

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

LPA No. 182 of 2015. [O&M]
Date of Decision: 30th March, 2015.

Rajneesh

Appellant through Mr. Johan, Advocate
for Mr. Sandeep Malik, Advocate.

Versus

BPS Mahila Vishwavidyalaya Khanpur Kalan, Sonapat & Ors.
Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

The order dated 08.09.2014 whereby learned Single Judge has dismissed the appellant's writ petition, is under challenge in this Letters Patent Appeal.

[2]. The appellant in his writ petition challenged the letter dated 28.09.2010 whereby the University decided to engage the services of a Company to provide one Technician in the Learning Resource Centre. Against that very post of Technician, earlier the appellant was engaged vide the order dated 09.09.2008 [P-3] and he continued to serve till the University decided to outsource the work to a private Company.

[3]. It appears that as a result of good work and conduct of

the appellant, the Head of the Department under whom he was working recommended his retention.

[4]. Learned Single Judge has rejected the appellant's claim observing that he was not appointed through Employment Exchange or a competitive selection process and that his engagement on contract basis did not confer an enforceable right to continue as Technician.

[5]. We have heard learned counsel for the appellant and gone through the record.

[6]. It is not in dispute that the appellant is out of job for the last more than four years. The person[s] who have been engaged in his place is not a party-respondent. Similarly, the Agency to whom the work was outsourced is also not a party-respondent. In these circumstances, we do not think that any effective relief can be granted to the appellant.

[7]. It is contended by learned counsel that the University has un-authorisedly outsourced the job of Technician with a view to deprive the appellant of the benefits to which he might have been entitled to in accordance with law. According to him, the action of the University authorities amounts to 'unfair labour practice'.

[8]. While we do not find any ground to interfere with the impugned order passed by the learned Single Judge as no effective relief can be granted to the appellant in exercise of writ jurisdiction, he shall, notwithstanding the dismissal of the writ petition or appeal, be at liberty to approach the Authorities under the Industrial Disputes

Act and/or any other statutory Authority under the Labour Laws for

redressal of his grievance.

[9]. Since the appeal has been dismissed on merits, no occasion arises to go into the question of delay in filing of the appeal.

[10]. Disposed of. **Dasti.**

(SURYA KANT)
JUDGE

March 30, 2015.
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(P.B.BAJANTHRI)
JUDGE