



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

(101)

FAO-888-1993 (O&M)
Date of Decision: 23.09.2024

Employees State Insurance Corporation and OthersPetitioners

Versus

Kharar Textiles Mills, KhararRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Adarsh Malik, Advocate, for the appellant.

Mr. Sushant Kareer, Advocate, with
Mr. Parvesh Kumar Banwal, Advocates,
for the respondents.

HARKESH MANUJA, J.(ORAL)

1. The present appeal has been filed against the order dated 08.02.1993 passed by the Employees' Insurance Court, Kharar, whereby, an application filed under Section 75(I)G of Employees' State Insurance Act, 1948 presented at the instance of respondent was allowed whereby, their claim for including the overtime towards wages was accepted.

2. At the very outset, learned counsel for the appellants states that this matter is covered by the decision rendered by the Hon'ble Supreme Court in case of *Indian Drugs and Pharmaceuticals Ltd. Etc. Vs. Employees State Insurance Corporation etc. 1997(9) SCC 71.*

3. Learned counsel for the respondent is not in a position to cite any contrary judgment and points out that after filing of this appeal, certain amount was received from the parent organization i.e. NTC towards clearing ESI dues and the same as per him shall be released/transmitted in favour of appellants within for weeks.



4. In such circumstances, the matter being covered by the decision made by Hon'ble the Apex Court in case of *Indian Drugs and Pharmaceuticals Ltd. Etc. (supra)*, it is held that appellants would now be entitled for benefits as may be due after treating the overtime towards wages and adjusting the payment already received.

5. Appeal stands disposed of accordingly.

6. Pending applications, if any, shall stand disposed of.

(HARKESH MANUJA)
JUDGE

23.09.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No