

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

125

CWP-23320-2023

Date of decision: 16.10.2023

KULWANT SINGH AND ANOTHER**.....Petitioners****VERSUS****PEPSU ROAD TRANSPORT CORPORATION****.....Respondent****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Rajbir Singh, Advocate for
Mr. Vikas Chatrath, Advocate
for the petitioners.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondent to release the admitted overtime allowance, payable to the petitioners and all other benefits which have been withheld by the respondent-department.

Learned counsel for the petitioner contends that the petitioners No.1 and 2 had retired from the post of Driver from the office of respondent on 30.04.2020 & 30.05.2021, respectively after attaining the age of superannuation. He submits that the petitioners got retired and they were entitled to receive their overtime allowance which has been withheld by the respondent-department without giving any justifiable reasons. Learned counsel further submits that petitioners have served a legal notice dated 22.05.2022 (Annexure P-10) to the respondent, which has not been taken into consideration till date and the petitioners would be satisfied if necessary directions are given for deciding the

legal notice in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Abhilaksh Gaind, Advocate, who is present in the Court, accepts notice on behalf of the respondent and submits that the respondent is the competent authority to take final decision and does not object to the prayer made by learned counsel for the petitioners.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioners in the legal notice dated 22.05.2022 (Annexure P-10), respondent is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioners are found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to them within a period of 8 weeks thereafter.

The petition stands disposed of.

October 16, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No