

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11665 of 2006

1. Rameshwar Yadav Son of Late Ram Narayan Yadav Resident of village- Kusa P.O. and P.S. Urdinar via Balore, Aurangabad District- Aurangabad Presently working as an Assistant operator Transmission Sub- division Sone Nagar Aurangabad.

2. Kunwar Prasad Son of Sri Baldeo Prasad Resident of village- Dhangui P.O. Bikramganj District- Rohtas Presently working as an Assistant Controller Transmission Sub Division- Sone Nagar Aurangabad.

.... Petitioners

Versus

1. The Bihar State Electricity Board through Chairman Vidyut Bhawan Baily Road Patna.

2. The Secretary, Bihar State Electricity Board Vidyut Bhawan Baily Road Patna.

3. The Director Personal Bihar State Electricity Board Vidyut Bhawan Baily Road Patna.

4. The Finance Controller, Bihar State Electricity Board Vidyut Bhawan Baily Road Patna.

5. The General Manager Cum Chief Engineer Transmission Zone-3 Bihar State Electricity Board at Patna.

6. The Electrical Superintending Engineer, Bihar State Electricity Board Transmission Circle Dehri on sone District- Rohtas.

7. The Electrical Executive Engineer Bihar State Electricity Board Transmission Division Dehri on sone District- Rohtas.

8. Sri Janardan Paswan Son of not known the then Electrical Executive Engineer Bihar State Electricity Board Transmission Division Dehri on sone District- Rohtas.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Respondent/s : Mr. Dharmeshwar Mishra, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 02-12-2015

The petitioners were the employees of the erstwhile Bihar State Electricity Board. They have filed the present writ application seeking a direction for payment of "Over Time



Allowance” for the period July, 1996 to December, 2004. It is their case that though they worked for 2792 to 6233 hours over time, but they are being paid “Over Time Allowance” calculating the hours of over time as 656 hours and 991 hours respectively. They have challenged an order dated 11.02.2006 passed by the Electrical Executive Engineer, Transmission Division, Dehri of the Board, whereby it was decided to pay to the petitioner “Over Time Allowance” for 656 hours and 991 hours only.

The fact that the petitioner no. 1 and petitioner no. 2 had worked over time for 2792 hours and 6233 hours respectively is not in dispute. It is the stand on behalf of the respondent-Board that the petitioners are not covered by the provisions of the Factories Act, 1948 and, therefore, they are not entitled to payment of any sum for the work they did over time.

Learned counsel appearing on behalf of the Board has informed us that the Board has taken a policy decision to pay 60 per cent of the total amount which the petitioners would have been entitled to, had the entire over time hours i.e. 2792 and 6233 respectively were taken into account. He submits that the petitioners shall be paid the said amount accordingly within a period of three months from today.

Mr. Dharendra Kumar, learned counsel appearing on

behalf of the petitioners upon instructions from his clients has submitted that they are ready to receive the said amount in full and final satisfaction of their claim as raised in the writ application.

In view of the above, this application is disposed of with a direction to the respondents to ensure payment of the admissible amount to the petitioners within three months from today.

(I. A. Ansari, ACJ)

Vats/-

(Chakradhari Sharan Singh, J)

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