

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

213

CWP-2552-2021

Date of decision: 25.02.2021

GAGAN GUPTA

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Amar Singh, Advocate for the petitioner.
Ms. Kirti Singh, DAG, Haryana.
Mr. Lokesh Sinhal, Advocate for respondent No.3.

ANIL KSHETARPAL, J. (Oral)

Through this petition filed under Article 226/227 of the Constitution of India, the petitioner has prayed for the following substantive reliefs:-

- i) Issue an appropriate writ, order or direction especially in the nature of mandamus or any other appropriate writ directing the respondents to regularize and to provide job security to the petitioner who has been working under the respondents department for a term around 3 years.
- ii) Further, respondents may kindly be directed not to dispense with the services of the petitioner as he is serving the respondent-Corporation since 26.06.2018 as junior engineer and his appointment was made by the competent authority against duly sanctioned post.
- iii) Further, respondents may kindly be directed to consider the claim of the petitioner for regularization and to release his due salary immediately. And also direct the respondents not to stop salary in future and pay salary regularly as other employees working in the same department.
- iv) Further, respondents may kindly be directed to release the salary of the petitioner and to allow minimum of pay scale meant for the post of junior engineer as petitioner's appointment was made against duly sanction post by adopting proper procedure of selection.
- v) Further, respondents may kindly be directed not to dispense with or replaced the services of the petitioner by another contractual/ad-hoc employee during the pendency of the writ petition in the interest of justice and equity.

The petitioner claims that he was appointed as Junior Engineer through an outsourcing agency and his salary has not been

paid. He further claims for regularisation.

Ms. Kirti Singh, DAG, Haryana, has entered appearance for respondents No.1 and 2 and states that the petitioner was assigned work for a period of six months as he was engaged through an outsourcing agency and the entire payment for the period for which he has worked, has already been released. She positively asserts that the petitioner was never in the service of the Municipal Corporation. She further submits that the petitioner has not worked for Municipal Corporation after 25.12.2018.

On the other hand, learned counsel for the petitioner submits that the petitioner still continues to work.

Keeping in view the aforesaid facts, it is apparent that disputed questions of fact are involved which are required to be adjudicated after permitting the parties to lead evidence. In view thereof, the petition is disposed of by relegating the petitioner to the alternative remedy.

25.02.2021

(ANIL KSHETARPAL)
JUDGE

ashok

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No