

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

222

CWP-4495-2019

Date of Decision:08.02.2023

NAND LAL

...PETITIONER

VERSUS

**STATE OF HARYANA THROUGH ADDITIONAL CHIEF
SECRETARY AND OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

Instant petition has been filed under Article 226 of Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant National and festival holidays in view of the Punjab Industrial Establishment (National and Festival Holidays and Casual and Sick Leave) Act, 1965, as applicable to the petitioner, who is working as a Conductor in the Haryana Roadways.

Upon notice, short reply by way of an affidavit of General Manager, Haryana Roadways, Yamunanagar-respondent No.3 has been filed, wherein it has been submitted that pursuant to the directions passed by this Court in CWP-17592-2019 titled as **Azad Singh and another Versus State of Haryana and others**, the Director State Transport, Haryana, has issued general instructions dated 16.07.2019, Annexure R-1, regarding the grant of benefit of National and festival holidays to the operational and technical staff. The relevant extract of the instructions reads as under:-

“2. The service provided by the Haryana Roadways are of emergent nature which could not be halted/stopped for whole day, therefore, for work done on any of the holidays, the employee shall be entitled for the wages or rest on other day. However, in case the employee avails the rest in lieu of the work done on any of the holiday (s), then he will not be entitled for the wages. The cases of employees will be individually examined by the committee comprising of General Manager, Traffic Manager and Superintendent/Deputy Superintendent of the concerned depot within a period of three months from the date of issuance of these instructions.

3. The arrears of holidays for work done in lieu of holidays under Rules, 1995, shall be restricted to/payable for a period of 36 months only in view of law laid down by Hon'ble Division Bench in Ex. Naik Umed Singh V/s Union of India & others, CWP No. 7277 of 2013 decided on 14.05.2015.”

In view of the above, writ petition is disposed of with a direction to the respondents to disburse the monetary benefit to the petitioner, in case, he is entitled to any, within a period of 04 months from the date of receipt of a copy of this order.

08.02.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No