

CWP No. 25250-2022 and
CWP-7132-2021

2024.PHHC:075026



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109+225) CM No. 4625-CWP-2024 in/and
CWP No. 25250-2022
Date of Decision : 27.05.2024

Baljeet and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(109+225/2) CM-9072-CWP-2024 in/and
CWP-7132-2021

Amarjeet and others ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Varun Gupta, Advocate for
Mr. Gourav Jain, Advocate for the petitioners
in CWP-25250-2022.

Ms. Megha Sharma, Advocate for the petitioners
in CWP-7132-2021.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM No. 4625-CWP-2024 in CWP No. 25250-2022

Present application has been filed for placing on record the
documents as Annexures P-11 to P-13.



Keeping in view the averments made in the application, the same is allowed and Annexures P-11 to P-13 are taken on record with all just exceptions.

CM-9072-CWP-2024 in CWP-7132-2021

Present application has been filed for placing on record the document as Annexure A-1.

Keeping in view the averments made in the application, the same is allowed and Annexure A-1 is taken on record with all just exceptions.

CWP No. 25250-2022 and CWP-7132-2021

1. By this common order, two writ petitions, the details of which have been given in the heading, are being decided as both these petitions involve the same question of law on similar facts.
2. In the present petitions, the prayer of the petitioners is that they are discharging the duties overtime for which, they are entitled for the grant of overtime allowance, which is not being paid by the respondents.
3. Learned counsel for the petitioners submits that keeping in view the documents, which have come on record, the overtime duties performed by the petitioners is not in dispute and, hence, the respondents be directed to release the benefit of overtime to the petitioners keeping in view the settled principle of law.



4. Learned State counsel submits that in case, the petitioners have performed the duties overtime and they have not availed the benefit of leave in lieu of the said overtime, they can avail the remedy of computation of their entitlement under Section 33-C(2) of the Industrial Dispute Act, 1947 giving the details of the overtime performed by them.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It is not being disputed that in case, an employee has performed the duties beyond his working hours, he/she is entitled for the grant of overtime allowance. The only question which arises is that how much overtime a particular employee has performed and how much overtime allowance the said particular employee is entitled for. The High Court is not the authority to compute the same as, an efficacious remedy has already been provided under Section 33-C(2) of the the Industrial Disputes Act, 1947 for computation of the same. In case, the petitioners only want to get their overtime allowance computed for the relief, appropriate application needs to be made by them being workmen before the Labour Court under Section 33-C(2) of the Industrial Disputes Act, 1947.

7. Accordingly, the present petitions are disposed of with liberty to the petitioners to avail appropriate remedy before the Industrial Tribunal/ Labour Court to get their dues computed by giving the details of the overtime period for which they have worked as they are claiming the



overtime allowance. Respondents will be at liberty to rebut the claim of the petitioners.

8. In case, any such application is made, the Labour Court/Industrial Tribunal is directed to decide the same as expeditiously as possible preferably within a period of six months from the receipt of the same so that the petitioners do not suffer any prejudice.

A photocopy of this order be placed on the file of connected cases.

May 27, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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