

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

CWP No.8209 of 2015
Date of decision: 22.03.2018

Gurpreet Singh

... Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Parveen Bhardwaj, Advocate for the petitioners.
Mr. Padamkant Dwivedi, Advocate for the respondents.

ARUN PALLI, J. (Oral)

The petitioner, vide this petition, has prayed for a direction to the respondents to allow him to continue as Assistant Lineman till he was replaced by a regularly selected candidate, for a contractual employee could not be removed by resorting to a similar arrangement.

In the written statement filed on behalf of the respondents, it is clarified that there never existed a relationship of an employee and an employer between the petitioner and the respondents, for he was engaged through the service provider, namely, M/s Ding Manpower & Security Services Pvt. Ltd., Sirsa. Therefore, the respondents were neither the appointing nor the punishing authority of the petitioner and, thus, the relief prayed in the petition was misconceived as regards the respondents and the petition was liable to be dismissed.

The stand set out by the respondents, has not been controverted, either by filing any replication/counter affidavit or even during the course of

hearing. That being so, the apprehension of the petitioner that the respondents would dispense with his services is devoid of any basis. Even otherwise, service provider of the petitioner, as referred to above, has not even been arrayed as party to the present lis. And the petitioner continues to be in service, though this petition was filed almost three years ago.

Accordingly, no ground is made out to interfere in the exercise of extra-ordinary writ jurisdiction under Article 226 of the Constitution of India. In the event, the services of the petitioner are sought to be dispensed with or terminated, he shall be free to resort to the remedies as admissible in law.

The petition is disposed of in the above terms.

22.03.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO