

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

CWP No. 3005-2018

Date of decision : 01.02.2019

Brij Bhushan and others

...Petitioners

versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G. Haryana

RITU BAHRI, J. (Oral)

The petitioners are seeking direction to the respondents to release over time allowance admissible to them after the decision of this Court dated 01.04.2013 rendered in CWP No. 22516-2012 and connected writ petitions, which has further been upheld by Hon'ble the Supreme Court, vide judgment dated 31.01.2017.

On notice of this petition, the respondents are denying the claim of the petitioners on the ground that neither this Court nor the Hon'ble Supreme Court held that the petitioners are entitled to any over time allowance. Further there was no prayer of the petitioners for overtime allowance before this Court as well as before Hon'ble the Supreme Court.

Learned senior counsel for the petitioners on the other hand submits that once the petitioners have been given the benefit of regular pay scale they are also entitled for overtime allowance

The argument of learned State counsel is rejected as the

petitioners were appointed as Conductors in the year 2008, keeping in view Rules of 2004. The petitioners were getting Rs. 2500/- per month then over time was admissible to them of Rs.20.16 and when their pay scale was revised to Rs.5600+1900+16% DA total Rs.8700/-, the petitioners were entitled to over time allowance of Rs.70.16. The petitioners were granted scale as per Rules of 2004. Once the pay scales have been revised, the competent authority is bound to revise the overtime allowance as well.

Accordingly, the writ petition is allowed and direction is given to the respondents to recalculate the over time allowance on the revised scale, keeping in view the fact that pay scales have been granted to the petitioners w.e.f 01.04.2013. The arrears of over time allowance be given to them after adjusting the payment, within a period of four months from the date of receipt of certified copy of this order.

01.02.2019

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No