

CWP-4837-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(102)

CWP-4837-2018

Date of decision : 24.04.2023

Karam Singh

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kulwant Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

...

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to release the arrears of over-time as per revised pay scale w.e.f. 01.11.1995 to 01.07.2015 along with interest.

2. Counsel for the petitioner submits that the petitioner was appointed in the year 1985 as a Driver. His services were regularized on 08.10.1985 and he had been promoted as Yard Master. He submits that the ACP scales were not granted to the petitioner and after serving a legal notice, Annexure P-1, he approached this Court by filing a writ petition, which was disposed of by this Court vide order dated 29.08.2016, Annexure P-2, directing the respondents to consider the claim within four months. He submits that in deference thereto, respondent No.3 passed order dated

20.12.2016, Annexure, P-3, whereby, petitioner was granted the ACP benefit, however, over-time was not calculated on the revised pay of the petitioner. By placing reliance upon Office Order dated 15.10.2012, Annexure P-7, counsel submits that the petitioner is similarly placed as Om Parkash, retired Conductor, who has been granted the arrears of over-time. However, petitioner has been discriminated against.

3. While making a reference to the response filed on behalf of the respondents, State counsel submits that during his service tenure, numerous punishments were imposed upon the petitioner for acts of commission and omission. Still further, he submits that over-time allowance on basic pay has been granted to the petitioner for the aforesaid period, but there is no policy for grant of arrears for over-time.

4. I have heard counsel for the parties and their respective submissions.

5. A specific averment has been made by the petitioner in paras 13 and 14 of the writ petition that he is similarly placed as Om Parkash, who has been granted the benefit by virtue of order, Annexure P-7. This aspect has neither been admitted, nor specifically denied by the respondents in their written statement, rather the stand taken by the respondent is evasive.

6. Keeping in view of above, this Court deems it appropriate to direct the respondents to examine the claim of the petitioner at par with that of Om Parkash. In case, it is found that the petitioner is entitled to the benefit of arrears of over-time, the same be granted to him within a period of four months from the date of communication of the copy of this order.

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7. In case, the respondent No.3 finds that the claim of the petitioner is unfounded, an order be passed giving reasons for the rejection.

8. Writ petition is disposed of.

(SUVIR SEHGAL)
JUDGE

24.04.2023

Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes