



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

(1) WRIT APPEAL No.107 of 2023

1. The Assam Power Generation Corporation Limited, represented by its Chairman, having its registered Office at Bijulee Bhawan, Paltanbazar, Guwahati - 781001.
2. The Managing Director, Assam Power Generation Corporation Limited, Bijulee Bhawan, Paltanbazar, Guwahati - 781001.
3. The General Manager (HR), Office of the Chief General Manager (Gen), Assam Power Generation Corporation Limited, Bijulee Bhawan, Paltanbazar, Guwahati - 781001.

.....Appellants

-Versus-

1. Shri Mukut Das,
Son of Late Madhab Chandra Das,
Resident of House No.1, Madhabdevpur
Road, Rehabari, Guwahati - 781008.

.....Respondent

2. The Managing Director, Assam Electricity Grid Corporation Limited, Bijulee Bhawan, Paltanbazar, Guwahati – 781001.

3. The Chief General Manager (HR), Assam Power Distribution Company Limited, Bijulee Bhawan, Paltanbazar, Guwahati – 781001.

.....Proforma Respondents

(2) WRIT APPEAL NO.272 OF 2023

1. The Assam Power Generation Corporation Limited, represented by its Chairman, having its registered Office at Bijulee Bhawan, Paltanbazar, Guwahati - 781001.

2. The Managing Director, Assam Power Generation Corporation Limited, Bijulee Bhawan, Paltanbazar, Guwahati – 781001.

3. The General Manager (HR), Office of the Chief General Manager (Gen), Assam Power Generation Corporation Limited, Bijulee Bhawan, Paltanbazar, Guwahati – 781001.

.....Appellants

-Versus-

1. Shri Anal Kumar Bhagabati,
Son of Late Rup Ram Sut,
Resident of House No.12, Rupali Path,
Janakur, Near Journalist Colony,
Kahilipara, Guwahati – 781019, District:
Kamrup (Metro), Assam.

.....Respondent

2. The Managing Director, Assam Electricity Grid Corporation Limited, Bijulee Bhawan, Paltanbazar, Guwahati – 781001.

3. The Chief General Manager (HR), Assam Power Distribution Company Limited, Bijulee Bhawan, Paltanbazar, Guwahati – 781001.

.....Proforma Respondents

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM**

For the Appellants : Mr. H.K. Das, Advocate
Mr. N.K. Sarma, Advocate.

For the Respondents : Mr. K.N. Choudhury, Sr. Advocate,
assisted by Mr. J. Patowary, Advocate for
respondent No.1 in Writ Appeal
No.107/2023.

: Mr. S. Muktar, Advocate for respondent
No.1 in Writ Appeal No.272/2023.

: Mr. B. Das, Standing Counsel, APDCL.

Date of Hearing : 25.07.2024.

Date of Judgment : 05.08.2024.

JUDGMENT & ORDER (CAV)

(Vijay Bishnoi, CJ)

Heard Mr. H.K. Das, learned counsel for the appellants in both the writ appeals. Also heard Mr. K.N. Choudhury, learned senior counsel, assisted by Mr. J. Patowary, learned counsel for the respondent No.1 in Writ

Appeal No.107/2023; Mr. S. Muktar, learned counsel for the respondent No.1 in Writ Appeal No.272/2023 and Mr. B. Das, learned Standing Counsel, APDCL.

2. These 2(two) writ appeals have been preferred by the appellants being aggrieved by the judgment & orders dated 03.11.2022 passed in WP(C) No.1607/2020 and dated 16.06.2023 passed in WP(C) No.3446/2023. Judgment & Order dated 16.06.2023 in WP(C) No.3446/2023 has been passed by the learned Single Judge while relying on the judgment & order dated 03.11.2022 passed in WP(C) No.1607/2020.

3. The brief facts of the case are that the private respondents in both these writ appeals had retired from the posts of General Manager in the Assam Power General Corporation Limited (hereinafter to be referred as "APGCL") on attaining the age of superannuation on 31.03.2016. After their retirement, entitlements of the private respondents like, pension, Commuted Value of Pension (CVP), Retirement Gratuity, Family Pension, etc., were determined and disbursed.

