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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CONT.CAS(C) 313/2014

KULWANT SINGH ..... Petitioner

Through Mr. Puneet Singh Arora, Adv.

versus

NIRMAL SINGH & ORS ..... Respondents

Through Mr. Jagmohan Singh, Adv. with Mr. S. Kanwaljeet Singh, Accounts Officer.

\+ CONT.CAS(C) 314/2014

HARMEET SINGH ..... Petitioner

Through Mr. Puneet Singh Arora, Adv.

versus

MR. NIRMAL SINGH & ORS ..... Respondents

Through Mr. Jagmohan Singh, Adv. with Mr. S. Kanwaljeet Singh, Accounts Officer.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% 05.02.2020

The instant contempt petition is founded on the allegations that the respondents violated the order dated 10.03.2014 passed by the learned Single Judge on a review petition filed in W.P.(C) 1142/2014 *Kulwant Singh v. Guru Nanak Institute of Management & Ors.* which stood disposed of vide order dated 26.02.2014. The writ petition was preferred to agitate the issue of non-payment of subsistence allowance to the petitioner during the period of his suspension. The writ petition came to be disposed of vide order dated 26.02.2014 and relevant to the context, it reads as under:

> *"2. Mr. Sherawat, at this stage, says that the petitioners are not being paid subsistence allowance.*
> *3. Mr. Singh, who appears on advance notice, on behalf of*

respondent no.1 says that if the subsistence allowance is not being paid, the same will be paid within one week, in accordance with the extant rules.
4. Mr. Sherawat further says that additional time be granted to the petitioners, to file a reply to the charge-sheet.
5. Having regard to the fact that the petitioners have spent some time in this court to prosecute the present petition, the disciplinary authority will give at least three weeks to the petitioners to file a reply to the charge-sheet."

Later, on a review petition filed, the review petition was disposed of on 10.03.2014 with the observations, as follows:

"4. Having heard the learned counsel for the petitioner, as also the counsel for the respondents, in my opinion, in view of the statement made by Mr. Sherawat, learned counsel for the petitioner, if the petitioner were to file an affidavit that he was not gainfully employed during the relevant period, nothing further needs to be observed.
4.1 I may only indicate though, that even in the judgment in the case of ***V.P. Gindroniya*** *there is a reference to the fact that even where the contract of employment or of rules, do not provide for suspension, '****interim suspension,'*** *can be ordered.*
4.2 However, this need not detain me any further. Upon the petitioner filing the relevant affidavit, respondent no.1 will pay the subsistence allowance due to the petitioner within one week thereafter. Needless to say, arrears if any towards subsistence allowance will also be paid. In this behalf the judgment of the Supreme Court in ***V.P Gindroniya*** *will also be taken into account."*

The combined reading of the orders passed by the learned Single Judge leaves no doubt that the issue agitated was only with regard to subsistence allowance and during the course of hearing, ld. counsel for the petitioner concedes that the petitioner was paid the subsistence allowance,

but, according to him, it came to be paid as per the CCS(CCA) rules, which were not applicable. Whether CCS(CCA) rules were applicable or not, is not the issue to be gone into by this Court, the fact remains the subsistence allowance came to be paid and on being queried, ld. counsel for the petitioner states that initially the subsistence allowance was paid @ 50% and thereafter @ 75%. What is the basis of contending that the petitioner was entitled to 100% of the salary towards subsistence allowance, ld. counsel for the petitioner however fails to point out.

Taking into account the totality of facts and circumstances, the Court does not find any merits in the petition. The petition stands disposed of accordingly.

A. K. CHAWLA, J

FEBRUARY 05, 2020
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