

**(2010) 11 P&H CK 0557**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CWP No. 3228 of 1994

Krishan Kumar and Others

APPELLANT

Vs

Chandigarh Administration and  
Others

RESPONDENT

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**Date of Decision:** Nov. 23, 2010

**Acts Referred:**

- Punjab Shops and Commercial Establishments Act, 1958 - Section 28, 7

**Hon'ble Judges:** Ritu Bahri, J; M.M. Kumar, J

**Bench:** Division Bench

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**Judgement**

M.M. Kumar, J.

The instant petition filed by the employees of the Food Corporation of India (in short the "FCI"), is directed against notification dated 20.12.1993 (Annexure P-2) which has been issued u/s 28 of the Punjab Shops and Commercial Establishments Act, 1958. According to the notification, Chandigarh Administration-Respondent No. 1 has granted exemption to all the Establishments of the Food Corporation of India situated in the Union Territory, Chandigarh from the operation of provisions of Section 7 of the said Act w.e.f. 1.4.1982 to 22.3.1992. In other words, the payment of overtime for about 10 years made to the Petitioners who were employees of the FCI, is sought to be recovered.

2. Mr. Godara, learned Counsel for the Petitioners has made a reference to para No. 1 of the preliminary objection of Written Statement to argue that Respondents are not making any recovery of payment for overtime already made to the Petitioners or other workers i.e. class III or IV employees in view of the binding settlement which has been registered on 6.11.1992 between the FCI and its employees stipulating that payment already made by way of overtime allowance is to be treated as final for the whole period i.e. 1.8.1987 to 31.1.1992 which is covered by the Memorandum of Settlement. Mr. Godara learned Counsel states that according to the written statement, the recovery is not to be made for the period of 1987-1992.

3. Mr.D.V. Sharma, Senior learned Counsel for the FCI however, has stated that no recovery is to be made for the period covered w.e.f. 1.4.1982 to 22.3.1992 by the notification dated 20.12.1993. It is pertinent to mention that notification applied only in respect of the aforesaid period for which the overtime allowance stand already paid to the Petitioners and others.

4. In view of the above, the relief claimed by the Petitioners is fully satisfied and no recovery could be made from them for the period commencing from 1.4.1982 to 22.3.1992. Learned Counsel for the Respondents have made a categoric statement to that effect.

5. In view of the statement made by learned Counsel for the Respondents, the writ petition is disposed of as having been rendered infructuous.