

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

(243)

CWP-24484-2016

Date of Decision: October 01, 2019

Anil Sethi

.. Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd & others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Hari Om Sharma, Advocate, for the petitioner.

Mr. Padamkant Dwivedi, Advocate, for the respondents.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that petitioner was not an employee of respondent-Nigam, hence the said Nigam has no authority to terminate his services as the petitioner was posted by his employer i.e. the Contractor, who had been given the contract for outsourcing the staff with the respondents and therefore, the termination of his services by the respondent-Nigam on 11.11.2016, is beyond their jurisdiction.

Learned counsel for the respondents states that though, it has been mentioned that the service of the petitioner is terminated, but the same has to be considered in the facts and circumstances of the present case that the petitioner was asked not to report for duty and was returned back to the service provider i.e. Contractor.

Learned counsel for the petitioner admits that the Contractor is not a party to the present writ petition and once, it is admitted case of the petitioner that he was the employee of the Contractor and not of the Nigam, in the absence of the Contractor i.e. employer of the petitioner, no relief can be granted to the petitioner, at this stage.

Faced with this situation, learned counsel for the petitioner prays that he be allowed to withdraw the present writ petition keeping in view the clarification given by the respondents with liberty to the petitioner to avail his remedy against the Contractor as permissible under law, before the appropriate authority.

Dismissed as withdrawn with liberty as prayed for.

October 01, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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