4. Pursuant to the resolution No.5 dated 22.11.2017, the Board of Directors of the APGCL was pleased to revise the pay and allowances of the employees and pensioners of the erstwhile Assam State Electricity Board (ASEB) and its successor Companies, i.e. Assam Power Distribution Company Limited (APDCL), Assam Power Generation Corporation Limited (APGCL), Assam Electricity Grid Corporation Limited (AECGL) and accordingly, an Office Memorandum dated 12.12.2017 was issued in the name and style of "Revision of Pay Rules,

2017” (hereinafter to be referred as “ROP Rules, 2017”). Rule 1(ii) of ROP Rules, 2017 provides that the ROP Rules, 2017 came into force on 01.04.2016.

5. The appellant APGCL fixed the pension of the private respondents as per the provisions of Rule 32(1)(b) of the ROP Rules, 2017 and being aggrieved with the same, the private respondents filed representations before the Chairman, APGCL on 07.02.2018 and 23.07.2018, respectively, claiming that their pension should be fixed by revising their last pay as per the latest ROP Rules, as they were in service till 31.03.2016.

6. When their representations were not acted upon, further representations were submitted by the private respondents. However, when their representations were not duly considered, they approached this Court by way of filing writ petitions claiming that the pension and other benefits of the private respondents are required to be determined as per Rule 4 of the ROP Rules, 2017 instead of Rule 32 of the said Rules.

7. In the writ petitions, the claim of the writ petitioners/private respondents was contested by the appellants. However, the learned Single Judge has allowed the WP(C) No.1607/2020 filed on behalf of the respondent Mukut Das vide judgment dated 03.11.2020 while issuing a direction to the respondents in the writ petition (appellants herein) to work out the entitlements of the respondent/writ petitioner Mukut Das, as pensioner, under different heads, like pension, Computed Value of Pension (CVP), Death-cum-Retirement

Gratuity, Leave Encashment benefits, etc., as per Rule 4 of the ROP Rules, 2017. It was further directed that if after such exercise, the respondent Mukut Das was found entitled for enhanced amount than what had been worked out by the Office Order dated 31.03.2016, the same should be disbursed to him in expeditious manner within 6(six) months from the date of submission of certified copy of that judgment & order. As observed earlier, the writ petition filed on behalf of Anal Kumar Bhagabati was disposed of vide order dated 16.06.2023 in terms of the judgment & order dated 03.11.2022 passed in WP(C) No.1607/2020. The relevant portion of the impugned judgment dated 03.11.2022 are quoted herein:

“13. As per sub-rule [1] of Rule 32, the pension/ family pension of the existing pensioners/family pensioners i.e. pre - 01.04.2016 pensioners/family pensioners shall be revised w.e.f. 01.04.2016 in terms of the procedure laid down by the sub-clauses [a] and [b]. One of the issues that has arisen for consideration is whether the procedure laid down in subclause [a] and/or sub-clause [b] can be made applicable to the case of the petitioner. It is settled that an employee retires from service in the afternoon of the last day of the month in which he attains the age of superannuation. It is evident from Rule 34 of the Revised Pay Rules, 2017 that the age of superannuation of an employee of the erstwhile ASEB and its successor companies including the AEGCL, is 60 years. By the Office Order bearing no.ASEB/PLT/438/1979/268 dated 31.03.2016, the petitioner was released from service of the AEGCL at 05-00 p.m. on 31.03.2016 on attaining the age of superannuation. Since the meaning of ‘pre’ is ‘previous to; before’, the procedure laid down in sub-clauses [a] and [b] of Rule 32 can be made applicable in respect of pension of the existing pensioners of pre - 01.04.2016, meaning thereby, the same can be made applicable in respect of those existing pensioners who had already acquired the status of pensioner previous to or before 01.04.2016. By no stretch, ‘pre - 01.04.2016’ can be equated with ‘01.04.2016’

15. At this stage, it also apposite to refer to the provision contained in Rule 4[a] of the Revised Pay Rules, 2017 which pertains to application of the revised pay. Rule 4[a] has laid down that all employees who were in services on 31.03.2016 or who may have been appointed on or after 01.04.2016 shall draw pay in revised pay structure [Pay Band with Grade Pay] applicable to the posts/grades which they have been holding or to which they may have been appointed, as the case may be. Rule 4[a] has, thus, made reference to two categories of employees. All employees who were in service on 31.03.2016 would be eligible to draw pay in the revised by structure [Pay Band with Grade Pay] applicable to the posts/grades which they had been holding. Similarly, all the employees who have been appointed on or after 01.04.2016, shall draw in the revised pay structure [Pay Band with Grade Pay] applicable to the posts/grades to which they may have been appointed.

