

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

CWP-12209-2020

Date of Decision: January 21, 2021

RAM SAGAR AND OTHERS

..... PETITIONER(s)

Versus

STATE OF PUNJAB AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tapish Kumar Gupta, Advocate
for the petitioners.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Learned counsel for the petitioner seeks to withdraw this writ petition qua petitioner no.10, as he is serving with respondent no.2, at this stage.

All the petitioners were appointed as Class IV employees with respondent no.2 through an out-sourcing agency i.e. respondent no.6. This writ petition has been filed by petitioners being aggrieved of termination of their services without any notice etc. It is submitted that order dated 09.08.2019 (Annexure P-6), terminating services of petitioners while declaring them surplus, has been illegally passed by respondent no.2 - General Manager, Punjab Agro Foodgrains Corporation Ltd.

Learned counsel for the petitioners is unable to deny that petitioners were admittedly appointed through a service provider i.e. respondent no.6, under the out-sourcing policy. Controversy sought to be raised in this petition is no longer *res integra*. It has been held by Division Bench of this Court in LPA-1910-2018 that once an employee is appointed through an out-sourcing agency, there is no privity of contract between the employee and the State. A service provider is not an agency of the State. Candidates are selected by the service provider and forwarded to the government agency. The service provider enters in an agreement with the State agency to provide the work force on certain terms and conditions. Reference can gainfully be made to *Sunil Kumar and others Vs. State of Punjab and others 2019(3) SCT 310, Nishan Singh Vs. State of Punjab, 2014(4) SLR 146, CWP-19762-2018 Vikash Vs. The State of Haryana and others, decided on 11.12.2019 and CWP-17454-2020, decided on 02.12.2020.*

Learned counsel for the petitioners is unable to distinguish the present case from the abovesaid matters.

Accordingly, this writ petition is dismissed as withdrawn qua petitioner no.10 and dismissed qua the other petitioners.

21.01.2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No