

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

**CWP No. 30046 of 2017
Date of Decision: 8.1.2018**

Arvind

...Petitioner.

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

ARUN PALLI, J. (ORAL)

This is a petition under Article 226/227 of the Constitution of India, praying for a writ in the nature of Mandamus, directing the respondents to reinstate the petitioner, he has since been acquitted in FIR No. 413 dated 10.10.2012, vide order and judgment dated 17.8.2017 (Annexure P-3).

Briefly, the case set out by the petitioner is that he was working in the respondent department as Driver through an outsourcing agency/contractor. An FIR No. 413 dated 10.10.2012 under Sections 279/337/304-A IPC, Police Station Sadar, Bahadurgarh, District Jhajjar, was registered against the petitioner for causing death on account of rash and negligent driving. Resultantly, services of the petitioner were terminated by the department without issuing any notice or affording any opportunity of hearing. However, vide order and judgment dated 17.8.2017, the petitioner was acquitted of the charges leveled against him. Thus, it is urged that the respondent department is required to reinstate the petitioner.

Concededly, the petitioner was engaged by the department on job work basis through Sh. Sunny Kumar contractor. Nothing is brought on record to show that he was either appointed or his services were terminated by the respondents. Thus, no relationship of employer and employee existed between the parties. The contractor, through whom services of the petitioner were hired, has not even been arrayed as party to this petition. Records show that vide letter dated 25.12.2012 (Annexure P-2), petitioner had represented to the department to permit him to join duties, for he was released on bail. Again, nothing is indicated as to what was the fate of the said representation. On being pointedly asked, learned counsel for the petitioner could not show as to how the petitioner could claim reinstatement against the respondents.

That being so, no interference is warranted in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, the petition is dismissed.

8.1.2018
AK Sharma

(ARUN PALLI)
JUDGE

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO