



CWP-19742-2018

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

(102)

CWP-19742-2018

Date of decision:- 27.10.2025

Ravinder Pal and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. N.S.Dandiwal, Advocate, for the petitioner.

Mr. Siddharth Sandhu, Assistant Advocate General, Punjab
for respondent No.1.

Mr. Sukhdeep Singh Bhinder, Advocate, with
Mr. D.S.Dhiman, Advocate and Ms. Indira, Advocate
for respondents No.2 to 6.

SUVIR SEHGAL, J. (Oral)

1. This petition has been filed *inter alia* for issuance of a writ in the nature of certiorari for quashing deductions made from the consultancy bill dated 22.03.2018, Annexure P-8, and for directing the respondents to release the withheld amount to the petitioners.

2. Facts, in brief, are that Giani Zail Singh Campus College of Engineering and Technology, Bathinda (for short “college – respondent No.3”) was allotted third party technical and financial audit by the Department of Rural Development and Panchayati Raj, Government of Punjab, vide letter dated 02.05.2016. After discussing the execution of the work in its meeting dated 26.05.2016, Annexure P-1, college – respondent No.3, allotted the work to senior faculty members vide letter dated 27.05.2016, Annexure P-2, and by office order dated 14.06.2016, Annexure P-3, faculty as well as staff members

were requested to complete the work before the start of next academic session.



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College – respondent No.3 hired some junior faculty members, including some petitioners, on hourly basis vide letter dated 18.07.2016, Annexure P-4, so that work could be completed, expeditiously. After a faculty member was relieved, by order dated 28.08.2016, Annexure P-5, his work was distributed amongst other faculty members.

3. Counsel for the petitioners submits that the bills were raised for the executed work and payment received was distributed amongst faculty and staff members as is evident from Annexures P-6 (colly) and P-7. By making a reference to the detail of active/office share of consultancy bills Annexure P-8, Mr. N.S.Dandiwal, Advocate, counsel for the petitioners, asserts that petitioners, who are staff and junior faculty members, were engaged to assist in the execution of the work, but they have not been released their entire share and deduction has been made from the consultancy bill payable to them. He emphasizes that a similar deduction made from the payment due to Harmanpreet Kaur and Rajesh Kumar, whose names also figured in Annexures P-8, and later payment has been released to them, but petitioners have been discriminated.

4. Petition has been opposed by contesting respondents No.2 to 6, who have filed a joint written statement, wherein it has been stated that neither the Punjab Technical University, nor the college – respondent No.3, has any concern with the payment and it is the Head of the Department of Civil Engineering, who was the team incharge, and he has to disburse the dues. It has been argued by Mr. Sukhdeep Singh Bhinder, Advocate, that Head of the Department of Civil Engineering hired the services and he has to make the



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payment from his own share. He urges that answering respondents have been wrongly impleaded. An objection has been taken that names of petitioners No.1 and 5 do not find mention in the list of faculty members, who have been engaged vide letter Annexure P-4. Reference has also been made by him to Rule 30.10, Annexure R/6/1, to assert that payment has to be made as per Rules framed by college – respondent No.3.

5. I have heard counsel for the parties and examined the documents relied upon by them.

6. There is no dispute about allotment of the technical and financial audit to college – respondent No.3. The only dispute is regarding release of entire share of the petitioners. Petitioners have specifically pleaded that for the audit work, 1% allowance of the total cost of the work was to be given to the Department, which was to be released in two parts. 40% of the payment was to be released after submission of the first visit and the remaining 60% was to be released after the second visit. It was further provided that in case cost of the work is more than Rs.10 lacs, then the same has to be released in three instalments of 30%, 30% and 40% each. Out of the allowance, share of the college was to be released first and share of the faculty etc. was to be released later. The amount of allowance received by way of consultancy fee has to be kept in a separate account as per Rule 30.10, Annexure R/6/1, which is reproduced hereunder:-

“30.10 The deposits of consultancy fee shall be kept in a separate account and funds received as a result of the college share of consultancy will be utilized as per decision of the Board taken from time to time.”



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7. Perusal of Annexures P-6 to P-8 shows that out of the consultancy fee received, shares have been distributed amongst staff and faculty members, however, some deductions have been made vide Annexure P-8, out of the funds payable to the petitioners. This deduction has not been explained by contesting respondents No.2 to 6, in their response, nor have they denied that in a similar situation, deductions made from the amount payable to Harmanpreet Kaur and Rajesh Kumar, have been disbursed to them. Names of all five petitioners figure in Annexure P-8, and it cannot be denied by the respondents that all the petitioners were assigned the duty of assisting in the audit work. As there is no explanation for the deduction made from the amount payable to the petitioners, which was to be kept in a separate bank account, amount cannot be withheld.

8. For the foregoing reasons, respondents No.2 to 6 are directed to release the withheld amount to the petitioners as is depicted in Annexure P-8. The same shall be disbursed to the petitioners within a period of three months with interest @ 6% per annum from the date of issuance of Annexure P-8.

10. With the above direction, writ petition is disposed of.

11. Liberty is granted to respondents No.2 to 6 to recover the amount from the Incharge/Head of Department of Civil Engineering, in case the amount was withdrawn by him.

(SUVIR SEHGAL)
JUDGE

27.10.2025
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No