

WPSS No. 557 of 2020

**Hon'ble Manoj K. Tiwari, J.**

Mr. Alok Mahra, Advocate for the petitioner.

Mr. H.M. Raturi, Mr. Vinod Nautiyal, Mr. T.S. Bisht, Deputy Advocate General, Mr. P.C. Bisht, Mr. S.K. Mishra, Mr. R.C. Arya, Mr. I.P. Kohli and Mr. Pradeep Hariya, Standing Counsel, Mr. Atul Bahuguna, Mr. M.S. Bisht, Mr. V.P. Khanduri, Mr. Anirudh Bhatt, Mr. V.D. Bisen, Mr. Gajendra Tripathi & Mr. V.S. Rawat, Brief Holder for the State of Uttarakhand.

Heard learned counsel for the parties through video conferencing.

According to the petitioner, he was placed under suspension pending inquiry vide order dated 10.01.2020. Thereafter, a charge sheet was issued to him on 20.05.2020.

Grievance of the petitioner is that no subsistence allowance has been paid to him; although, it is provided in the suspension order that petitioner would be entitled to subsistence allowance in terms of Fundamental Rule 53.

Every Government Employee, who is put under suspension, has a statutory right of subsistence allowance. Non-payment of subsistence allowance has been held to be violative of Article 21 of Constitution of India.

Learned State Counsel was directed to get necessary instructions in the matter vide order dated 15.06.2020.

Today, Mr. P.C. Bisht, learned Standing Counsel made a statement that, despite letter to the respondents, no instructions are forthcoming.

In such view of the matter, the District Education Officer, Elementary Education, Haridwar (respondent no. 4) is directed to release the subsistence allowance, including arrears, to the petitioner within three weeks or show cause by way of filing counter affidavit.

List this matter on 13.07.2020.

*Arpan*

**(Manoj K. Tiwari, J.)**

17.06.2020