

258 (3 cases)

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

CWP-16173-2021

Date of decision: 01.12.2022

Sushil Kumar		...Petitioner
	VS	
State of Haryana and others		...Respondents

CWP-15390-2021

Sachin and others		...Petitioners
	VS	
State of Haryana and others		...Respondents

CWP-15582-2021

Pankaj Kumar		...Petitioner
	VS	
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sandeep Goyal, Advocate,
For the petitioners.

Ms. Mamta Singla Talwar, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Vide this common order, the above-mentioned three petitions are being disposed of, since not only the facts but the issues raised therein are also similar. For brevity, recitals are being taken from CWP-16173-2021.

2. Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order dated 30.04.2021 (Annexure P-4), vide which petitioner has been relieved from his service due to

change of service provider and letter dated 12.08.2021 (Annexure P-

5), vide which other fresh employee has been appointed in place of the petitioner.

3. I have heard rival contentions of learned counsel for the parties and gone through the record.

4. Concededly, services of the petitioners herein were hired on contractual basis through an outsourced private-contractor. The relief sought by the petitioners is effectively against the private contractor. Official respondents have been arrayed herein stating that the petitioners, though outsourced they are still amenable to writ jurisdiction as their services were being utilized in their office which is a State functionary. Prayer of the petitioners is that being contractual employees, they are entitled to continue on contract as long as there is requirement of job and that their services cannot be dispensed with merely to accommodate another contractual substitute. Reliance is placed on Apex Court judgment in **Hargurpartap Singh versus State of Punjab and others** reported in (2007) 13 SCC 292.

At this juncture, it is worthwhile to mention that the proposition laid down in **Hargurpartap Singh's case (supra)** is applicable *qua* contractual employees and not an outsourced employee of a private contractor. In the case at hand, the petitioners being employee of a private contractor, the present writ petitions are not maintainable before this Court as the outsourcing agency is not an Authority in terms of Article 12 of the Constitution. In fact, similar views have already been taken by my learned Brother

Harsimran Singh Sethi, J., in judgment dated 20.05.2021 rendered in CWP-9996-2021 titled *Mukesh Kumari and others Versus State of Haryana and others*. Reference may be had to the same and it is not being reproduced here for the sake of brevity.

5. Learned State counsel informs that against the view taken by my learned Brother, intra-court appeal filed vide LPA-546-2021 has also been dismissed.

6. In the premise, writ petitions are held to be not maintainable and are disposed of with liberty to the petitioners to seek alternative remedy, as may be available under law, if so advised.

7. Pending application(s), if any, shall also stand disposed of.

8. Photocopy of this order be placed on the connected case files.

(ARUN MONGA)
JUDGE

December 01, 2022
vandana

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