

(2012) 12 P&H CK 0050
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 21656 of 2012

Kuldip Kumar Verma and others

APPELLANT

Vs

State of Haryana and another

RESPONDENT

Date of Decision : 11-12-2012

Acts Referred:

Citation : (2012) 12 P&H CK 0050

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Vikas Lochab, for the Appellant;

Judgement

Augustine George Masih, J.—Prayer in this petition is for issuance of a writ of mandamus directing the respondents to grant the benefit of

revised overtime allowance to the petitioners in lieu of revision of pay scales under notifications dated 7.1.1998 and 30.12.2008. Reliance has also

been placed on the judgment of this Court in CWP No. 15807 of 2008 titled as General Manager, Haryana Roadways, Chandigarh Versus Azad

Singh and others, decided on 5.3.2009 where this Court had held the employees similar to the petitioners entitled to the benefit as claimed in this

writ petition. L.P.A. preferred against the said judgment has also been dismissed by a Division Bench of this Court on 23.3.2011 (Annexure-P-2).

Petitioners have served a legal notice dated 13.9.2012 (Annexure-P-1) but no decision thereon has been taken till date. Counsel for the

petitioners, at this stage, contends that the petitioners would be satisfied if a direction is issued to decide the legal notice served by the petitioners

on the Commissioner-cum-Secretary, Transport Department Haryana-respondent No. 1 within some specified time.

2. Without going into the merits of the case or commenting thereon, the present writ petition is disposed of with directions to the Commissioner-

cum-Secretary, Transport Department Haryana-respondent No. 1 to consider the claim of the petitioners as put forth in their legal notice dated

13.9.2012 (Annexure-P-1) within a period of four months from the date of receipt of a certified copy of this order keeping in view the judgment

referred to above. The decision so taken be conveyed to the petitioners forthwith. In case, the claim of the petitioners is granted, the consequential

benefits be released to them within a further period of two months. If the claim as put-forth by the petitioners in their aforesaid legal notice is not to

be accepted, then a speaking and well reasoned order be passed by respondent No. 1 and the same be conveyed to the petitioners forthwith.