

CWP No. 2843 of 2014

Date of Decision: 30.08.2022

Karamchari Singh Ch. Devi Lal Sugar Mill Ltd. And another
.....Petitioners

Vs.

Ch. Devi Lal Sugar Mill Ltd. and another **.....Respondents**

CORAM: HON'BLE MR. ANUPINDER SINGH GREWAL

Present: Mr. Balkar Singh, Advocate,
for the petitioners.

Mr. Viresh Dahiya, Advocate, for
Mr. Deepak Balyan, Advocate,
for the respondents.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioners is seeking quashing of the orders dated 23.11.2011 and 24.02.2010, whereby their claim for payment of double wages for overtime has been declined.

Learned counsel for the petitioners submits that the petitioners are required to work for more than 09 hours a day and therefore in terms of Section 59 of the Factories Act, 1948, they would be entitled to the overtime allowance beyond 48 hours in any week.

Learned counsel for the respondents while referring to the written statement submits that the petitioners who were working in a Sugar mill had earlier been paid the salary as an employee of the mill and may be entitled to the overtime allowance in terms of the Factories Act, 1948, but later w.e.f. 2009 the petitioners have been granted the pay scale of a Government employee wherein there is no provision for payment of overtime.

Heard.

The petitioners are working in the Sugar mills and they are being paid as per the Government pay scale which does not have any provision for overtime duty. It has been stated by the respondents in their reply that those workers who insist for double overtime can opt for switch over to Sugar Ways Boards Pay Scale but those who were drawing the Government pay scale cannot be paid over time allowance for any work beyond 08 hours.

Consequently, I do not find any infirmity in the impugned orders declining them overtime as the petitioners are being paid pay at par with Government employees.

The petition stands dismissed.

August 30, 2022

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(ANUPINDER SINGH GREWAL)

JUDGE

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No