

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

114

CWP-10117-2022

Date of decision : 12.07.2022

Rambir Yadav

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Manish Soni, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Harsh Aggarwal, Advocate for respondents No.4 and 5.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 24.11.2021 (Annexure P-7) whereby his appeal has been dismissed by the Educational Tribunal.

Learned counsel for the petitioner submits that although the petitioner had been ostensibly employed through an outsourcing agency but for all practical purposes, he was an employee of the respondent/school. The school was providing him medical insurance, training, advances, loans etc. The petitioner had worked for over ten years and therefore, his services could not have been terminated in an arbitrary manner. He has relied upon the judgment of the Supreme Court in the case of **Hussainbhai versus The Alath Factory Tezhilali Union and others**, 1978(4) SCC 257. He further submits that the matter pertains to the Industrial Disputes Act, 1947 and the petitioner had not admittedly approached the Labour Court.

Heard.

The petitioner had been employed with respondent No.4/School as a Driver through an outsourcing agency, namely, M/s Shivam Consultants & Engineers-respondent No.6. The contract with the outsourcing agency had been terminated, therefore, the services of the employees, who had been recruited through the outsourcing agency had been discontinued. Merely because the respondent/School had been providing various facilities to the petitioner for medical insurance, loan and advances etc., it could not be said that the petitioner had been engaged directly by the school and was an employee of the school.

The judgment in the case of **Hussainbhai versus The Alath Factory Tezhilali Union and others(supra)** pertains to a case under the Industrial Disputes Act, 1947 while the petitioner in the instant case has not approached the Labour Court.

In view of the above, I do not find any infirmity in the impugned order of the Tribunal whereby the appeal of the petitioner has been dismissed.

Consequently, the petition stands dismissed. However, the petitioner would be at liberty to seek recourse to an alternative remedy available to him under the law.

(ANUPINDER SINGH GREWAL)
JUDGE

July 12, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No