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

CWP No. 28865 of 2022

DATE OF DECISION : 16.12.2022

Rishi Pal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S. K. Kaushik, Advocate,
For the petitioner.

Mr. Pankaj Middha, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, inter alia, is for issuance of a writ in the nature of certiorari to quash impugned order dated 04.07.2022 (Annexure P-4) whereby claim of the petitioner regarding overtime and deduction of income tax amount has been rejected. Further prayer was made to release the benefit of overtime rendered by the petitioner during his contractual period i.e from 06.08.2003 to 15.07.2014. Further prayer was made to release a sum of Rs.1,10,000/- deducted on account of income tax and claim related to three LTC along with interest @ 18% per annum.

2. Pledged case of the petitioner is that he was appointed on the post of SPL Driver on contractual/ad hoc basis on 06.08.2003. His services were regularized from his initial date of appointment i.e 06.08.2003, pursuant to instructions dated 28.11.2016 (Annexure P-2).

However after regularization, related benefits were not given to him. He approached this Court by way of filing writ petition bearing CWP No.13788 of 2018, which was disposed of by this Court vide order dated 29.05.2018 (Annexure P-3) with directions to the respondent to consider legal notice dated 23.12.2017 (Annexure P-8) and pass a speaking order Pursuant thereto, respondent No. 2 considered the claim of petitioner as mentioned in the legal notice and vide order dated 04.07.2022, partly accepted the claim.

2.1 It is the case of petitioner that he also claimed arrears of overtime with effect from the date of his initial appointment. However, only a part of arrear has been granted to him after giving ACP and thus for the overtime work done by him from 06.08.2003 to 15.07.2014, he has not been paid. The benefit of overtime work is sought as per the regular pay scale as his services have been regularized from his initial date of appointment i.e 06.08.2003. It is further pleaded that arrears of salary have been given only from 28.09.2007 to 31.12.2013. Hence, the instant writ petition.

3. On advance service of copy of the petition, learned State counsel appears and opposes the petition.

4. I have heard learned counsels for the parties and gone through the case file.

5. Perusal of the case file reveals that disputed question of facts are involved which cannot be adjudicated under the extraordinary writ jurisdiction of this Court.

6. In the premise, the impugned order dated 04.07.2022 (Annexure P-4) does not call for any interference from this Court in

exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India.

7. Instant writ petition is dismissed with liberty to the petitioner to seek alternate remedy, including filing of a civil suit, if so advised.

DECEMBER 16, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**