

Allahabad High Court

Sampurnanand Dixit Son Of Late ... vs State Of U.P. Through Secretary ... on 17 January, 2006

Author: R Tiwari

Bench: R Tiwari

JUDGMENT Rakesh Tiwari, J.

1. Heard learned for the parties and perused the record.
2. This writ Petition has been filed for issuance of a writ order are direction in the nature of mandamus directing the respondents to pay subsistence allowance to the petitioner from the date of suspension till conclusion of the disciplinary proceedings.
3. The petitioner was suspended vide order dated 10/6/2003 on certain charges. He is not toeing Paid subsistence allowance.
4. The counsel for the respondents submits that embezzlement has been committed by the petitioner. In case any embezzlement has been committed by the petitioner, he may be punished after holding enquiry but during pendency of enquiry subsistence allowance can not be stopped. An employee is expected to service and defend himself for which subsistence allowance is paid.
5. In the circumstances, the petition is disposed with a direction to the authority concerned to pay the a rears of subsistence allowance to the petitioner forthwith and shell continue to pay the same month to month regarding as and when if falls due till the conclusion of the enquiry.