



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

CWP-24041-2025 (O&M)

Date of decision: 11.09.2025

Amit Garg

....Petitioner

Versus

The Labour Inspector and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Divya Arora, Advocate,
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

Mr. Rose Gupta, Advocate,
Ms. Anita Kumari, Advocate,
Mr. Sukhwinder Singh, Advocate,
for respondents No.2 and 3.

KULDEEP TIWARI, J. (Oral)

1. Fetching grievance from the order dated 22.07.2025 (Annexure P-9), passed by the Labour Inspector, Hisar, vide which, application preferred by the petitioner for grant of subsistence allowance has been dismissed, he has approached this Court by filing the instant writ petition, under Article 226/227 of the Constitution of India.

2. This Court, vide order dated 20.08.2025, had passed the following extracted order:-

“1. The petitioner’s application for grant of subsistence allowance has not been decided on merits by the respondent No.1, which has caused pain to the petitioner and propelled him to institute the present writ petition.

2. The case of the petitioner is that, he was suspended way back on 29.08.2018, however, till date, no



subsistence allowance has been paid to him. The respondent No.1, instead of deciding his application (supra) on merits, dismissed the same merely on the assertions of the Company that, till the time enquiry of the Company is not concluded, the Company would not take any decision regarding grant of suspension/subsistence allowance.

3. Notice of motion.

4. Mr. Bhupender Singh, Addl. A.G., Haryana, waives service of notice on behalf of the respondent No.1.

5. Subject to requisite process fee being furnished by the learned counsel for the petitioner, notice be issued to the respondents No.2 to 4.

6. Dasti also.

7. List on 11.09.2025, in the urgent list.

8. It is made clear that, on the subsequent date of hearing, no request for adjournment would be entertained on behalf of either side.”

3. In pursuance thereof, Mr. Rose Gupta, Advocate, has caused appearance on behalf of respondents No.2 and 3. However, none has put in appearance on behalf of respondent No.4.

4. As narrated above, the limited grievance of the petitioner is that he is not being paid subsistence allowance by the respondent-Management.

5. What emerges from a bare perusal of the impugned order is, that Labour Inspector, merely on the basis of the statement suffered on behalf of the Management that the issue of suspension allowance would be decided after completion of inquiry, has dismissed the application preferred by the petitioner. Under the peculiar facts and circumstances of the present case, this Court is constrained, but to observe that the



subsistence allowance is granted during the suspension period only, so as to enable the official/officer under suspension, to subsist in the absence of full salary. In the matter at hand, respondent No.1 has miserably failed to take into consideration the abovesaid underlying factor. Therefore, the impugned order, being unsustainable, is set aside. Resultantly, the matter is remitted to the Labour Inspector, Labour Department, Hisar-respondent No.1, to decide the application of the petitioner afresh, in accordance with law.

6. Needless to assert that respondent No.1, after giving adequate opportunity of hearing to the parties concerned, shall pass a speaking order, with regard to the entitlement of petitioner for subsistence allowance, within a month from the receipt of a certified copy of this order.

7. With the abovesaid observations, the instant writ petition is **disposed of.**

(KULDEEP TIWARI)
JUDGE

11.09.2025
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No