

CWP-12371-2019

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

CWP-12371-2019

Date of Decision: May 10, 2019

Rajvir Singh

... Petitioner

vs.

State Bank of India and Others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Raman B. Garg, Advocate and
Ms. Gitanjali Chhabra, Advocate, for the petitioner.

ARUN MONGA, J.(ORAL)

Learned counsel for the petitioner submits that it is settled position in law that subsistence allowance cannot be denied to a suspended employee as it is not a bounty but a matter of right. He states that vide order dated 15.10.2016 (Annexure P1), the petitioner was suspended w.e.f. 15.10.2016 in terms of Clause 5(J) of Memorandum of settlement on Disciplinary Action Procedure which governs the service conditions of the petitioner

2. Learned counsel for the petitioner further submits that even though the subsistence allowance is being credited to his bank account, maintained with his employer i.e. respondent-State Bank of India, but the petitioner is unable to make any remittances or withdraw the money from his account, as the bank account has been kept on hold by respondent No.3 without any power having been vested in him to do so. He further submits that when the petitioner issued a cheque of Rs.20,000/-, the same was dishonoured on account of funds being 'insufficient', as reflected from Annexure P-2, even though the subsistence allowance has been credited to his account.

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3. Compelled with the circumstances, the petitioner caused a legal notice dated 01.09.2018 (Annexure P-3) on the respondents but the same has not been adverted by them till date. Hence the present writ petition.

4. Given the nature of order being passed, no notice is required to be issued as no further pleadings/proceedings are warranted.

5. The writ petition is disposed of with a direction to respondent No.2 to pass a speaking order, by keeping in mind the averments as contained in the legal notice dated 01.09.2018 (Annexure P3), stating reasons as to how the subsistence allowance of the petitioner, despite being deposited in his bank account, is not being allowed to be remitted to him.

6. Let needful be done within a period of one month from the date of receipt of certified copy of this order.

May 10, 2019
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No