

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.16209 of 1992(O&M)

Date of Decision : 14.01.2015

Punjab Chemi Plants Ltd.

....Petitioner

Versus

The Presiding Officer, Labour Court, UT, Chandigarh and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. R.K. Malik, Sr. Advocate with
Mr. Tejpal Dhull, Advocate for the petitioner

MAHESH GROVER, J.

Petitioner- Company is no longer in existence. It is reported that respondent no.2 has expired. This has largely robbed the instant petition of its utility. Therefore, instant petition has been rendered infructuous. However, learned counsel for the petitioner has very fairly stated that the amount on account of subsistence allowance would come to Rs.21,649/- and that the petitioner - Company is still willing to pay the said amount.

This plea is seeped in fallacy as the amount has been calculated on the basis of the rule extracted herebelow, and by taking into consideration the basic pay:-

“25.3 – A workman under suspension shall be entitled to subsistence allowance equal to half of his wages. If, however, the period of suspension exceeds three months for reasons, to be recorded in writing for which the employee is not responsible, the subsistence will be three fourth of his wages.

Where, however, the employee is responsible, for extension of

his subsistence allowance may be one fourth of his basic wages plus dearness allowance.”

In the considered view of this Court the wages would also include the house rent allowance, conveyance allowance and other allowances admissible to the petitioner and together of which was Rs. 1508/-per month.

The plea of the petitioner that provident fund and interest has also been ignored may have been a reason to interfere but considering the fact that respondent no.2 has since died and the amount awarded to him is a meager amount of Rs.67,677.34P, I would in the exercise of my inherent jurisdiction do not deem it appropriate to interfere.

Hence, dismissed.

January 14, 2015
rekha

(MAHESH GROVER)
JUDGE