



CWP-2040-2024 (O&M)

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

CWP-2040-2024 (O&M)**Reserved on : 10.02.2026****Pronounced on: 25.02.2026****Uploaded on: 25.02.2026**

Shiromani Gurdwara Parbandhak Committee and others Petitioners

VERSUS

Gurmeet Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Mrigank Sharma, Advocate, for the petitioners.

Mr. Surmukh Singh, Advocate and
Mr. Sonu Bhatia, Advocate, for respondent No.1.Mr. Nirmal Preet Singh Hira, DAG, Punjab
for the respondents No.2 to 4.

DEEPINDER SINGH NALWA, J.

1. In the present writ petition, the petitioners have challenged the order dated 01.09.2023 (Annexure P-9) passed by the Educational Tribunal, Punjab, (hereinafter referred to as the 'Tribunal'), whereby, the petition filed by the respondent No.1 has been accepted and direction has been issued to the petitioners to pay the subsistence allowance to respondent No.1 w.e.f. 01.09.2017 to February 2018 and June 2019 till the passing of the judgment dated 01.09.2023 (Annexure P-9) , as per the rules, within a period of 02 months, failing which, the respondent No.1



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shall be entitled to interest at the rate of 6% per annum from the date of filing of the petition i.e. 25.03.2021, till its final payment.

2. The brief facts of the case are that the respondent No.1 was appointed as a Peon by the Secretary, Managing Committee, Shiromani Gurdwara Parbandhak Committee vide order dated 12.08.2001. While being posted at Khalsa College, Gardiwala, Tehsil Dasuya, District Hoshiarpur, an FIR No.0141 dated 16.08.2017 was registered, under various sections of the Immoral Traffic (Prevention) Act, 1956, at Police Station Sadar Hoshiarpur, District Hoshiarpur, against the respondent No.1. The abovesaid FIR was registered against 21 persons. The respondent No.1 was placed under suspension vide order dated 30.08.2017 (Annexure P-1) and his head quarter was fixed at Baba Akali Memorial Khalsa College Garhshankar, Hoshiarpur. In compliance to the abovesaid suspension order, as per the respondent No.1, the respondent No.1 started reporting at head quarter. Thereafter, the petitioners issued a charge-sheet dated 05.01.2018 (Annexure P-2) to the respondent No.1 and in pursuance to the abovesaid charge-sheet, a committee was constituted. The respondent No.1 submitted a detailed representation/reply, wherein, it was mentioned that the investigating officer after the enquiry, has found the FIR No.0141 dated 16.08.2017 false and has recommended for the cancellation of the abovesaid FIR. It was also mentioned in the representation/reply that the petitioners should also release the subsistence allowance to respondent No.1 as per rules. As the respondent No.1



remained absent from duty w.e.f. 30.05.2014 till 06.07.2020, as such, Enquiry Committee recommended termination of services of the respondent No.1. The case was sent to DPI (Colleges) vide letter dated 09.07.2020 (Annexure P-6) for approval of termination of services of respondent No.1. The respondent No.1 again submitted various representations to the petitioners, wherein, a request was made for grant of subsistence allowance as the respondent No.1 had no other source of income. It was also the case of the respondent No.1 that as per the relevant rules, no employee can be kept under suspension for a period exceeding 06 months without the prior approval of the Secretary, Department of Higher Education (Colleges), Government of Punjab, as such, the respondent No.1 was liable to be reinstated in service. As no decision was taken by the petitioners on the representations, as such, the respondent No.1 served a legal notice dated 20.08.2020. In spite of the fact that the abovesaid legal notice was served by respondent No.1, but the petitioners did not pay the subsistence allowance to respondent No.1 nor reinstated the respondent No.1 in service, as such, the respondent No.1 filed a petition before the 'Tribunal'.

