

Party Name : BIJOY MANIK DEBBARMA Vs T.S.E.C.LTD & ORS

---

THE HONBLE MR. JUSTICE S.C.DAS

---

Heard learned counsel Mr. C. S. Sinha for the petitioner and learned counsel Mr. D.C. Nath for the respondent-O.Ps

The petitioner was placed under suspension by an order dated 27.11.2012 and he is still under suspension. It is the grievance of the petitioner that during the period of suspension he was asked to put signature in the attendance register and accordingly he put his signature in the attendance register but the respondent-O.Ps. did not revoke the order of suspension. The petitioner, therefore, filed the connected writ petition challenging the action of the respondent-O.Ps.

The respondent-O.Ps thereafter asked the petitioner not to sign the attendance register and asked him to submit a certificate in standard form for releasing his subsistence allowance. The petitioner raised objection since he was not allowed to put his signature in the attendance register and he prayed for releasing his subsistence allowance.

Learned counsel Mr. Sinha submits that in an earlier writ petition filed by the petitioner before this Court, an order was passed either to review or to revoke the suspension order but that order has not been complied as yet.

Learned counsel Mr. Nath submits that the suspension order has been reviewed and the respondent-O.Ps shall file their counter in the main writ petition. It is submitted by Mr. Nath that the petitioner is still in suspension and as per the office rule he has to submit a certificate that he has not been engaged in the meantime anywhere else and since the petitioner is not submitting that certificate, the subsistence allowance from the month of March, 2015 could not be released.

Withholding of subsistence allowance is a very serious issue since it relates to the bread and butter of an employee. Admittedly, the petitioner was suspended in the year 2012 and the respondents could not yet decide the disciplinary proceeding against the petitioner. So, the respondent-O.Ps are directed to release the subsistence allowance from the month of March, 2015 onwards immediately and the petitioner is directed to submit the standard form that he has not been engaged in any other job. In the event the petitioner submits the form within a week, the subsistence allowance for the entire period should be released to his account.

With these directions, CM application stands disposed of.