

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.9028 of 2014

Prem Pal and others ...Petitioners

Vs.

State of Haryana and another ...Respondents

2. CWP No.9090 of 2015

Ranbir and others ...Petitioners

Vs.

State of Haryana and another ...Respondents

3. CWP No.9091 of 2015

Daya Nand and others ...Petitioners

Vs.

State of Haryana and another ...Respondents

4. CWP No.9098 of 2015

Sewa Singh and others ...Petitioners

Vs.

State of Haryana and another ...Respondents

5. CWP No.9122 of 2015

Ramesh Chander and others ...Petitioners

Vs.

State of Haryana and another ...Respondents

6. CWP No.9015 of 2014

Jagbir Singh and others ...Petitioners

Vs.

State of Haryana and another ...Respondents

7. CWP No.9026 of 2014

Ram Kishan and others ...Petitioners

Vs.

State of Haryana and another ...Respondents

8. CWP No.10622 of 2015

Jai Kanwar and others ...Petitioners

Vs.

State of Haryana and another ...Respondents

9. CWP No.15333 of 2015

Rajbir and others ...Petitioners

Vs.

State of Haryana and another ...Respondents

Date of Decision: 17.01.2018

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

**Present: Mr. Vikas Lochab, Advocate,
for the petitioners.**

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. This order will dispose of CWP No.9028 of 2014 titled *Prem Pal and others v. State of Haryana and another*, CWP No.9090 of 2015 titled *Ranbir and others v. State of Haryana and another*, CWP No.9091 of 2015 titled *Daya Nand and others v. State of Haryana and another*, CWP No.9098 of 2015 titled *Sewa Singh and others v. State of Haryana and another*, CWP No.9122 of 2015 titled *Ramesh Chander and others v. State of Haryana and another*, CWP No.9015 of 2014 titled *Jagbir Singh and others v. State of Haryana and another*, CWP No.9026 of 2014 titled *Ram Kishan and others v. State of Haryana and another*, CWP No.10622 of 2015 titled *Jai Kanwar and others v. State of Haryana and another* & CWP No.15333 of 2015 titled *Rajbir and others v. State of Haryana and another*.

2. In these bunch of writ petitions the prayer of operational staff in Haryana Roadways raised by the drivers, conductors, Sub Inspectors and Inspectors is for a direction to the State not to compel them to attend duties on Saturdays or on other holidays notified as public holidays by the State of Haryana. They also pray for extra wages for working on Saturdays in terms of the judgment in Municipal Employees Union (Regd.), Sirhind and others v. State of Punjab and others, (2000) 9 SCC 432.

3. On the twin prayers made, learned counsel for the petitioners and Ms. Goyal are agreed that the matter is covered by the judgment of this Court in *Ram Kanwar and others v. State of Haryana and others* and connected writ petitions reported in 2017 (2) PLR 449 and in terms of the Haryana Transport Department (Group-C) Haryana Roadways Services Rules, 1995. Rules 22 and 23 were considered in the judgment which deal

with working hours, holidays, leaves and overtime allowance respectively. This Court held that the working hours, holidays and leaves of operational staff and technical staff as per Rule 22 will be those as are prescribed in the Factories Act, 1948 and in case of staff other than operational staff and technical staff, the same shall be, as prescribed in the Motor Transport Workers Act, 1961. However, overtime allowance shall be paid to the workshop and operational staff in accordance with the provisions of two Acts, as the case may be.

4. The official gazetted holidays which shall be granted to motor transport workers prior to re-organization was according to Rule 32 of the Punjab Motor Transport Workers Rules, 1963. Thereafter, public holidays notified by the Government to be observed in public offices under the Haryana Government during the calendar year are not applicable to the operational staff, the petitioners. The Court held that holidays notified under the Negotiable Instruments Act, 1881 are also not applicable to the petitioners. Accordingly, the petitioners have been dealt with in accordance with the prevailing rules as has been explained in paragraph 4 of the written statement filed by the State the contents of which will stand incorporated in this order.

5. The operational directions in *Ram Kanwar* case (Supra) will be applied to this case and benefits, if any, accruing in favour of the petitioners shall be calculated and handed over to them within reasonable time say within three or four weeks.

6. Accordingly, these petitions are disposed of in terms of the

above.

(RAJIV NARAIN RAINA)
JUDGE

17.01.2018
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Whether speaking/reasoned *Yes*

Whether reportable *No*