16. In view of the settled position of law that the employee retires from service in the afternoon of the last day of the month in which he attains the age of superannuation and from the Office Order dated 31.03.2016 by which the petitioner was released from service on attaining the age of superannuation of 60 years at 05-00 p.m. on 31.03.2016, there is no iota of doubt that the petitioner was in service on 31.03.2016 and he also retired from service on 31.03.2016. In other words, the petitioner was in service and had also retired from service on 31.03.2016. This Court is, thus, of the view that as the petitioner had not acquired the status of pensioner on 31.03.2016 as on that date, he was in service and had also retired from service on reaching the age of superannuation at 05-00 p.m. He had acquired the status of pensioner only from and on 01.04.2016. The view gets also fortified from the Office Order bearing no. MD/APGCL/PEN/M-16/80/23 dated 31.03.2016 which recorded that the petitioner retired on 31.03.2016 and the petitioner was sanctioned pension @ Rs. 24,660/- per month only w.e.f. 01.04.2016. The provisions of Rule 32[1] speak about the existing pensioners who acquired the status of pensioner pre - 01.04.2016, that is, previous to or before 01.04.2016 and such a status can be acquired only on or before 31.03.2016.

20. From a conjoint reading of the provisions of the Revised Pay Rules, 2017, more particularly, Rule 1, Rule 2,

Rule 4[a] and Rule 32[1][a] & [b] together, this Court is of the unhesitant view that the petitioner who was in service on 31.03.2016 and who retired from service on reaching the age of superannuation also on 31.03.2016, cannot be categorized and bracketed in the category of existing pensioner on 31.03.2016 as he acquired the status of pensioner only on and from 01.04.2016. In such view of the matter, the benefits under the Revised Pay Rules, 2017 cannot be worked out by resorting to Rule 32[1][a] & [b] of the Revised Pay Rules, 2017 but his entitlements are to be worked out in terms of the provisions laid down in Rule 4[a] of the Revised Pay Rules, 2017. Rule 4[a] has made the revised pay structure [Pay Band with Grade Pay] applicable to an employee who was in service on 31.03.2016 and the petitioner falls in that category of employee.”

8. Assailing the impugned orders, Mr. H.K. Das, learned counsel for the appellants has argued that the learned Single Judge has erred in passing the impugned judgments dated 03.11.2022 and 16.06.2023. It is contended that the learned Single Judge has failed to appreciate that the ROP Rules, 2017 came into effect w.e.f. 01.04.2016, which means that anybody who is in employment on the said date, will be entitled for the benefit of revision of pay under the said Rules.

It is contended that the learned Single Judge has in fact ordered for grant of benefit of revision of pay to an Officer who retired on 31.03.2016, under the ROP Rules which came into effect from 01.04.2016. It is argued that by no stretch of imagination, an employee, who retired before implementation of the Revised Pay Rules, can claim fixation of his pay under the said Rules, which came into force after his retirement.

9. The learned counsel for the appellants has further argued that Rule 4 of the ROP Rules, 2017 speaks about the

existing employees of the APGCL, who were in service on 31.03.2016, however, in the case of the private respondents, it is an admitted position that they retired on 31.03.2016 and were not in service on 01.04.2016 when the ROP Rules came into force.

The learned counsel has further submitted that the appellants have rightly determined the entitlements of the private respondents as pensioner under different heads, like pension, Computed Value of Pension (CVP), Death-cum-Retirement Gratuity, Leave Encashment benefits, etc., by resorting to Rule 32(1)(b) of the ROP Rules, 2017. However, the learned Single Judge, without appreciating the provisions of Rule 4 and Rule 32 of the ROP Rules, 2017 in the correct perspective, has allowed the writ petitions filed by the private respondents and has also issued a direction to grant the benefits to them for which they are not legally entitled to.

