

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11252 of 2017 (O&M)

Date of Decision:-07.11.2017.

The General Secretary Indian Oil, Panipat Refinery Employees Union,
Panipat Refinery, Panipat

.....Petitioner

Versus

The Executive Director (Incharge), IOCL, Panipat Refinery, Panipat and
another.

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sandeep Singh Ghangas, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

Petitioner has challenged the award dated 28.10.2015 passed by the Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh (Annexure P-5) by which claim of the petitioner is declined to the extent that they are not entitled to 1/3rd of their basic pay for working on 48 hours duty in a week on parity with the workmen who are working for 36 hours in a week, whereas workmen who are working for 48 hours in a week are entitled for 1/3rd of their present basic pay for extra duty wages instead of 10% of their basic pay and further sought for a direction to the respondent No. 1 to extend the benefit of 1/3rd of their basic pay for working 48 hours per week.

On the last occasion, petitioner was permitted to produce necessary material to claim 1/3rd of their basic pay for overtime working

allowance. No material has been placed. Unless and until material is placed, petitioner has no statutory right to ask for 1/3rd of basic pay for overtime work instead of 10% which is being paid now. In the absence of statutory right, petitioner is not entitled to claim 1/3rd of the basic pay for overtime working.

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

November 07, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.