

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Writ Petition No. 9201 of 2020 (O&M)**

**Date of Decision: 10.07.2020**

Kuldeep and Others

... Petitioner(s)

Versus

Municipal Corporation, Panchkula and Another

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal**

Present: Mr. Rajeev Anand, Advocate  
for the petitioner(s).

**Anil Kshetarpal, J.**

The present writ petition has been filed by six petitioners under Article 226/227 of the Constitution of India with prayer to grant the following substantive reliefs:

- “(i) *writ in the nature of Certiorari quashing the in most illegal, arbitrary and whimsical termination of services of the petitioners by the respondents against the principles of natural justice as well as in utter violation of the fundamental rights of the petitioners enshrined under Article 14 & 21 of the Constitution of India, without any cause or reason;*
- (ii) *Directions to the respondents to re-instate the petitioners in service along with the benefit of continuity in service and other consequential reliefs considering the respondents dated 10.02.2020 (Annexure P13) &*

17.02.2020 (Annexure P14);

- (iii) *Directions for seeking the pay & allowances for the gap period i.e. 01.11.2017 to May 2018 and thereafter again from September 2018 to November 2018, wherein, by the illegal acts, the petitioners were kept away from service by illegal termination;*
- (iv) *Directions to restrain the respondents from replacing the petitioners with other contractual employees and reinstating the petitioners in service during the pendency of the writ petition.”*

The petitioners claimed that they were working for Municipal Corporation, Panchkula in the Enforcement Wing on contract basis since the year 2014. Although it has not been disclosed in the writ petition, however, learned counsel for the writ petitioners has admitted that the writ petitioners were engaged by an outsourcing agency, M/s Oscar Security and Fire Service, SCO No. 016, NAC Manimajra, Chandigarh. It is the case of the writ petitioners that they are no more working for Municipal Corporation, Panchkula since February, 2020. Previously also, the writ petitioners claim that they were not permitted to work in the year 2017. The writ petitioners filed Civil Writ Petition No. 25600 of 2017 titled as “Kuldeep and Others v. Municipal Corporation, Panchkula and Others”. During the pendency of the aforesaid writ petition, the writ petitioners were permitted to join back. Hence, the previously filed writ petition was withdrawn.

This Court has heard learned counsel for the petitioners and with his able assistance, gone through the writ petition as well as the

documents attached thereto.

As noted above, learned counsel for the writ petitioners has fairly admitted that the writ petitioners were never appointed by the Municipal Corporation even on contract basis. He also admitted that the writ petitioners were engaged by the outsource agency, M/s Oscar Security and Fire Service. Thus, there is no relationship of employer-employee between the writ petitioners and the Municipal Corporation. M/s Oscar Security and Fire Service has not been impleaded as a party-respondent in the writ petition. A bare look at the reliefs sought, it is apparent that the writ petitioners are praying for their reinstatement of services, when their employer is not party-respondent in this petition. The writ petitioners are also praying for direction to release pay and allowances. Such a relief can also not be entertained in the absence of their employer.

Keeping in view the aforesaid facts, the writ petitioners are relegated to the alternative remedy in accordance with law. This Court does not find any good ground to entertain the writ petition under Article 226/227 of the Constitution of India.

With the aforesaid observations, the writ petition is disposed of.

The miscellaneous application(s) pending, if any, shall also stand disposed of in terms of the main order.

**(Anil Kshetarpal)**  
**Judge**

**July 10, 2020**  
**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No