

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

**CWP-12132-2020**

**Dated: 18.08.2020**

Harinder Singh

... Petitioner

Versus

Sterling Transformers and another and others

... Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

PRESENT: Mr. Puneet Sharma, Advocate  
for the petitioner(s).

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**MANJARI NEHRU KAUL, J (Oral):**

Petitioner has approached this Court under Articles 226/227 of the Constitution of India, *inter alia* seeking a writ in the nature of *Certiorari*, for quashing of the impugned termination order dated 10.01.2020 (Annexure P-11) (wrongly mentioned as Annexure P-10 in the writ petition), vide which the services of the petitioners were terminated by respondent No.1 – respondent Company.

2. The short question which arises for consideration is whether the instant writ petition is maintainable against respondent No.1 – Sterling Transformers, which admittedly is a non-government company and which had issued the impugned order Annexure P-10, terminating the services of the petitioner.

3. The grievance of the petitioner is that the impugned order has been passed at the behest and in collusion with respondent No.2 – Punjab State Power Corporation Ltd. (PSPCL), to whom his services had been outsourced by respondent No.1. Learned counsel for the petitioner contends that undoubtedly he was in the employment of respondent No.1,

which admittedly was a private firm, however, there was no embargo for him to approach this Court under Articles 226/227 of the Constitution of India for issuance of a writ of certiorari. In support of his contention, he has placed reliance upon the judgment of the Apex Court rendered in *Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil, 2010(5) Law Herald (SC) 3663*.

4. Heard learned counsel for the petitioner and gone through the material available on record.

5. The contention of learned counsel for the petitioner deserves to be rejected outrightly, precisely for the reason that admittedly the petitioner was not appointed or recruited by respondent No.2 – PSPCL, but by respondent No.1 – Company, which in turn had outsourced his services to respondent No.2. Thus, it leaves no manner of doubt that there was no direct relationship of the petitioner with respondent No.2 – PSPCL.

6. Further, reliance placed by learned counsel for the petitioner on **Shalini Shyam Shetty's case** (supra) is highly misplaced, inasmuch as, the petitioner has failed to satisfy this Court qua any collusion between respondent No.1 – Company and respondent No.2 – PSPCL, with respect to the termination of his services. A perusal of letter dated 10.01.2020 (Annexure P-10) sent by respondent No.2 – PSPCL to respondent No.1 – Company, does not even obliquely indicate that respondent No.2 advised, much less, suggested to respondent No.1 to terminate the services of the petitioner. In fact, respondent No.2 had in the said letter only sought an information from respondent No.1 as to what action had been initiated by them against the petitioner subsequently to the registration of an FIR No.30, under Section 135 read with Section 138 of the Electricity Act, 2003, registered at Police Station Anti Power Theft, Jalandhar.

7. Moreover, it is abundantly clear that the impugned order (Annexure P-11) was passed by respondent No.1 – Company, which admittedly, was not performing any public functions and hence, in the wake of respondent No.1 – Company, not performing any public functions, the writ jurisdiction of this Court cannot be invoked under Articles 226/227 of the Constitution of India.

8. Dismissed.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**August 18, 2020**

*J.Ram*

*Whether speaking/reasoned: Yes/No*

*Whether Reportable: Yes/No*