



CWP-13469-2021 (O&M)

1

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

(252)

CWP-13469-2021 (O&M)

Date of Decision : 19.05.2026

M/s Swani Motors (P) Ltd.

...Petitioner

Versus

Presiding Officer, Industrial Tribunal, Amritsar
and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Naveen Batra, Advocate
for the non-applicant/petitioner.

Mr. Rajinder Sharma, Advocate and
Mr. Mridul Sharma, Advocate
for the applicant/respondent No.2.

KULDEEP TIWARI, J.(ORAL)**CM-11384-CWP-2022**

This is an application filed for grant of leave under Rule 3-A (I) of Chapter VI, Part B, Volume-V of Punjab and Haryana High Court Rules and Orders to file the instant petition.

In view of the averments made in the application, the same is **allowed** and leave is granted under the aforesaid Rules and Orders to file the instant petition.

Application stands **disposed of** accordingly.

CWP-13469-2021

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, the petitioner/Management, has challenged the order

dated 01.12.2017 (Annexure P-3), passed by learned Industrial Tribunal,



Amritsar, whereby, the application under Section 33-C (2) of the Industrial Disputes Act, 1947 (for short 'the ID Act'), preferred by the respondent No.2/workman, was allowed and he was held entitled for subsistence allowance from 05.03.2015 to 01.03.2016, i.e. the date of filing of the application.

2. Learned counsel for the petitioner/Management, in an attempt to throw challenge to the order (supra), submits that during the suspension period, the respondent No.2/workman, has never reported to the petitioner/Management, and therefore, he is not entitled for any subsistence allowance.

3. No other argument was raised before this Court.

4. During the course of the arguments, this Court has put a specific query to learned counsel for the petitioner/Management, as to whether, after suspension of the respondent No.2/workman from service, the petitioner/Management has directed him to report before the authorities, to which, he fairly answered in negative.

5. In view of the above, this Court finds that once the petitioner/Management itself has not appointed any authority, to which, the respondent No.2/workman, was supposed to report, therefore, he cannot be denied the benefit of subsistence allowance, specifically, in view of Section 10-A of Payment of Subsistence Allowance, as per Industrial Employment (Standing Orders) Act, 1946.

6. This Court has examined the order (supra), and finds that the same has been passed after making compliance of all the procedure, specifically, giving due opportunity of hearing to the parties and to lead evidence. Learned counsel for the petitioner/Management, has failed to point



out any perversity or illegality in the order (supra), requiring any interference by this Court, therefore, the same is **upheld**.

7. At this stage, learned counsel for the petitioner/Management, apprises this Court that the petitioner/Management has already deposited the assessed amount with the Executing Court. In such a situation, the respondent No.2/workman, is at liberty to move an apt application before the learned Executing Court, for release of the said amount.

8. Consequently, the instant writ petition is **dismissed**.

9. Pending applications, if any, stands disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

May 19, 2026
Manpreet

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