

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 17692 of 2020 (O&M)
Date of Decision:21.01.2021

Jagmander and others

.....Petitioners

Versus

Haryana State Warehousing Corporation and others .

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Abhivrat Arya, Advocate
for Mr. Ashutosh Kaushik, Advocate
for the petitioners.

Mr. Jagbir Malik, Addl.AG., Haryana.

LISA GILL, J(Oral).

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

Present writ petition has been filed seeking a direction to the respondent-authorities to allow the petitioners to continue to work for them. Petitioners in this case were employed on contractual basis as security guards through a service provider.

It is submitted that the petitioners have been replaced by the respondent-authorities by fresh set of contractual employees in an illegal and arbitrary manner. Thus this writ petition be allowed and the petitioners be permitted to work on the said posts on which they were working.

Heard.

It is not denied that the petitioners were appointed in terms of the Outsourcing Policy, Annexure P-2, through a service provider. The

controversy sought to be raised in this case, is no longer *res integra*.

Learned counsel for the petitioner is unable to deny that the controversy is squarely covered by various decisions. Division Bench of this Court in **Nishan Singh and others versus State of Punjab and others 2014 (11) RCR (Civil) 262** has observed that a service provider is not an agency of the State. The service provider enters into an agreement with the State agency to provide the work force on certain terms and conditions. Candidates are selected by the service provider and supplied to the Government department. Thus, in this scenario it cannot be held that there is any privity of contract between the contractual employees and the State/department. Similarly situated persons, as the petitioners had filed CWP-17478 of 2020, with the difference that service provider in said case was not impleaded. CWP-17478 of 2020 was dismissed on 7.12.2020 after considering similar contentions as raised in this petition. Learned counsel for the petitioners is unable to point out any distinction in the present writ petition.

In view of order dated 07.12.2020 passed in CWP No. 17478 of 2020, as well as order dated 02.12.2020 passed in CWP No. 17454 of 2020, this writ petition is dismissed with no order as to cost. Petitioners are however at liberty to avail any alternate remedy/remedies as may be available to them qua service provider. Pending applications, if any, stand disposed of accordingly.

21.01.2021
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No.