

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

**CWP No. 16176 of 2015
Date of Decision: 07.09.2018**

Shiv Shankar and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Kumar Rana, Advocate
for the petitioners.

Mr. Harish Rathee, Senior DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. Heard. Considered the prayers in the light of submissions advanced pro and contra.

2. This petition is disposed of with the direction to the petitioner to represent to the Hospitality Organization/Department-respondent Nos. 2 & 3 underlining the petitioners' grievance and the same are directed to be taken up for consideration by the Secretary to Government Haryana, Hospitality Organization/Department for a decision on the dispute. This direction is deemed necessary so that the Director General Hospitality who passed the order Annex. P-3 and the successor officer who withdrew it on 02.07.2015 (Annex. P-6) are not embarrassed.

3. Accordingly, as a via media the Secretary, Hospitality Organization Department Haryana is requested to look into the matter

and take such steps as he deems wise to resolve the dispute in a spirit of humanism on the limited question whether the labour force (Cooks, Waiters, Helpers etc employed in the Haryana State Guest House Canteen, New Delhi and for Haryana Bhawan, Copernicus Marg, New Delhi are to be engaged through outsourcing agency/ contractor/s or by direct employment method, but in both the cases paid on wages at DC rates.

4. The Secretary will keep aside both the orders (Annex. P-3 & P-6) and take a durable decision uninfluenced by them in public interest. After all the intervention of the Government is required, as was done in the two earlier orders as per original record produced by Mr. Rathee in Court today. The Secretary, Hospitality Organization Department, Haryana is requested to take a holistic decision which is durable and acceptable to both sides in the best interest of canteen services. The petitioners may make a joint representation within one month to the Secretary from supply of certified copy of the order and, thereafter, the decision-making process will start and be completed preferably within a period of next four months.

5. With the above directions, the petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

07.09.2018

kv

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*