

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5899-2024 (O&M)

Date of decision: 13.03.2024

Darshan Singh (Retd.)

....Petitioner

Versus

PEPSU Road Transport Corporation

....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vikas Chatrath, Advocate
for the petitioner.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to release the overtime allowance payable to the petitioner in view of the communication dated 21.08.2023 (Annexure P-1) alongwith interest @ 18% p.a. or alternatively to decide his claim in the light of the law laid down in **C.W.P. No. 15306 of 2016**, titled as ***“Hari Ram and others Vs. Pepsu Road Transport Corporation, Nabha Road, Patiala”*** decided on 04.09.2017 (Annexure P-4) and **C.W.P. No. 3704 of 2018** titled as ***“Pepsu Road Transport Corporation and another vs Appellate Authority Under the Payments of Wages Act, 1936-cum-Additional District Judge, Sangrur and others”*** decided on 06.11.2019 (Annexure P-5) and more so, in view of the judgment rendered in ***Satbir Singh and others Vs. State of Haryana and others***, 2002 (2) SCT 354 (DB) wherein it has been held that similarly situated persons should be released the due benefits by the Department of its own. Further to direct

the respondents to consider and grant the petitioner overtime allowance for the period before 2016 on pro-rata/average basis for which the respondents are claiming loss of records on account of fire. Further to issue a writ of mandamus directing the respondents to place on record the decision wherein it was decided to convert the overtime work done by the employees into rests rather than paying the overtime allowance, and thereafter, to quash the same by holding it to be contrary to the PEPSU Road Transport Corporation (Conditions of appointment and Service Regulations), 1981 and Motor Transport Workers Act, 1961, as referred in the petition, especially in the light of law laid down to the effect that the instructions/decision contrary to the statutory regulations cannot sustain, especially in view of **Sant Ram Sharma vs State of Rajasthan**", 1968(1) SCR 111.

2. Learned counsel for the petitioner at the outset confines his prayer for deciding legal notice dated 10.01.2024 (Annexure P-8). He submits that at this stage, petitioner would be satisfied, if the said legal notice is decided by passing a speaking order within a time bound frame.

3. Notice of motion.

4. Mr. Ramesh Roy, Advocate for Mr. Abhilaksh Gaiind, who is present in the Court accepts notice on behalf of the respondent and raised no objection to the innocuous prayer made by learned counsel for the petitioner.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, the respondent – Managing Director, PEPSU Road Transport Corporation, Patiala is directed to consider and decide the claim made in the legal notice dated 10.01.2024 (Annexure P-8) in accordance with law, by passing a speaking order within a period of 03 months from the date of receipt of certified copy of this order. In case, the petitioner is found entitled, his claim be released within a period of 04 weeks thereafter. In case, the respondents are of the opinion that the claim of the petitioner merits rejection the same be adjudicated upon by passing a speaking order after giving an opportunity of personal hearing to the petitioner within the time as stipulated hereinabove.

7. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

13.03.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No