

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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LPA No. 661 of 2021

Date of Decision: November 23, 2021

Karan Singh

....Appellant

VERSUS

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Sheena Khanna, Advocate for the appellant.

G.S. SANDHAWALIA, J(Oral).

The challenge in the present letter patent appeal is against the judgment/order dated 06.07.2021 passed by learned Single Judge in CWP No.11812 of 2021 (*Karan Singh vs. State of Haryana and others*).

Learned Single Judge has declined the issuance of a writ of mandamus, whereby, prayer was also made by the petitioner-appellant to allow him to continue in service on the post manned by him in the office of respondent No.5-the service provider. Learned Single Judge has also referred to the fact that the petitioner-appellant was appointed as Data Entry Operator on contract basis through an outsource contractor/service provider on 08.09.2020 to work in the office of respondent No.4 i.e. Women and Child Development Project Officer, Siwan, Kaithal. After working for 2 days, his services were discontinued by respondents No.4 and 5, which is apparent from the pleadings as such in the writ petition also.

Perusal of the appointment letter dated 08.09.2020 (Annexure

P-1) would also go on to show that service provider had referred the name of

petitioner to respondent No.4. It is apparent that appointment of the petitioner was made by the service provider. In the considered opinion of this Court, the writ petition is not maintainable against the service provider. Reliance can also be placed upon the judgment dated 06.07.2021 in LPA No.509 of 2021 (*Mohit vs.State of Haryana and others*), wherein, in similar circumstances, the view taken by learned Single Judge in CWP No.19762 of 2018 (*Vikash vs. The State of Haryana and others*) decided on 11.12.2019 was approved. The reasoning was that there was no direct relationship of petitioner with the Municipal Corporation, Gurugram and therefore, prayer to rejoin on the post of Data Entry Operator on contractual basis, had been declined.

If the appellant has any legal right against the service provider, it is open for him to seek remedies, in accordance with law.

The writ petition, as such, is not maintainable against the service provider and the State is not the employer. Accordingly, there is no merit in the present appeal. The same is dismissed in limine with the aforesaid liberty.

(G. S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

November 23, 2021

Sachin M.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No