In the abovesaid petition, the case of respondent No.1 was that as respondent No.1 was placed under suspension, he was entitled for grant of subsistence allowance. It was also the case of the respondent No.1 that suspension of respondent No.1 should have been reviewed as he was under suspension for more than 03 years & 06 months and no



permission was taken by the competent authority to keep the respondent No.1 under suspension in terms of the relevant rules/act. The petitioners duly filed the written statement in the abovesaid petition filed by the respondent No.1 before the Tribunal. In the written statement, it was the case of the petitioners that the respondent No.1 did not report to head quarter, as such, he was not entitled for grant of subsistence allowance. It was also the case of the petitioners that the recommendation has been made for termination of service of the respondent No.1 and the same is sent for approval to the competent authority on 09.07.2020 (Annexure P-6) which is pending. As such, the respondent No.1 was not entitled for grant of subsistence allowance. The Tribunal (respondent No.4 herein) decided the petition filed by the respondent No.1 vide order dated 01.09.2023 (Annexure P-9). A perusal of the order dated 01.09.2023 (Annexure P-9) passed by the Tribunal would show that taking into consideration that subsistence allowance was given to the respondent No.1 for the period from March 2018 to May 2019, direction was given to the petitioners to pay subsistence allowance to the respondent No.1 w.e.f. 01.09.2017 to February 2018 and June 2019 till the date of passing of the order dated 01.09.2023 (Annexure P-9) , as per the rules, within a period of 02 months, failing which, the respondent No.1 was entitled for grant of interest at the rate of 6% per annum, from the date of filing of the petition i.e. 25.03.2011, till the final payment. Aggrieved against the



order dated 01.09.2023 (Annexure P-9) passed by the Tribunal, the petitioners have filed the present writ petition.

3. Learned counsel appearing on behalf of the petitioners submits that the respondent No.1 did not report to the head quarter during the period of suspension, as such, the respondent No.1 was not entitled for grant of subsistence allowance as granted by the Tribunal. He further submits that if even, for the sake of the arguments, it is presumed that the respondent No.1 is entitled for grant of subsistence allowance, even then, subsistence allowance cannot be given beyond the period from the date of approval given by the competent authority in respect of termination of the services of the respondent No.1 i.e. 05.08.2022.

4. Learned counsel appearing on behalf of the respondent No.1 submits that as the respondent No.1 was placed under suspension, he is entitled for grant of subsistence allowance as per the rules. Therefore, there is no infirmity or illegality in the judgment dated 01.09.2023 (Annexure P-9) passed by the Tribunal and as such, the present writ petition is liable to be allowed.

5. I have heard the learned counsels appearing on behalf of the parties at length and have perused the record with their able assistance.

6. The only issue involved in the present writ petition is in regard to grant of subsistence allowance to the respondent No.1 for the period from 01.09.2017 to February 2018 and June 2019 till the date passing of the order dated 01.09.2023 (Annexure P-9).



7. A perusal of the facts of the present case would show that there is no dispute that the respondent No.1 was placed under suspension vide order dated 30.08.2017 (Annexure P-1). It is also not in dispute that the respondent No.1 has been paid subsistence allowance for the period of March 2018 to May 2019. In regard to contention raised by the learned counsel appearing on behalf of the petitioners that as the respondent No.1 did not report to the head quarter, as such, the respondent No.1 is not entitled for grant of subsistence allowance is concerned, the abovesaid contention raised by the learned counsel appearing on behalf of the petitioners lacks merit for the reason that as respondent No.1 was placed under suspension, as per rules, the respondent No.1 is entitled for grant of subsistence allowance for the period when he was placed under suspension. No rule has been brought to the notice of the Court that in case, an employee does not report on duty while under suspension, the employee is not entitled for grant of subsistence allowance. In regard to the contention raised by the learned counsel appearing on behalf of petitioners that the respondent No.1 is not entitled for grant of subsistence allowance after 05.08.2022 i.e. the date, on which approval was given by the competent authority in respect of termination of services of the respondent No.1 is concerned, the abovesaid contention raised by the learned counsel finds merit. As approval was given by the competent authority on 05.08.2022 in respect of termination of services of respondent No.1, as such, it cannot be held that the respondent No.1 was under suspension beyond 05.08.2022 and is entitled for grant of subsistence allowance after the abovesaid date.



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8. Taking into consideration the abovesaid facts, the present writ petition is partly allowed. The order dated 01.09.2023 (Annexure P-9) passed by the Tribunal is hereby modified to an extent that petitioners are directed to pay subsistence allowance to respondent No.1 w.e.f. 01.09.2017 to February 2018 and June 2019 to 05.08.2022 i.e. the date of approval given by the competent authority in respect of termination of services of respondent No.1.

9. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(DEEPINDER SINGH NALWA)
JUDGE

25.02.2026
Ramandeep Singh

Whether speaking / reasoned	Yes
Whether Reportable	No