

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

128

CWP-5258-2021

Date of decision: 05.03.2021

SUNIL KUMAR AND ORS

...Petitioners

Versus

NATIONAL INSTITUTE OF TECHNOLOGY KURUKSHETRA AND
OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Tribhuvan Dahiya, Advocate for the petitioners.

Mr. Amarjit S. Virk, Advocate for respondent No.1 and 2.

ANIL KSHETARPAL, J. (Oral)

These 13 writ petitioners have filed writ petition under Articles 226/227 of the Constitution of India with the following substantive prayers:-

- i. Issue a writ in the nature of mandamus directing the respondents to allow the petitioners to work on contract till regular appointments are made on their posts in accordance with law.*
- ii. Further direct the respondents to follow the principle of 'first come last go' in the event of relieving the petitioners on joining of the regularly selected persons.*
- iii. Restrain the respondents from removing the petitioners during pendency of the writ petition.*

The petitioners claim that they have been working regularly for quite some time. It is claimed that since 2014, the petitioners were being employed through contractor, i.e., a service provider. It is not in dispute that the petitioners do not have employer-employee relationship with respondent No.1 and 2. It is also not in dispute that respondent No.3 is not an

instrumentality of the State.

Further, while deciding CWP No.17454 of 2020 (Naresh Kumar and others Vs. Haryana State Warehousing Corporation and others, decided on 02.12.2020), this Bench has relied upon a judgment passed by the Division Bench in **Sharanbir Kaur Vs. State of Punjab and others, LPA No.1910 of 2018**. Wherein while upholding the judgment of Single Bench, the Division Bench held that the writ as prayed for cannot be issued.

For the reasons stated in the aforesaid order, no ground to issue the writ as prayed for is made out .

Dismissed.

05.03.2021

ashok

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No