

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 17.10.2018****CWP No.26641 of 2013**

Jagjeet Singh

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Balkar Singh, Advocate, for
Dr. S.K.Redhu, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Madan Pal, Advocate, for respondent No.4.

RAJIV NARAIN RAINA, J. (ORAL)

The period of contractual service as Driver was from 15.11.2007 to 15.11.2008. Thereafter, the petitioner was engaged under an outsourcing policy through service provider M/s Millennium Manpower again as a Driver from 18.11.2008 to 20.08.2009 to work in the Haryana Labour Welfare Board. The petitioner admits that he has been out of work since August, 2009. He made a representation to the local MLA requesting that he be re-appointed. However, no written orders were given to him. He says that he made number of representations, but are not placed on the paper-book. Lastly, he says that he served a legal notice (Annex P-10) on the respondents ventilating his grievance. He says that Dharambir and Satnarayan, who were appointed with him as well two others, namely, Mahipal and Narinder appointed after him and junior to him, are still working.

Short reply has been filed by the Joint Labour Commissioner, Haryana, on behalf of respondents No.1 & 2, wherein it has been averred that in March, 2007, the Department issued an advertisement for contractual recruitment / appointment of eligible candidates on different posts lying vacant including the posts of Driver. The regular appointments were made on the recommendations received from the Haryana Staff Selection Commission, Haryana on requisition forwarded by the Board. However, for temporary/contractual appointments etc., the Department could make arrangements at their own level without sending any requisition to the Haryana Staff Selection Commission. Other persons interested applied for appointment on contractual basis as Drivers. The Department of Labour had sent a list of additionally selected (wait listed) candidates for the post of Drivers including the name of the petitioner to the Haryana Labour Welfare Board. After this, the State has had no role to play in the affairs of the Board.

Haryana Labour Welfare Board – respondent No.4 has put in separate reply contesting the petition. It is averred by the Board that the petitioner was offered appointment for a period of six months on 08.11.2007 and he submitted his joining report on 15.11.2007. His services as a Driver were extended for another six months i.e. from 16.05.2008 to 15.11.2008 vide order dated 12.05.2008. No further extension was given to the petitioner after the expiry of the extended term of the contract. Thereafter, the Haryana Building and other Construction Workers Welfare Board engaged M/s Millennium Manpower, Chandigarh as an outsourcing agency in view of the policy of the State Government dated 01.09.2006. Pursuant to the requisition of Drivers by the Board, M/s Millennium Manpower sent the

name of the petitioner to the Board vide letter dated 17.11.2008. Thus, there is no direct employer-employee relationship between the parties on or after 15.11.2008. No driver is directly engaged by the Board. It has been denied that Dharambir, Satnarayan and Narinder were ever engaged by the Board as Drivers. It was the outsourcing agency i.e. M/s Millennium Manpower, which deputed Mahipal as driver in the office of the answering respondent from 01.04.2010 to 31.12.2012. At present, there are three regular posts of Driver (Light Transport Vehicle), which already stand filled up by the Board on regular basis. There is no vacant sanctioned post of Driver available.

A replication has been filed, which does not shatter the version of the Board in its written statement. Thus, I find no ground to interfere in the instant petition in exercise of writ jurisdiction. It is now 10 years that the petitioner has been out of service. He approached the Court for the first time by way of this petition in 2013 i.e. after 5 years in what plainly a dead and stale claim. The petition suffers from inordinate delay and unexplained laches. Hence, the petition deserves to be dismissed on this count as well.

In view of the above factual position, this petition is found totally devoid of merit and is accordingly dismissed.

17.10.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>