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passing the impugned Award hence, the Award dated 17.09.2024 (Annexure P-1) may kindly be set aside.

4. I have heard learned counsel for the petitioners and have gone through the record with his able assistance.

5. It may be noticed that the State is before this Court. The State is the model employer and have to work for the welfare of the employees who have worked for the State. Once, it is a conceded position that the respondent-workman had performed the over time duties for which he was paid but he was not given the revised over time allowance on the basis of the revised pay scale which pay scale was concededly revised, therefore, the petitioner cannot be allowed to say that the delay by respondent-workman in claiming the differential amount due to him for his overtime should become fatal for the claim of the respondent-workman.

6. Once a duty is cast upon the employer to pay the employee as per his/her entitlement, the employee should have been paid by the employer-State rather than forcing the employee to approach the Court to claim the benefit he is entitled to.

7. The delay by respondent-workman in claiming the benefit of differential amount which is being put forth as an argument by the petitioner while denying claim of benefit to respondent-workman is not admissible. The respondent-workmen are only claiming what is on the basis of admitted fact. The fact that the respondent-workman has performed the over time duties is conceded. The fact that as per the un-revised pay scale, the over time allowance was paid to the respondent-workman is also conceded. The pay for the post on which the respondent-workman was working, was



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revised with retrospective effect is also conceded. That being so, the grant of benefit of over time allowance on the basis of revised pay scale as extended by the Industrial Tribunal vide its order dated 10.03.2025 needs no interference.

8. Learned counsel for the petitioners has not been able to point out any perversity in the order keeping in view the facts and evidence which has come on record.

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

10. Accordingly, the writ petition is dismissed in limine.

March 10, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No