



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

203

CWP-14826-2000 (O&M)
Date of decision: 01.04.2025

Gurpreet Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Alka Chatrath and Ms. Dhamanpreet Kaur, Advocates
for the petitioner.

Mr. Arun Gupta, DAG Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Challenge in the present petition is made to the orders, whereby the claim of the petitioner for grant of subsistence allowance from 14.01.1999 was rejected.
2. Undisputed facts are that the petitioner, who was involved in FIR was arrested on 07.02.1999, whereafter, convicted on 25.06.2000, based on which he was terminated from service from the said date.
3. The grant of subsistence allowance has been given the statutory flavour by incorporating Rule 7.2 in the Punjab Civil Service Rules Vol I, Part I, which declares that a government employee, placed under suspension, shall be entitled to an amount equivalent to leave salary, which he would have drawn, had he been on leave on half pay and in addition, Dearness allowance if admissible, on the basis of such leave salary. Sub Rule 2 of Rule 7.2 *ibid* envisages payment to



be made only when he furnishes a certificate that he was not engaged in any employment, business, profession or vocation.

4. There is no denying the fact that petitioner was under suspension on account of registration of FIR and remained in custody in the said criminal case, thus, production of such certificate could not be insisted upon from him and likewise, his presence at the headquarter once a week, which was a condition mentioned in the order of suspension, it being beyond his control.

5. The present petition is thus, disposed of with a direction to release the subsistence allowance in accordance with Rules with interest at the rate of 6% per annum from the due date till its payment.

(AMAN CHAUDHARY)
JUDGE

01.04.2025

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No