

Chander Bhan and Others Vs. State of Haryana and Others

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Court : Punjab and Haryana

Decided On : Dec-20-2012

Appellant : Chander Bhan and Others

Respondent : State of Haryana and Others

Judgement :

CWP No.25580 of 2012 -1- IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH CWP No.25580 of 2012 Date of Decision:

20. 12.2012 Chander Bhan & others Petitioners Versus State of Haryana and others Respondents ***** CORAM : HONBLE Mr.JUSTICE AUGUSTINE GEORGE MASIH Present:- Mr.R.N.Sharma, Advocate for the petitioners.***** AUGUSTINE GEORGE MASIH, J.(ORAL) 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 notification dated 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 05.03.2009 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 23.03.2011 (Annexure P-7).Petitioners have served a legal notice dated 05.09.2012 (Annexure P-6) 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 CWP No.25580 of 2012 -2- notice served by the petitioners on the State Transport Commissioner, Haryana-respondent No.2 within some specified time.

Without going into the merits of the case or commenting thereon, the present writ petition is disposed of with directions to the State Transport Commissioner, Haryana-respondent No.2 to consider the claim of the petitioners as put forth in their legal notice dated 05.09.2012 (Annexure P-6) within a period of three 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 of the petitioners is not to be accepted, a well reasoned and speaking order be passed and conveyed to the petitioneRs.20.12.2012 (AUGUSTINE GEORGE MASIH) 'sp' JUDGE

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