



2024:UHC:9026-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE MR. MANOJ KUMAR TIWARI
AND
HON'BLE MR. JUSTICE VIVEK BHARTI SHARMA

WRIT PETITION (S/ B) NO. 244 OF 2016

4TH DECEMBER, 2024

Abhilekh Barthwal Petitioner

Versus

State of Uttarakhand and others Respondents

Counsel for the petitioner : None present

Counsel for the respondents : Mr. K.N. Joshi, learned Deputy Advocate General with Ms. Puja Banga, learned Brief Holder for the State / respondent No. 1

: Mr. Neeraj Garg, learned counsel for respondent No. 3

The Court made the following:

JUDGMENT: (per Hon'ble The Acting Chief Justice Mr. Manoj Kumar Tiwari)

Respondent No. 2, i.e. Director, Uttarakhand Council for Biotechnology, Haldi, District Udham Singh Nagar made a request to respondent No. 3 Managing Director, Uttarakhand Purva Sainik Kalyan Nigam Limited to sponsor name of a suitable candidate for engagement through outsourcing as Scientist Engineer. Pursuant to the said request, respondent No. 3 sponsored name of the petitioner



2024:UHC:9026-DB

vide letter dated 23.02.2016, and petitioner joined as Scientist Engineer in Uttarakhand Council for Biotechnology, Haldi, District Udham Singh Nagar on 01.03.2016. Subsequently, Director, Uttarakhand Council for Biotechnology informed the Deputy General Manager, Uttarakhand Purva Sainik Kalyan Nigam Limited (hereinafter referred to as 'UPNL') that services of the petitioner are not needed any more. This letter issued by Director, Uttarakhand Council for Biotechnology has been challenged by the petitioner in this writ petition.

2) Petitioner contend that there is no complaint or adverse material against his work and conduct, therefore, he cannot be disengaged from service and the impugned communication issued by respondent No. 2 is thus liable to be quashed.

3) Per contra, Mr. Neeraj Garg, learned counsel appearing for UPNL, submits that petitioner's engagement was purely contractual through outsourcing agency, and since respondent No. 2 had apprised respondent No. 3 that services of the petitioner are no more needed, therefore, respondent No. 3 cannot do anything in the matter. He further submits that as outsourced employee, petitioner does not have any lien or right to hold the post and, since, the employer does not need the service of an outsource employee, therefore, UPNL cannot insist upon the employer



2024:UHC:9026-DB

to retain the petitioner in employment. He further submits that no termination order has been passed against the petitioner, and petitioner has challenged an inter-departmental communication.

4) We do not find any scope for interference in the matter. Admittedly, petitioner was engaged on contract through outsourcing agency and, since, the employer, i.e. Uttarakhand Council for Biotechnology has expressed its inability to continue the petitioner in employment any further, therefore, this Court cannot compel respondent No. 2 to retain the petitioner as an employee. Thus, there is no scope of interference in the writ petition.

5) The writ petition, accordingly, fails and is dismissed as such. No orders as to cost.

MANOJ KUMAR TIWARI, A.C.J.

VIVEK BHARTI SHARMA, J.

Dt: 4TH DECEMBER, 2024
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