



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-1016-2025

Date of decision: 16.01.2025

POOJA GERA

...PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to consider her claim for enhancement of Subsistence Allowance.

2. The petitioner is under suspension and getting Subsistence Allowance. A period of more than 6 months from the date of her suspension has expired still departmental proceedings are pending against her. She claims that as per Rule 84 of the Haryana Civil Service General Rules, 2016 (for short '2016 Rules'), the Competent Authority should reconsider quantum of subsistence allowance. Rule 84 of 2016 Rules is reproduced as below:-

*“84. Review of subsistence allowance after every six months.-
Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for the period after every six months as follows:-*



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(i) *the amount of subsistence allowance may be increased by a suitable amount not exceeding fifty per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the employee; or*

(ii) *the amount of subsistence allowance may be reduced by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons to be recorded in writing, directly attributable to the Government employee.*

Note 1.- The initial grant of subsistence allowance shall be payable at an amount equal to leave salary on half pay leave. In the event of any alteration in subsistence allowance under clause (i) or clause (ii) of this rule, the increase or decrease shall be calculated on the amount of subsistence allowance initially fixed and shall not be subject to any maximum limit.

Note 2.- It is obligatory under this rule in sufficient time before the expiry of six months of suspension the competent authority shall review each case in which the period of suspension is likely to exceed six months and even if it comes to the conclusion that the rate is not to be altered having regard to all the circumstances of the case. Specific orders to that effect are to be passed placing on record the circumstances under which the decision had to be taken. Such review shall be made at least on every six months and specific orders are to be passed for increasing or decreasing or not altering of the subsistence allowance.”

3. Faced with this, Mr. Raman Sharma, Addl. A.G., Haryana submits that Competent Authority would consider claim of petitioner and if she is found entitled, the subsistence allowance would be revised.



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4. In the wake of statement of both sides, present petition stands disposed of with a direction to respondents to consider claim of petitioner within 2 months from today. It is made clear that this Court has not expressed any opinion with respect to claim of the petitioner.

16.01.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No