

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

CWP No. 18767 of 2020
Date of decision: 16.12.2020

115

Sanjay Kumar

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Ashwani Bhardwaj, Advocate,
for the petitioner.

Mr. RKS Brar, Addl. A.G., Haryana.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of order dated 26.05.2020 (Annexure P-1) whereby, his services have been terminated w.e.f. 30.04.2020 by respondent no. 3.

Counsel for the petitioner has submitted that he has been working with the respondents since 2011.

A perusal of the appointment letter dated 06.12.2011 (Annexure P-2) would go on to show that it was issued by Suryavansi Security Service and it was for completion of the work assignment to the post of the Computer Operator. It is the case of the petitioner that he has continued thereafter with the respondents and was also given training etc. before dispensing with his services after a period of almost 9 years. A perusal of Annexure P-8 would also show that the petitioner's name has figured that he was provided to the respondents by Citadel Security Services (Annexure P-8) and, thus, it is apparent that the petitioner has not been appointed by the respondents, though he might have been working with

them through the employment providers, who are not party to the writ petition.

In such circumstances, this Court is of the opinion that disputed questions of facts arise in the present writ petition as to who would be making the payment and who was the principal employer and the writ petition would not be maintainable. A similar view has also been taken by this Court in CWP No. 19762 of 2018, Vikash vs. State of Haryana and others decided on 11.12.2019.

Faced with this situation, counsel does not press the present petition and prays that liberty be given to seek a reference for raising an industrial dispute before the competent Court.

The writ petition is accordingly disposed of with the aforesaid liberty.

16.12.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking	Yes/No
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Whether reportable	Yes/No
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