

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

215/A

**LPA No.38 of 2021 (O&M)
Decided on : 28.03.2022**

Rohit Yadav and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Amarjit Beniwal, Advocate for
Mr. Jagjeet Beniwal, Advocate for the appellants.

Mr. Hitesh Pandit, Addl. AG, Haryana.

G.S. Sandhawalia, J. (Oral)

Challenge in the present letters patent appeal is to the order of the learned Single Judge dated 06.01.2021 passed in CWP No.111 of 2021 'Rohit Yadav and others Vs. State of Haryana and others', whereby the writ petition was dismissed by placing reliance upon the judgment passed in CWP No.17454 of 2020 'Naresh Kumar and others Vs. Haryana State Warehousing Corporation and others' decided on 02.12.2020.

The benefit as such of directions to continue in service was denied on account of the fact that the writ petition filed by similar employees had been dismissed and there was no relationship of employer and employee between the petitioners and State of Haryana or its instrumentalities. Nothing could be shown by counsel for the appellant that appeal had been preferred against the said decision. Even otherwise while issuing notice of motion reference was made to the pendency of LPA No.4957 of 2018 'Rajiv Kumar and others Vs. State of Punjab and others', which has been dismissed today.

A perusal of the paper-book would go on to show that challenge was also made to the order dated 11.12.2020 (Annexure P-8) wherein termination order had been passed by respondent No.5 which is a manpower agency. The writ petitioner was appointed only on 09.09.2020 (Annexure P-1) and his service had been dispensed within 3 months.

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-2-

In such circumstances no fault as such can be found in the order of the learned Single Judge, wherein a writ petition filed against the private agency had been dismissed and, therefore, the jurisdiction of the writ Court to issue mandamus to continue in service would not be maintainable. Even otherwise there are alternative and efficacious remedies available with the writ petitioner and on merits the same was not maintainable. Keeping in view the short tenure as such of the writ petitioners and the fact that they were not responding to the office staff, though they had been appointed on contractual basis, the termination had taken place.

Resultantly, there is no merit in the present appeal and the same is dismissed.

**(G.S. SANDHAWALIA)
JUDGE**

**(VIKAS SURI)
JUDGE**

March 28, 2022
Naveen

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No