

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

CWP-16024-2020 (O&M)
Date of decision: 01.10.2020

Tarun Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Narender Kumar Sharma, Advocate for the petitioners.

Mr. Samarth Sagar, Addl. A.G. Haryana.

ANIL KSHETARPAL, J. (ORAL)

The petitioners have filed the present writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of prohibition, restraining the respondents from terminating the services of the petitioners.

Haryana State Roadways has a Depot at Panipat and the petitioners allege that they use to work at that depot. The petitioners claimed that they were employed as Sweeper/Chowkidar by the previous Contractor. It has been pointed out that now a new Contractor has taken over. The petitioners pray that directions should be issued to respondent No.5- M/s Gill Enterprises to continue to engage the petitioners.

This Court has heard learned counsel for the petitioners and with his able assistance perused the paper book.

It is not disputed that the petitioners were never employed by the State of Haryana or the Haryana State Roadways. The petitioners have not been engaged by the new Labour Contractor. Respondent No.5 would not fall within the scope of 'State' as provided under Article 12 of the Constitution of India. Hence the present writ petition under Article 226 of the Constitution of India is not found to be maintainable. Still further, learned counsel for the petitioners failed to draw attention of the Court towards the fact that the petitioners have any legal right to seek directions to the new Contractor to engage the petitioners.

In these circumstances, the petitioners are relegated to the alternative remedy, if any.

Accordingly, the present petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

01.10.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No