

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

CWP-14416-2019(O&M)

Date of decision:-17.9.2021

Dhanpati

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Argued by: Mr.Anil Kumar Goyat, Advocate
for the petitioner.

Ms.Shubhra Singh, Additional A.G., Haryana.

Mr.Lokesh Sinhal, Advocate
for respondents No.2 and 3.

H.S. MADAAN, J.

1. Petitioner – Dhanpati wife of Rajbir, resident of House No.208/34, Janta Colony, Rohtak has filed the instant writ petition under Articles 226 and 227 of the Constitution of India against respondents i.e. the State of Haryana through Secretary to Government of Haryana, Department of Local Government, Commissioner, Municipal Corporation, Rohtak, Municipal Corporation, Rohtak through Executive Officer/Secretary, Rohtak and M/s Parvati Enterprises, craving for issuance of a writ in the nature of certiorari for quashing the impugned order dated 27.2.2019 passed by respondent No.4 - M/s Parvati Enterprises, vide which post of petitioner has been mentioned as Beldar

instead of Sewadar and that respondent No.4 is not the competent authority to pass termination order as the petitioner has not served under respondent No.4. The petitioner is further seeking quashing of impugned letter dated 18.4.2019 (Annexure P6) vide which services of petitioner have been allegedly illegally terminated during the pendency of CWP No.24134 of 2016 filed by the petitioner and pending before this Court.

2. According to the petitioner, she had filed CWP No.24134 of 2016 in which stay was initially granted to her but it was vacated on 17.1.2019; thereafter respondent No.4 has again illegally terminated the services of the petitioner, which order according to the petitioner is that of Beldar instead of Sewadar. The petitioner had moved an application to respondent No.2 – Commissioner, Municipal Corporation, Rohtak for marking his attendance in machine. However, petitioner was informed that her services had already been terminated vide order dated 27.2.2019 by respondent No.4.

3. The writ petition is being opposed on behalf of learned counsel for the respondents.

4. After hearing the rival contentions, I find that the writ petition is doomed for failure for various reasons. Firstly there is no relationship of employer and employee between the respondents No.2 and 3 and petitioner. The services of petitioner were hired by way of outsourcing through M/s Parvati Enterprises, Rohtak. Therefore, such relationship exists between M/s Parvati Enterprises, Rohtak and petitioner – Dhanpati. Even otherwise, a writ petition against a private entity is not maintainable. Once it is found that petitioner is not in

employment of Municipal Corporation, Rohtak, then passage of time howsoever long it may be shall not provide any right of regularization to the petitioner. The writ in question is doomed for failure and is dismissed accordingly.

17.09.2021

Brij

(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**