



CWP-37747-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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Date of Decision: 22.01.2026

Jaswinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Amit Dhawan, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

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JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of suspension order dated 01.09.2015 (Annexure P-4) whereby the Battalion Commandant, Punjab Home Guards, Amritsar has suspended him. He is further seeking subsistence allowance during the period of suspension.

2. The petitioner was enrolled as member of Punjab Home Guards in 1992. He worked with the respondent as member of Home Guards till the date of passing impugned order of suspension. For the ready reference, the suspension order is reproduced as below: -

*“In view of letter no.188 dated 18.08.2015, reminder letter no. 191 dated 26.08.2015 issued by F Company, Punjab Home Guards Ramdas and in view of the report sent vide this office letter no. 2805 dated 27.08.2015 to the Divisional Commandant, Punjab Home Guards, Jalandhar, Division Jalandhar as well as in view of the order given to the undersigned by the Divisional Commandant, Jalandhar on telephone, since Guard No. 3676 Jaswinder Singh has been*



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*arrested on 31.07.2015 and has been sent to Central Jail, Amritsar, in view of the order passed by Sh. Ajit Attri, ASJ, Amritsar under Section 452, 323, 506, 34 IPC, whereby he was awarded sentence for one year and fine of Rs. 400/-, is hereby removed from duty under suspension/temporary basis.*

*Sd/-*

*Battalion Commandant 3rd Battalion,  
Punjab Home Guards, Amritsar”*

3. The petitioner claims that he has not been paid subsistence allowance during the suspension period. He was implicated in a complaint case under Sections 452, 323, 506, 325, 427 & 34 Indian Penal Code, 1860 (for short ‘IPC’). He was convicted by learned Judicial Magistrate, 1<sup>st</sup> Class, Amritsar vide order dated 30.09.2013. The conviction was upheld by learned Additional Sessions Judge, Amritsar vide order dated 05.08.2015. He was suspended on 01.09.2025 on being lodged in Central Jail, Amritsar in the light of upholding of conviction by learned Additional Sessions Judge, Amritsar. Criminal Revision against said conviction is pending before this Court. The sentence was suspended by this Court vide order dated 17.08.2015 and he was released on bail. The petitioner claims that co-accused ASI Baljinder Singh has been reinstated by Deputy Inspector General of Police, Border Range, Amritsar. He, on 05.02.2025, filed application to set aside suspension order and reinstate him but to no avail. His case is similar to the petitioners in ***Mahinder Ram v. Commandant General, Punjab Home Guards and others, 2025 SCC OnLine P&H 2831*** whereby petitioners therein have been granted subsistence allowance in the light of more than 10 years continuous service.

4. Learned counsel for the petitioner submits that petitioner was never served copy of order of dismissal/discharge from service. He, as per



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judgment dated 10.01.2025 of this Court in ***Mahinder Ram (supra)***, is entitled to subsistence allowance during the suspension period.

5. *Per contra*, learned State counsel submits that petitioner was permitted to work during the pendency of trial. He was not allowed to work after dismissal of his appeal against judgment of conviction by learned Additional Sessions Judge, Amritsar. He was paid full salary during the pendency of trial as well as appeal before the Appellate Court. He cannot be paid subsistence allowance at par with Mahinder Ram and others because they were not convicted by Trial Court.

6. Heard the arguments and perused the record.

7. From the perusal of record, it is evident that petitioner was subjected to trial in a private complaint under Sections 323, 452, 506 & 34 of IPC. He was convicted by learned Judicial Magistrate, 1<sup>st</sup> Class, Amritsar vide order dated 30.09.2013. He preferred an appeal which came to be dismissed vide order dated 05.08.2015 passed by learned Additional Sessions Judge, Amritsar. He remained in service during the pendency of trial before learned Judicial Magistrate, 1<sup>st</sup> Class, Amritsar as well as appeal before learned Additional Sessions Judge, Amritsar. He was discharged after dismissal of his appeal by learned Additional Sessions Judge, Amritsar. He filed revision before this Court which is still pending, however, his sentence has been suspended vide order dated 17.08.2015. He remained silent from 2015 to 2025 and filed application on 05.02.2025 seeking setting aside of suspension order and his reinstatement. The petitioner was convicted by Trial Court and his appeal stands dismissed. He was not a regular employee.

He cannot claim benefit of judgment of this Court in ***Mahinder Ram (supra)***

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because in the said case, petitioners were not convicted by Trial Court. This Court cannot ask respondent to accommodate a convicted person.

8. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**22.01.2026***Mohit Kumar*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |