

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

Sr. No.121

LPA No.699 of 2020 (O&M)

Date of Decision: 14.10.2020

Naveen Kumar

...Appellant

VERSUS

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.Narender Pal Bhardwaj, Advocate
for the appellant.

S.N. SATYANARAYANA, J.

The matter has been taken up through video conferencing
in the light of COVID-19 pandemic.

The petitioner in CWP No.14830 of 2020 has come in
this intra Court appeal impugning the order of learned Single Judge
dated 18.09.2020. Admittedly, the petitioner is a person, who is
working as a Clerk in 4th respondent-Municipal Committee, Beri. The
records would clearly indicate that he is not appointed by the State,
either as casual employee or temporary employee or under any basis.
On the contrary, his services were outsourced through M/s Khatri
Security and Placement Services. It is in this background, learned
Single Judge, having appreciated the grounds urged in the writ
petition and also the judgment cited in support of case of the
petitioner, which is in the matter of *Secretary, State of Karnataka
and others vs. Umadevi and others, 2006(4) SCC I* and *Amarkant
Rai vs. State of Bihar and others, 2015 (3) Scale 505* and other

matters, has come to the conclusion that the ratio laid down in the aforesaid matters, would not support the case of the petitioner, inasmuch, as he not being appointed either by the State or any of the instrumentality of the State directly and on the contrary, his services were outsourced through M/s Khatri Security and Placement Services. Therefore, the ratio laid down by the Hon'ble Apex Court in the aforesaid judgments, would not be applicable to his benefit and further it has been observed that in the absence of the employer of the petitioner namely M/s Khatri Security and Placement Services, the grounds, which were urged before learned Single Judge, cannot also be entertained.

On going through the grounds urged in this appeal and as well as the order impugned, we are of the considered opinion that the reason given by learned Single Judge, in the order dated 18.09.2020 passed in CWP No.14830 of 2020, appears to be just and proper, both on facts as well as law in question. In the aforesaid circumstance, we are of the considered opinion that the present intra Court appeal against the said order is not maintainable. Accordingly, the same is dismissed.

(S.N. SATYANARAYANA)
JUDGE

(ARCHANA PURI)
JUDGE

14.10.2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No