

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

(213)

CWP-13436-2019

Date of Decision : January 25, 2024

Subhash Chander and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anupal Singh, Advocate, for
Mr. Abhimanyu Singh, Advocate, for the petitioners.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Reply on behalf of respondents No. 1 to 3 has been filed in the Court today and the same is taken on record. Copy of the same has been furnished to the learned counsel for the petitioner.

2. In the present writ petition, the grievance of the petitioners is that the petitioners are not being given the benefit of salary for the over time as the petitioners are compelled to work continuously for more than 13 to 14 hours of the day, which act on the part of respondents is totally arbitrary and illegal.

3. Learned counsel for the petitioners submits that once the petitioners are working beyond the fixed working hours, the petitioners are entitled for the grant of over time, payment of which the respondents should be directed.

4. Learned counsel for the respondents, on the other hand, concedes the factum that in case the petitioners have worked beyond the working hours, they are entitled for the over time but as per the Rules, either the over time is paid or the compensatory rest is given to the employee concerned and in the present case, nothing has come on record for which day, the petitioners discharged the duties over time for which they have not been paid the over time or were not granted rest.

5. Learned counsel for the respondents submits that in case the petitioners files any representation giving the details of the over time performed on a particular day(s), the same will be evaluated keeping in view the record maintained by the Department and in case it is found that the petitioners have worked for over time and they have not been given the compensatory rest, appropriate order giving the benefit of over time allowance, will be extended to them within a period of eight weeks of the receipt of any such claim.

6. Learned counsel for the petitioners submits that keeping in view the statement of learned counsel for the respondents, the present writ petition may kindly be disposed of having been not pressed any further with liberty to the petitioners to raise the grievance before the authorities concerned so as to apprise that for which period, the petitioners are claiming the over time allowance.

7. Ordered accordingly.

January 25, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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