

COCP-1752-2017 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**COCP-1752-2017 (O&M).
Decided on: July 11, 2017.**

Ram Kumar and others

.. Petitioner(s)

VERSUS

Sudeep Singh Dhillon, IAS and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Ram Niwas Sharma, Advocate,
for the petitioners.**

M.M.S. BEDI, J. (ORAL)

The petitioners had filed a writ petition CWP No.22667 of 2015, for direction to the Transport Commissioner, Haryana, now designated as Director General State Transport, Haryana to take a decision on the legal notice dated 7.9.2015, by virtue of which the petitioners had claimed the arrears of overtime allowance for the different periods when they remained posted in their respective depots.

The writ petition was disposed of with the following direction: -

“Learned counsel for the petitioners submits that at this stage, he would be satisfied if the present writ petition is disposed of with a direction to respondent No.2 to take a decision on the legal notice dated

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07.09.2015 (Annexure P-2), issued by the learned counsel for the petitioners. I find the prayer made by learned counsel for the petitioners to be reasonable. Accordingly, at this stage, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent No.2 to take a decision on the legal notice dated 07.09.2015 (Annexure P-2), issued by the learned counsel for the petitioners, by passing a speaking order and after affording opportunity of hearing to the petitioners, preferably within four months from the date of receipt of a certified copy of this order.

Needless to add that the decision so taken be communicated to the petitioners and if the decision is not to the satisfaction of the petitioners, they would be at liberty to challenge the same, in accordance with law.”

Pursuant to the said direction, the Director General State Transport, Haryana, has determined the rights of the petitioners and held that they are entitled to the arrears of pay and overtime allowance for the intervening period of their regularisation with other consequential benefits.

The present contempt petition has been filed claiming that the said order passed by the Director General State Transport, Haryana, is not being implemented by the General Managers of some of the Districts. However, it has been submitted by the counsel for the petitioners that few of the General Managers of Haryana Roadways of different Districts have complied with the order Annexure P3.

I have carefully gone through the petition and heard the counsel for the petitioners at length and I am of the opinion that the

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direction given in the above said order was to consider the claim of the petitioners and determine the rights as raised in the legal notice. Their rights have been considered in their favour. At this stage, grievance of the petitioners is non-implementation and non-execution by different District Managers of the order passed in their favour.

No contempt of Court appears to have been committed in case respondent Nos.3 to 6, the General Managers of Rohtak, Jhajjar, Panipat and Hisar have not complied with the orders. The petitioners have got alternative remedy either to approach them for implementation of the order or to seek the enforcement of their legal rights qua them which have already been determined in their favour by the Director General State Transport, Haryana, pursuant to the directions passed by this Court.

Counsel for the petitioners appears to be under misconceived notion that the petitioners do not have any legal right to file the application for enforcement of the rights in view of the provisions in Annexure P1 as the order has been passed in favour of the petitioners.

The petition is dismissed as prima facie there does not appear to be any violation of the directions of this Court.

(M.M.S. BEDI)
JUDGE

July 11, 2017.
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Whether speaking / reasoned	Yes / No
Whether reportable:	Yes / No