10. The learned counsel for the appellants has further argued that in a similar situation, the Central Administrative Tribunal, Kerala had ordered for fixation of the pension and other entitlements to the employees as per the recommendations of the 5th Pay Commission, which came into effect from 01.01.1996, in favour of those employees who retired from service on 31.12.1995 and the writ petitions challenging the said order of the Central Administrative Tribunal were dismissed by the High Court of Kerala. The said order passed by the High Court of Kerala was challenged before the Hon'ble Supreme Court in **Chief General Manager, Telecom, BSNL & Anr. -Vs- K.J. George & Ors.,**

reported in **(2008) 14 SCC 699**, which was disposed of by the Hon'ble Supreme Court while reversing the said judgment.

The learned counsel has further argued that in an identical situation, the Delhi High Court in the case of ***Union of India & Ors. -Vs- G.C. Yadav***, reported in **2018 SCC OnLine Del 12191** has reversed the judgment of the Central Administrative Tribunal, Principal Bench, New Delhi by observing that an employee, who retired from service prior to the implementation of the recommendation of the Pay Commission, cannot claim fixation of his pay on the basis of the revised pay scale under the ROP Rules.

11. The learned counsel for the appellants has, therefore, argued that the impugned judgments passed by the learned Single Judge are contrary to law and, therefore, the same are liable to be set aside.

12. Per contra, the learned counsels appearing for the private respondents have vehemently opposed the appeals and have argued that the learned Single Judge has rightly interfered with the matter and has committed no illegality in passing the impugned judgment & orders. It is contended that Rule 4(a) of the ROP Rules, 2017 specifically provides that the employees who were in services on 31.03.2016 are entitled to draw pay in revised pay structure (Pay Band with Grade Pay) applicable to the posts/grades, which they have been holding. It is contended that in the present case, admittedly, the private respondents were in service on 31.03.2016 and as such, their Pay Bands were required to be fixed after revising

their pays as per the ROP Rules, 2017. It is further contended that Rule 32(1)(a) of the ROP Rules, 2017 is in relation to the employees, who acquired the status of pensioners prior to 01.04.2016, whereas in the case of the private respondents, they acquired the status of pensioners on 01.04.2016, i.e. after 31.03.2016.

13. Mr. K.N. Choudhury, learned senior counsel appearing for the respondent No.1 in Writ Appeal No.107/2023 has submitted that it is settled that where the language employed in a Statute is plain and unambiguous, it is not open for the Court to read anything into it which is not found in the Statute. It is submitted that the language of Rule 4(a) of the ROP Rules, 2017 clearly says that the employees who were in service on 31.03.2016 are entitled for revised pay structure as per the ROP Rules, 2017 and since the private respondents were in service on 31.03.2016, the learned Single Judge has rightly granted relief to them. In support of the above contention, the learned senior counsel has placed reliance on a decision of the Hon'ble Supreme Court rendered in ***Ansal Properties & Industries Limited -Vs- State of Haryana & Anr.***, reported in **(2009) 3 SCC 553**, particularly, on Paragraphs 39 & 40.

The learned counsel for the private respondents, have, therefore, submitted that in the above facts and circumstances of the case, no interference is called for and the writ appeals preferred by the appellants are liable to be dismissed.

14. We have heard the learned counsel appearing for the parties, perused the impugned judgments and the material available on record.

15. The facts which are not in dispute are that the private respondents retired from service on 31.03.2016, whereas the ROP Rules, 2017 came into effect from 01.04.2016. The basic claim of the private respondents was that the latest Revision of Pay Rules, i.e. the ROP Rules, 2017, are applicable to them and their pension should be fixed after revision of their last pay as per the ROP Rules, 2017 as they were in service on 31.03.2016. From the perusal of the representations filed by the respondents on 07.02.2018 and 23.07.2018, it is clear that they had relied upon the Rule 4(a) of the ROP Rules, 2017 to substantiate their claims.

16. At this stage, it would be appropriate to refer to the relevant provisions of the ROP Rules, 2017, which are quoted hereunder:

“1. SHORT TITLE AND COMMENCEMENTS:

- (i) *These Rules may be called the ‘ASEB and its Successor Companies, Revised Pay Rules – 2017’.*
- (ii) *They shall be deemed to have come into force on 1.4.2016 in interim.*

4. Application of the Revised Pay:

- (a) *All employees who were in services on 31st March, 2016 or who may have been appointed on or after 1st April, 2016 shall draw pay in revised pay structure (Pay Band with Grade Pay) applicable to the posts/grades which they have been holding or to which they may have been appointed as the case may be.*

- (b) *Provided that an employee who was in service on 31st March, 2016 may at his/her option, continue to draw pay in the existing pay band and grade pay (Pre-revised), until the date on which he/she earns his/her next or subsequent increment in the existing pay band and grade pay or until he/she vacates his/her post or ceases to draw pay in the existing pay band and grade pay.*

Such option, however, shall not be admissible to an employee appointed to a post on or after 01.04.2016.

