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Date of decision: 06.08.2024

Versus

...Respondents

1. Prayer made in the present petition is for grant of overtime allowance which has been wrongly denied though arrears of revised pay have been granted. Learned counsel for the petitioner submits that the case is covered on all fours by the judgment passed by this Court in **Brij Bhushan and others vs. State of Haryana and others**, CWP-3005-2018, decided on 01.02.2019, Annexure P-10, against which no LPA was filed, the same reads thus:

“The petitioners are seeking direction to the respondents to release over time allowance admissible to them after the decision of this Court dated 01.04.2013 rendered in CWP No. 22516-2012 and connected writ petitions, which has further been upheld by Hon'ble the Supreme Court, vide judgment dated 31.01.2017.

On notice of this petition, the respondents are denying the claim of the petitioners on the ground that neither this Court nor the Hon'ble Supreme Court held that the petitioners are entitled to any over time allowance. Further there was no prayer of the petitioners for overtime allowance before this Court as well as before Hon'ble the Supreme Court.

Learned senior counsel for the petitioners on the other hand submits that once the petitioners have been given the benefit of regular pay scale they are also entitled for overtime allowance.

The argument of learned State counsel is rejected as the petitioners were appointed as Conductors in the year 2008,



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keeping in view Rules of 2004. The petitioners were getting Rs. 2500/- per month then over time was admissible to them of Rs.20.16 and when their pay scale was revised to Rs.5600+1900+16% DA total Rs.8700/-, the petitioners were entitled to over time allowance of Rs.70.16. The petitioners were granted scale as per Rules of 2004. Once the pay scales have been revised, the competent authority is bound to revise the overtime allowance as well.

Accordingly, the writ petition is allowed and direction is given to the respondents to recalculate the over time allowance on the revised scale, keeping in view the fact that pay scales have been granted to the petitioners w.e.f 01.04.2013. The arrears of over time allowance be given to them after adjusting the payment, within a period of four months from the date of receipt of certified copy of this order.”

2. Even prior thereto, a similar writ petition bearing CWP-1984-2012 had been filed seeking the relief, which was disposed of vide order dated 02.02.2012, Annexure P-7, with direction to decide the legal notice, whereafter the arrears of difference of overtime allowance were released vide orders dated 20.09.2012 and 17.10.2012, Annexures P-8 and P-9, to the petitioners therein.

3. Learned State counsel despite her best efforts, has been unable to controvert the submissions made on behalf of the petitioners and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

4. In wake of the above, the present petition is disposed of in terms of the judgment passed in **Brij Bhushan and others** (supra).

(AMAN CHAUDHARY)
JUDGE

06.08.2024
Hemant

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