



RSA No.3073 of 2001 (O&M) & -1-
XOBJR-6-C-2002(O&M)

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

204

RSA No.3073 of 2001 (O&M) &
XOBJR-6-C-2002(O&M)
Date of Decision: 15.09.2025

State of Haryana and others

...Appellants

Versus

Shiv Dayal (since deceased) through LRS

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Gautam Kaile, DAG, Haryana for the appellants.

Mr. Prateek Mahajan, Advocate and
Mr. Daanish Mahajan, Advocate for the respondent/cross
objectors.

DEEPINDER SINGH NALWA, J. (Oral)

1. This order shall dispose of RSA No.3073 of 2001 as well as cross objections bearing No.XOBJR-6-C-2002.

2. In the present Regular Second Appeal, the appellant/defendant has challenged the judgment and decree dated 21.03.2001 passed by the learned District Judge, Kurukshetra (hereinafter to be referred as the 'Lower Appellate Court') vide which the appeal filed by the respondent/plaintiff against the order dated 31.10.2000 passed by learned Civil Judge (Junior Division), Kurukshetra (hereinafter to be referred as the 'trial Court') was partly allowed.

2. Learned counsel for the appellants/defendants has placed on record a letter dated 01.04.2025 issued by the Director General State



RSA No.3073 of 2001 (O&M) & -2-
XOBJR-6-C-2002(O&M)

Transport, Haryana, Chandigarh, vide which a direction was given to the appellants/defendants to release the difference of payment of overtime as per revised salary of all drivers and conductors. The aforesaid letter is taken on record.

3. Learned counsel for the appellants/defendants, in view of the aforesaid letter dated 01.04.2025, fairly submits that he does not press the present Regular Second Appeal as the same has been rendered infructuous.

4. In view of the above, the present Regular Second Appeal is disposed of having been rendered infructuous.

5. In the cross objections (XOBJR-6-C-2002), learned counsel for the respondent/plaintiff submits that once the respondent/plaintiff has been held entitled for grant of overtime allowance as per the revised basic pay-scale and allowances, the respondent/plaintiff was also entitled for grant of interest for a period of three years on the amount awarded by the learned Lower Appellate Court vide judgment and decree dated 21.03.2001.

6. In regard to the contention raised by learned counsel for the respondent/plaintiff, a perusal of the facts of the case would show that the respondent/plaintiff was sleeping over the matter for a long time and that is the reason that the learned Lower Appellate Court has confined the arrears for a period of three years prior to filing of the suit. A perusal of the judgment and decree dated 21.03.2001 passed by the learned Lower Appellate Court would also show that the respondent/plaintiff had also given a statement separately that he limits his claim *qua* payment of arrears of overtime only for a period of three years prior to filing of the suit.



RSA No.3073 of 2001 (O&M) & -3-
XOBJR-6-C-2002(O&M)

7. In the light of the statement given by the respondent/plaintiff before the learned Lower Appellate Court that he limits his claim only for payment of arrears of overtime for a period of three years, as such, the contention raised by learned counsel for the respondent/plaintiff, in regard to interest for a period of three years on the amount awarded by the learned Lower Appellate Court, cannot be accepted.

8. In view of the above, this Court does not find any infirmity or illegality in the judgment and decree dated 21.03.2001 passed by the learned Lower Appellate Court.

9. Accordingly, the cross-objection is dismissed.

10. Pending miscellaneous application(s), if any, shall stand disposed of.

DEEPINDER SINGH NALWA
JUDGE

SEPTEMBER 15, 2025

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No