32. FITMENT BENEFIT/REVISION OF PENSIONER/ FAMILY PENSIONERS:

1) The Pension/Family pension of the existing pensioners/family pensioners i.e. pre 01.04.2016 pensioners/family pensioners shall be revised w.e.f. 01.04.2016 in the following procedure:-

a) The revised basic pension/family pension on 01.04.2016 of the pensioners/family pensioners who were drawing pension/family pension on 31.03.2016 shall be fixed by multiplying the existing pension/family pension by a factor of 2.48 and the amount so computed shall be rounded-off to the next multiple of Rs.10/-. The basic pension for all purposes will be w.e.f. 01.04.2016.

b) The revised basic pension in no case shall be lower than 50% of the sum of minimum of the pay in the pay band and the grade pay thereon corresponding to the pre revised pay scale/pay band from which the pensioner had retired. This is applicable to those pensioners who retired on or before 31.3.2016 and after completing 25/33 years of qualifying service as the case may be."

17. As per Rule 1(ii) of the ROP Rules, 2017, the said Rules came into force w.e.f. 01.04.2016. Rule 4(a) of the ROP Rules, 2017 talks about the employees who were in service on 31.03.2016 or who may have been appointed on or after 01.04.2016. Rule 4(b) of the ROP Rules, 2017 provides to give option to the employees who were in service on 31.03.2016 and thereafter to draw their pay in the then existing Pay Band

and Grade Pay (Pre-revised) until the date of next or subsequent increment. From a conjoint reading of Rule 4(a) and 4(b) of the ROP Rules, 2017, it is clear that it is in relation to those employees who were in service on 31.03.2016 and continued thereafter, i.e. when the ROP Rules, 2017 came into force. Admittedly, the private respondents were retired from service on 31.03.2016 and they were not in service on 01.04.2016. So their claim for fixing their pay as per the Revised Pay Rules and thereafter, to determine their pensionary and other benefits accordingly is wholly misguided and cannot be approved.

On the other hand, Rule 32(1)(b) of the ROP Rules, 2017 clearly provides that employees who had retired on 31.03.2016 will draw their pension not lower than 50% of the sum of minimum of the pay in the Pay Band and Grade Pay thereon corresponding to Pre-revised pay scale/Pay Band from which he/she had retired.

18. In such circumstances, we have no hesitation in holding that the appellants have rightly determined and fixed the pensionary benefit and other benefits of the private respondents by resorting to provisions of Rule 32(1)(b) of the ROP Rules, 2017.

The learned Single Judge has erred in concluding that the private respondents had not acquired the status of a pensioner on 31.03.2016 and had acquired the same only on 01.04.2016. The learned Single Judge while making the above observations has failed to take into consideration the provisions of Rule 32(1)(b) of the ROP Rules, 2017, which is

applicable to those employees who retired on or before 31.03.2016 and the private respondents fall within the said category.

19. The High Court of Kerala had upheld the decision of the Central Administrative Tribunal, wherein relief was granted to the 2(two) employees while giving them the benefit of revision of pension as per the recommendation of the Pay Commission, which came into force after their retirement. However, the Hon'ble Supreme Court in **K.J. George** (supra) has reversed the said decisions of the Tribunal and the High Court of Kerala by passing the following order:

"1. The respondents were working in the Telecom Department on the posts of Senior Section Supervisor and Section Supervisor and retired on 16-12-1995 and 3-12-1995 respectively. In view of the provision of FR 56 they were made to retire with effect from the afternoon of 31-12-1995. The report of the Fifth Central Pay Commission came into force with effect from 1-1-1996. Clause 3.1 of the Fifth Central Pay Commission Report states that the revised provisions shall apply to Government servants who retire/die in harness on or after 1-1-1996.

