

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

Sr. No.115

CWP No.705 of 2021

DATE OF DECISION: January 13, 2021

MONIKA

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vikas Lochab, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner was appointed as a Computer Operator in the O/o Deputy Commissioner-cum-Secretary, Regional Transport Authority, Sonapat on contract basis through an outsourcing agency. Her services were placed at disposal of the District I.T. Society vide letter dated 14.12.2020. Subsequently, letter dated 17.12.2020 was issued by the outsourcing agency to the District I.T. Society informing the Member Secretary thereof that separate personnel were being deployed against the existing employees. In the list of existing employees, the name of the petitioner finds mentioned.

Learned counsel for the petitioner submits that it is illegal to replace a contractual employee with another contractual employee.

There is no quarrel with the aforementioned proposition of law. However, if an employee is appointed through an outsourcing agency who supplies manpower, then the principle aforementioned will not apply. The petitioner has been employed through such an arrangement and the service provider is entitled to send other manpower in place of the existing manpower. The aggrieved employee can only have a claim against the service provider and not against the Government.

Accordingly, the writ petition has no merit and is dismissed.

January 13, 2021
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No