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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.9761 of 2021 (O&M)

Date of decision: 25.05.2021

Maninder Pal Singh Cheema

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Puneet Gupta, Advocate
for the petitioner.

Mr. Aditya Sharda, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

While issuing notice of motion on 13.05.2021, the
following order was passed:-

“The petitioner who is serving as Deputy Superintendent, Jails in the State of Punjab has been placed under suspension. Two departmental enquiries have been initiated against him.

Grievance of the petitioner is that he is not being paid subsistence allowance as per Rule 7.2 of Volume I Part I Chapter VII of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

Learned counsel for the petitioner contends that because of the failure of the respondent-State to pay subsistence allowance to the petitioner, enquiry proceedings against him are liable to be stayed. It is alleged that the petitioner has not been paid salary for about nine months. It is pointed out that after filing of the petition, the petitioner has been credited an amount of Rs. 2,42,236/- into his account. However, the same is much less than the subsistence allowance and the salary which

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the petitioner is entitled to.

Notice of motion.

Sh.Aditya Sharda, AAG, Punjab accepts notice on behalf of respondent-State and prays for time to seek instructions as to why the petitioner is not being paid subsistence allowance.

Adjourned to 25.05.2021.

To be shown in the urgent list.”

Reply by way of affidavit of the Deputy Inspector General of Prisons, Punjab, Chandigarh, filed in the Court is taken on record. In the affidavit, it is duly explained that w.e.f. 01.11.2019 to 05.11.2019, an amount of Rs.2364/- was paid as salary. Thereafter, from 06.11.2019 to 07.01.2020, the petitioner was absent from the office and therefore, his salary for the corresponding period was withheld subject to the outcome of the departmental enquiry. Thereafter, on 08.01.2020, the petitioner was suspended and till 16.05.2020 an amount of Rs.1,36,698/- was paid as subsistence allowance.

Later on, the petitioner tendered an apology and he was reinstated and transferred as District Probation Officer, Sangrur with a direction to join the duty on 16.05.2020.

It is further stated that from 17.05.2020 till 28.06.2020, the petitioner worked as District Probation Officer, Sangrur. It is stated that the petitioner himself was the Drawing and Disbursing Officer (DDO), but he did not withdraw the salary of Rs.93,063/-, which has now been paid.

The petitioner, thereafter, from 29.06.2020 to 21.09.2020, applied for different type of leaves, which were rejected and the salary was withheld subject to the outcome of the departmental enquiry.

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Again, on 22.09.2020, the petitioner was suspended and the petitioner reported at the Headquarter on 12.10.2020. It is further stated that w.e.f. 01.04.2020 till 30.04.2020, an amount of Rs.2,42,236/- as subsistence allowance has been paid to the petitioner and nothing is due except the salary for the period when the petitioner remain absent though, the petitioner claimed that he was on leave.

Counsel for the petitioner, in reply, has submitted that since 02 chargesheets are pending against the petitioner and he has not challenged the same as he is facing departmental enquiry and he will challenge the same at an appropriate stage.

In view of the above, no further action is called for.

Disposed of, at this stage.

(ARVIND SINGH SANGWAN)
JUDGE

25.05.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No