

**CWP-1317-2025****1**

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

(110)**CWP-1317-2025****Date of Decision : January 18, 2025****State of Haryana and others****.. Petitioners**

Versus

Mahabir Singh and another**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Gaurav Jindal, Addl. Advocate General, Haryana,
for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioners-State is against the order dated 26.04.2024 (Annexure P-1) passed by the Presiding Officer, Industrial Tribunal and Labour Court, U.T. Chandigarh by which, the petitioners have only been given the difference of over time allowance which the petitioners have already performed keeping in view the revision of pay w.e.f. 01.01.2016.

2. The grievance was raised that after the revision of the pay scale, the over time allowance has also to be given on the basis of the revised pay, which has not been done and the said prayer of the employee has been considered by the Tribunal and accepted, which order has been impugned in the present writ petition.

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3. On being asked to point out any perversity in the order, learned counsel for the petitioners has not been able to point out any such fact.

4. Further, it is not the case that the employee has not been given over time allowance or the same was to be adjudicated. The employee has already been given over time allowance by the petitioners keeping in view the salary which was admissible to the respondent-employee at the relevant time. Now, the salary has been increased with retrospective effect keeping in view the revision of the pay scale and the employee was only asking for the difference of the over time keeping in view the revised pay, which has been allowed by the Tribunal in favour of the employee. Once, the factum of over time has not been denied, the petitioners become liable to pay the revised over time allowance to the employee keeping in view the revised pay scale.

5. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

6. Accordingly, the present writ petition is dismissed.

January 18, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No