

GAHC010243862024



2026:GAU-AS:6680

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

Case No. : WP(C)/6113/2024

PRADIP KUMAR BHUYAN
S/O- LATE HEM CHANDRA BHUYAN
R/O- TARAJAN
GAYEN GAON
JORHAT
ASSAM
PIN-785001

VERSUS

THE ASSAM POWER GENERATION CORPORATION LTD AND 2 ORS
REP. BY ITS CHAIRMAN HAVING ITS REGISTERED OFFICE AT 1ST FLOOR
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001

2:THE MANAGING DIRECTOR

ASSAM POWER GENERATION CORPORATION LIMITED

BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001

3:THE GENERAL MANAGER
HR
ASSAM POWER GENERATION CORPORATION LIMITED

BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001

BEFORE

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

Advocate for the petitioner(s): Mr J Patowary

Advocate for the respondent(s): Mr D Nath, Sr.GA
APGCL

Date on which judgment was reserved :**NA**

Date of pronouncement of judgment :**13.05.2026**

Whether the pronouncement is of the :

operative part of the judgment?: **NA**

Whether the full judgment has been : **Yes**
pronounced?

JUDGMENT AND ORDER (ORAL)

(Shamima Jahan, J.)

Heard Mr J Patowary, learned counsel for the petitioner. Also heard Mr D Nath, learned Senior Government Advocate, APGCL, for the respondents.

2. By this application under Article 226 of the Constitution of India, the petitioner has prayed for setting aside and quashing of the Demand Notice No. MD/APGCL/PEN/M-16/184/78 dated 11.11.2024. The petitioner has also prayed for a writ of mandamus directing the respondents, not to give effect to the said demand notice and also a direction to the respondents, not to insist for reimbursement of the excess amount paid.

3. The case of the petitioner is that the Revision of Pay Rules, 2017, came into effect on 01.04.2016, and the said rules were made retrospective and the persons who had retired before this ROP Rules came into force, would also be covered by the same. The petitioner states that he retired on 31st of March, 2016 and that in view of the retrospective effect of the ROP Rules, 2017, he submits that he is entitled to get the benefits of the new ROP Rules. However, it is stated that the authorities had allowed the benefits of the ROP, 2017, only in respect of the pension, without revising the last pay given to the petitioner.

4. Aggrieved by the said exercise by the authority concerned, the petitioner filed a writ petition being WP(C) No. 4381 of 2023. It be stated here that in another writ petition being WP(C) No. 1607/2020, filed by similarly situated employees, wherein the learned Single Judge has allowed revision of the last pay of the employees, and, thereafter, to calculate the pension. A similar order was also granted to the petitioner by order dated 29.09.2023, and the said Writ Petition (Civil) No. 4381 of 2023, was allowed. Against the said order, the authorities preferred a writ appeal before the Hon'ble Division Bench of this Court, and this Court, vide order dated 05.08.2024, had allowed the writ appeal and had set aside the order passed by the learned Single Judge.

5. Against the same, the petitioner and another filed a Special Leave Petition before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide order dated 04.12.2025, had restored the order of the learned Single Judge and had set aside the Judgment of the Hon'ble Division Bench of this Court. The Hon'ble Supreme Court had given the finding that the appellant/petitioners shall be entitled to pay revision with regard to the last pay received by them and such revised pay shall be reckoned for computing the pension too and further

concluded that the arrear of pay and pension should be paid within the time stipulated therein with 6% interest. The said judgment of the Hon'ble Apex Court was passed during the pendency of this writ petition.

6. It is further stated by the petitioner that pursuant to the order passed by the Hon'ble Division Bench of this Court and during the pendency of the instant writ petition, demand notice was served upon the petitioner for recovery of the amount paid by way of ROP, 2017. It was stated therein that the excess amount received by the petitioner on account of revised pensionary benefits as per ROP, 2017, and by rejecting his application, a demand was made to the petitioner to refund the said excess money.

7. The Demand Notice dated 11.11.2024, as mentioned above, are in teeth of the judgment passed by the Hon'ble Supreme Court on 4th of December, 2025, as stated above. The learned Government Advocate has also fairly submitted that the said demand notice would not stand in view of the Supreme Court's judgment.

8. In view of the same, the said Demand Notice No. MD/APGCL/PEN/M-16/184/78 dated 11.11.2024, is hereby set aside and quashed.

9. The writ petition, as such, is allowed.

JUDGE

Comparing Assistant