

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CWP-11285-2019
Date of decision: 26.07.2023

AMANDEEP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Harish Goyal, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed for seeking issuance of directions to the respondents to release the outstanding amount of Rs. 52,000/- with 12% interest in favour of the petitioner from the date of his services given under the “Mission Swachh Punjab Scheme” as implemented by the Govt. of Punjab on 27.07.2015 as per which the petitioner claims to be serving as Community Facilitator/Resource person at Block Kheda, District Fatehgarh Sahib for the period during 28.03.2016 to 11.07.2016.

2. The petitioner claims that his bills for the aforesaid period have not been released despite the petitioner having undertaken activities under the above said scheme on the pretext that the photographs have not been uploaded whereas in response to the information sought by him under the

Right to Information Act, 2005, the respondents have given details with respect to the photographs of the works undertaken in the said villages under the purported code of the petitioner.

3. Reply on behalf of the respondents had been filed on 27.01.2023 wherein the respondents had specifically taken a plea that the petitioner was hired on 29.02.2016 vide Head of Department, Water Supply & Sanitation. He also completed the training. As per the terms and conditions of the engagement, he was required to carry out Android Mobile Phone for capturing and posting pictures of construction related to soft activities on mobile applications developed for project. However, the petitioner did not comply with the said requirement. Information sought under the Right to Information Act, 2005 vide letter dated 16.10.2017 was in relation to SBM Code M(m) 414 as to whether photographs had been uploaded or not. It was informed that though photographs had been uploaded against the said ID, however, the said ID does not reflect the user name of the petitioner and as such, any data uploaded against the said user ID cannot be *ipso facto* presumed to be the work undertaken by the petitioner since the said user ID is not corroborated by the user name of the petitioner. Various others pleas have raised by the respondents in their written statement about the bills having not been sent after verification and the invoices having not been raised in time. Disputed questions of fact were thus raised by the respondents which such dispute remains uncontroverted.

4. Resultantly, as disputed questions of fact arise for determination in the present petition, which are not possible in exercise of writ jurisdiction, the present petition is disposed of at this stage with liberty to the petitioner to take recourse to the remedies available to him in accordance with law for

seeking redressal of his grievance. Needless to mention that the time spent by the petitioner in pursuing the present remedy shall be duly taken into consideration at the time of computing the limitation for raising the bills.

(VINOD S. BHARDWAJ)
JUDGE

JULY 26, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No