

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

119

CWP-24627-2023

Date of decision: 08.11.2023

DAMAN BHALLA**.....Petitioner****VERSUS****STATE OF PUNJAB AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Rahul Rampal Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing/setting aside the order dated 09.08.2023 (Annexure P-4) passed by respondent No.2, vide which case of granting subsistence allowance moved by Executive Officer, Improvement Trust, Amritsar has been declined by respondent No.2 and to direct the respondents to release the subsistence allowance to the petitioner, which has not been released since 16.05.2022.

Learned counsel for the petitioner contends that the petitioner had joined the Trust in the year 2001 as Accountant Grade-II and had been transferred to the office of respondent No.3-Improvement Trust, Jalandhar in July, 2017. Thereafter, FIR No.450 dated 09.09.2017 under Sections 420, 467, 468, 471 409 & 120-B IPC and Prevention of Corruption Act was registered against 06 employees of respondent No.2 including petitioner and due to the aforesaid FIR, the petitioner was put under suspension from the service but was receiving

Subsistence allowance from September, 2017 till 16.05.2022. However, since

16.05.2022, subsistence allowance was not received by him, whereas other suspended employees in the same FIR are getting subsistence allowance. Learned counsel further submits that petitioner has served a representation dated 20.01.2023 (Annexure P-6) to the respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the representation in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent No.1 and submits that the respondent No.1 is the competent authority to take final decision. Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of respondents No.2 & 3 and they do not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the representation dated 20.01.2023 (Annexure P-6), respondent No.1 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order in accordance with law.

The petition stands disposed of.

November 08, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No