

June 13, 2023

Chief Labour Officer  
Department of Labour  
Thimphu  
Bhutan

Subject: Subsistence Allowance during Suspension Period.

Dear Sir,

I am writing to bring to your attention a matter of grave concern regarding the non-payment of subsistence allowance during my suspension from my position as a Credit Officer at the Royal Insurance Corporation of Bhutan (RICB), Thimphu. Furthermore, I would like to highlight the immense hardships and difficulties I have faced as a result of the management's acts.

My name is Jigme Namgyal, Employee ID No. 114712, Dy. Manager, and I was suspended from my position on 24th October 2022. The suspension lasted for a total of 174 days, during which I was deprived of the subsistence allowance that I was entitled to, as per Rule 12.12.3 of the RICB Service Rules and Regulations 2019 which is as follows:

*"An employee who is on suspension shall receive subsistence allowance of 50% of the basic pay excluding allowances, which such employee was entitled immediately before suspension. No other allowances and benefits including increment and bonuses shall be payable."*

The non-payment of the subsistence allowance has caused financial strain, emotional distress, and numerous hardships. Meeting basic living expenses, supporting my family, and managing financial obligations have become challenging. The management's unjust denial of my rightful subsistence allowance has exacerbated the situation, leading to further distress and injustice. This violates my right to life under the Constitution of Bhutan 2008, Article 7, Section 1 which states,

*"All persons shall have the right to life, liberty, and security of person and shall not be deprived of such rights except in accordance with the due process of law."*

I would like to emphasize that the internal investigation conducted by independent committee of RICB of the offense for which I was suspended for which as per 12.12.3.a states:

*The Disciplinary Committee or the Disciplinary Authority shall render its reasoned decision in writing within 30 days from the receipt of the investigation report.*

On the above, the Management of RICBL had completed the investigation and report submitted, however, the decision was kept pending until the sixth month for reasons unknown to me.

In addition, I am entitled to be reinstated in the service and receive the pay and benefits that were unjustly withheld during the suspension period as per Rule 12.12.3.d of the RICB Service Rules and Regulations 2019, which states:

*If the employee is acquitted of the offence for which he has been arrested, detained, or charged, the employee shall be reinstated in the service and such employees shall receive the pay and benefits that was not paid to him or her during the suspension.*

Therefore, I implore your urgent intervention and assistance in rectifying this egregious situation. I kindly request your support in ensuring that I receive the subsistence allowance and any other benefits that were wrongfully denied to me. Additionally, I humbly request your office to investigate the management's actions and hold them accountable for the hardships I have endured due to their unjust acts. Additionally, I believe it is necessary to penalize Management Committee of RICBL as per the provisions of the Chapter VIII, Clause 132 Labour and Employment Act 2007 stated as under to deter such actions in the future.

*132. An employer shall not deduct an amount that would reduce the wages payable to the employee for a pay period to less than one half of the total wage.*

*133. An employer who contravenes section 132 shall be guilty of an offence which shall be a petty misdemeanour.*

I will greatly appreciate your thorough investigation into this matter and prompt actions to address the injustices I have faced. I have immense hope of this injustice being redressed as per the law as this Ministry is the upholder of justice for both the Employer and the Employee.

Thank you for your understanding and prompt attention to this critical issue. I eagerly await a fair resolution that upholds justice and ensures that the rights and entitlements of employees are protected.

Yours sincerely,

Jigme Namgyal  
(17620765)  
Thimphu