

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

CWP No.3903 of 2018
Date of decision: 19.02.2018

Bhoop Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. RN Lohan, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

Notice of motion.

Mr. Siddharth Sanwaria, DAG, Haryana, present in Court, accepts notice on behalf of the respondents. Copies furnished.

For the nature of order I propose to pass in the matter, no formal written statements/counter affidavits on behalf of the respondents are indeed necessary, at this stage. Thus, with the consent of the parties, the petition is being disposed of finally.

The petitioners pray for a direction to the respondents to release the arrears of over-time allowance along with the interest, in terms of the revised pay scale, w.e.f. 01.01.2016 to 31.10.2016. Petitioners are engaged as Drivers and Conductors in the respondent-department and are posted at Fatehabad Depot. Their pay scales were revised w.e.f. 01.01.2016, pursuant to a notification dated 28.10.2016. And they have since been released the arrears of salary w.e.f. 01.01.2016. However, their grievance is that they

have even been paid over-time allowance on the basis of the pre-revised pay scales, w.e.f. 01.01.2016 to 31.10.2016, though they were/are entitled to be paid in terms of the revised scales. In response to the legal notice dated 08.12.2017 (Annexure P2), the respondents were served with, respondent No.3, vide letter dated 08.01.2018 (Annexure P3), has stated that the Finance Department had only released the arrears of pay w.e.f. 01.01.2016, and has not yet revised the allowances. Therefore, in the absence of any notification, respondent No.3 could not release the arrears as regards allowance at his own level.

Learned State counsel submits that the claim of the petitioner, as also their legal notice dated 08.12.2017 (Annexure P2), shall be considered and dealt with by the respondent-department within a period of 3 months from the receipt of certified copy of this order. And appropriate orders, in accordance with law, shall be passed.

The petition is accordingly disposed of in the above terms.

Needless to assert that in the event the claim of the petitioners is declined, the respondent authority shall pass a comprehensive order assigning reasons in support thereof.

19.02.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO