

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

CWP No. 21583 of 2012

Date of Decision : October 31, 2012

Jai Kumar and others

**.... PETITIONERS**

Vs.

State of Haryana and another

**..... RESPONDENTS**

**CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present : Mr. Vikas Lochab, 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 notifications dated 07.01.1998 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 vs. 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 23.03.2011(Annexure-P-2). Petitioners have served a legal notice dated 09.05.2012 (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 Secretary-cum-Commissioner, Transport Department, Haryana-respondent No. 1 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 Secretary-cum-Commissioner, Transport Department, Haryana-respondent No. 1 to consider the claim of the petitioners as put forth in their legal notice dated 09.05.2012 (Annexure P-1) 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. In case the claim as made by the petitioners through their 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.

**(AUGUSTINE GEORGE MASIH )  
JUDGE**

**October 31, 2012**

pj

