR
PIN-784001.

3: RAJEEV CH. SARMAH
S/O LT. RABIN CH. SARMAH
R/O MAZGAON
KHARAATI
TEZPUR
DIST.- SONITPUR
PIN-784001.

4: MOHAN CH. NATH
S/O LATE D.S. NATH
R/O POTIA CHUBURI
P.O.-DEKAR GAON
DIST.-SONITPUR
ASSAM
PIN-784501.
VERSUS

THE ASSAM POWER DISTRIBUTION CO. LTD. AND 4 ORS
REPRESENTED BY ITS CHAIRMAN
HAVING ITS REGISTERED OFFICE AT 1ST FLOOR
BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-781001.

2:THE MANAGING DIRECTOR

ASSAM POWER DISTRIBUTION CO. LTD.
BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-781001.

3:THE CHIEF GENERAL MANAGER (HR)

ASSAM POWER DISTRIBUTION CO. LTD.
BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-781001.

4:THE ASSISTANT GENERAL MANAGER (F AND A)

GAD
ASSAM POWER DISTRIBUTION CO. LTD.
BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-781001.

5:THE ASSISTANT GENERAL MANAGER (F AND A)

PENSION
ASSAM ELECTRICITY GRID CORPORATION LTD.
BIJULEE BHAWAN
GUWAHATI-781001.

Advocate for : MR. J PATOWARY
Advocate for : SC
APDCL appearing for THE ASSAM POWER DISTRIBUTION CO. LTD. AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

30.09.2026

Both the writ petitions being on identical causes of action, the same are taken up for disposal at the motion stage. The aforesaid approach of this Court is also agreed upon by the learned counsel for the parties.

2. Briefly stated, the facts, as projected are that the petitioners were working

in different capacities in the erstwhile ASEB which was subsequently converted into the APDCL and other sister companies. The petitioners had retired from service on 31.03.2016. However, subsequently there was a revision of pay *w.e.f.* 01.04.2016. There was however a stipulation that such benefit would be granted to those personnel who had retired on 31.03.2016. It is the case of the petitioners that while their pension has been paid at a revised rate, the pay for the last month at the revised rate was not granted.

3. I have heard Shri J. Patowary, learned counsel for the petitioners as well as Shri K. P. Pathak, learned Standing Counsel, APDCL.

4. Shri Patowary, the learned counsel for the petitioners has submitted that similarly situated persons had filed writ petition being WP(C)/1607/2020 which was disposed of in favour of the petitioners vide an order dated 03.11.2022. Though the Writ Appeal preferred by the authorities was allowed vide order dated 05.08.2024, the petitioners in that case had approached the Hon'ble Supreme Court which vide order dated 04.12.2025 had allowed the appeal. He has drawn the attention of this Court to the observations made by the Hon'ble Supreme Court which are as follows:

> "*18. We set aside the judgment of the Division Bench of the High Court and restore that of the learned Single Judge. The appellants shall be entitled to the pay revision as on 31.03.2016 and their pay for the month of March 2016 shall be determined in the revised scales and such revised pay shall be reckoned for computing the pension payable. The arrears of pay and pension shall be paid within a period of six months, and the revised pension shall commence from February 2026. The arrears shall carry interest at the rate of 6 % for each passed year, if the above directions are not complied with and in the event of interest liability arising for non-payment of arrears within six months, as directed hereinabove, the respondent shall pay the interest and would be entitled to recover the same from the officers who caused the delay in such*

payment of arrears."

He has informed that a review filed by the authorities was also dismissed by the Hon'ble Supreme Court.

5. He has also submitted that in the meantime, certain other writ petitions have been filed including WP(C)/2055/2026 which were disposed of vide an order dated 06.05.2026 by a Coordinate Bench and the following observations made by the Coordinate Bench have been pressed into service:

> "*7. Having considered the submissions made and upon perusal of the judgments enclosed to the writ petition, this Court is of the view that since the matter has finally been settled by the Apex Court, there should be no hesitation in allowing the writ petition in terms of the directions contained in the judgment and order dated 04.12.2025, passed in Civil Appeal No. 14559 of 2025.*
>
> *8. Accordingly, it is held that the petitioners are entitled to pay revision as on 31.03.2016 and their pay for the month of March 2016 shall be determined on the revised pay scales and such revised pay scales shall be reckoned for computing the pension payable. The arrears of pay and pension shall be paid within a period of 6 months and the revised pension will commence from February 2026.*
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> *9. Insofar as the direction of interest is concerned and upon perusal of the judgment of the Apex Court, it is seen that the interest will be leviable for each passed year, if the direction as laid down by the Apex Court are not complied with and in the event the directions as contained in the present order are not carried out within a period of 6 months from the date of the receipt of this order, the respondents will be required to pay an interest at the rate of 6% for each passed year."*

6. The learned counsel for the petitioners accordingly submits that similar benefit be granted to the petitioners.

7. Shri Pathak, learned Standing Counsel, APDCL has submitted that the petitioners appear to be fence-sitters. However, he submits that since a

Coordinate Bench has already entertained subsequent writ petitions and granted relief, he would not oppose this writ petition on the grounds of parity.

8. Situated thus, the writ petitions stand allowed by granting the same relief as granted by the Hon'ble Supreme Court in the judgment and order dated 04.12.2025 the operative portion of which have already been extracted above. It is however clarified that so far as the interest component is concerned, the same will be calculated from the date of this order.

9. With the aforesaid directions, the writ petition stand disposed of.

JUDGE

Comparing Assistant