2. The grievance of the respondents raised before the High Court was that they should be allowed to reckon their pensionary benefits on the basis of the Fifth Central Pay Commission Report with effect from 1-1-1996. The Division Bench of the High Court was of the view that since they were made to retire with effect from 31-12-1995, till the midnight of 31-12-1995 they were in service and, therefore, entitled to retiral benefits from 1-1-1996. We are unable to countenance with the decision of the Tribunal and the High Court.

3. As already noticed, they were retired with effect from 16-12-1995 and 3-12-1995 respectively but because of the provision of FR 56 they were allowed to retire on the last date of the month, the grace period of which was granted to

them for the purpose of pay and allowances only. Legally, they were retired on 16-12-1995 and 3-12-1995 respectively and, therefore, by no stretch of imagination can it be held that their pensionary benefits can be reckoned from 1-1-1996.”

20. In a similar situation, the Delhi High Court in **G.C. Yadav** (supra) has negated the claim of an employee by making the following observations:-

“10. Having heard the learned counsel for the petitioner, Mr. Bhardwaj; perused the record and the relevant rules, and; having considered the submissions advanced by the respondent and the decisions relied upon by him, we are of the considered view that the respondent could not be considered to have superannuated/retired on 01.01.2016, and he could not be treated as post 2016 pensioner. We are of the view that the impugned order passed by the Tribunal cannot be sustained and is liable to be set aside.

11. Firstly, we may observe that since the date of birth of the respondent is 01.01.1956, he attained the age of 60 years i.e. the age of superannuation on 31.12.2015. The respondent appears to be reeling under the impression that he attained the age of 60 years only on 01.01.2016, which is not correct. On 01.01.2016, the respondent entered into the 61st year of his life, having completed his 60 years on 31.12.2015.

12. As at the beginning of 01.01.2016 i.e. from 00.00 hrs of 01.01.2016, the respondent ceased to be a serving employee, having superannuated on 31.12.2015. At no point of time on 01.01.2016, the respondent could be said to be in active service. At no point of time, in the year 2016 the respondent worked in a post, the pay or emoluments of which were fixed on the basis of the recommendations of the Seventh Central Pay Commission. He was not entitled to receive any pay on or from 01.01.2016. Thus, the question of revision of his pay, premised on the recommendations of the Seventh Central Pay Commission did not arise. The said recommendations became effective from 01.01.2016 in respect of employees

who were in service on 01.01.2016 – which the respondent was not.

22. For all the aforesaid reasons, we allow the present writ petition and set aside the impugned order passed by the Tribunal. We hold that the respondent was not entitled to pay revision with effect from 01.01.2016 under the Seventh Central Pay Commission recommendations since he superannuated on 31.12.2015 and he was not entitled to fixation of his pension on the premise that he retired from service on 01.01.2016. The parties are left to bear their respective costs.”

It is noticed that the SLP preferred against the judgment of the Delhi High Court rendered in **G.C. Yadav** (supra) has been dismissed by the Hon’ble Supreme Court vide order dated 24.05.2024 passed in Special Leave to Appeal (C) No.33558/2018.

21. So far as the judgment of the Hon’ble Supreme Court rendered in **Ansal Properties & Industries Limited** (supra) is concerned, there is no quarrel about the proposition laid down by the Hon’ble Supreme Court in the above referred judgment. However, in the present case, as observed by us, a conjoint reading of the provisions of Rules 4(a) and 4(b) of the ROP Rules, 2017, make it clear that these provisions would apply in the case of those employees, who were in service on 31.03.2016, and continued thereafter, but it would not be applicable to those employees, who retired from services on 31.03.2016. The provisions of Rule 32(1)(b) of the ROP Rules, 2017 speaks about the employees who retired on 31.03.2016 and their entitlement for pensionary benefits is to be determined as per the said provision only. In such

circumstances, the above referred judgment is of no help to the private respondents.

22. In view of the above discussions, the impugned judgments dated 03.11.2022 passed in WP(C) No.1607/2020 and dated 16.06.2023 passed in WP(C) No.3446/2023 cannot be sustained and they are set aside. The writ appeals are accordingly allowed. Resultantly, WP(C) No.1607/2020 and WP(C) No.3446/2023 filed on behalf of the private respondents are dismissed.

No order as to costs.

JUDGE

CHIEF JUSTICE

Mukut

Comparing Assistant