

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19762-2018

Date of Decision:-11.12.2019.

Vikash

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. P.L. Verma, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional A.G., Haryana.

Mr. Nitin Kaushal and Mr. Tarun Kumar,
Advocates for respondent Nos.2 and 3.

SANJAY KUMAR, J. (Oral)

The grievance of the petitioner in this case was with regard to the order dated 09.05.2018 (Annexure P-3), whereby the Municipal Corporation, Gurugram, informed the outsourcing agency, the fifth respondent herein, that it had decided that the services of the petitioner were no longer required.

By order dated 18.08.2018 passed in this writ petition, this Court directed the Municipal Corporation, Gurugram, to consider the case of the petitioner keeping in view the judgment of the Supreme Court in **Hargurpratap Singh Vs. State of Punjab (2007) 13 SCC 292**. Be it noted

that the case of Hargurpratap Singh related to a contractual employee and

not an outsourced employee. In any event pursuant to the above order, the Municipal Corporation, Gurugram, passed order dated 27.11.2018, stating the reasons as to why it did not want to continue with the services of the petitioner, even on outsourcing basis. In the light of the aforesaid development, this writ petition, as framed, no longer survives for consideration on merits.

Further, this Court is of the opinion that no writ petition would lie against an outsourcing agency, being a private entity which is not an authority in terms of the Article 12 of the Constitution. Admittedly, the petitioner has no direct relationship with the Municipal Corporation, Gurugram.

The writ petition is accordingly dismissed.

This order shall not preclude the petitioner from taking recourse to appropriate remedies available to him in accordance with law before the competent forum, if he has any grievance with regard to the action of the outsourcing agency, the fifth respondent.

No order as to costs.

(SANJAY KUMAR)
JUDGE

December 11, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.