

**In the High Court of Punjab and Haryana at Chandigarh**

**262**

**CWP-18190-2019 (O & M)**

**Date of Decision: September 13, 2022**

**DHARAMVIR AND OTHERS**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr.G.S. Gopera, Advocate for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Hitesh Pandit, Advocate for respondents No.2 and 3.

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**ANUPINDER SINGH GREWAL, J (ORAL)**

The petitioners have challenged the order dated 05.12.2018 (Annexure P-10) whereby their representation for grant of equal pay as is being paid to the regular employees has been dismissed.

Learned counsel for the petitioners submits that the petitioners are working as Assistant Lineman with the respondents for over 08 years and they are performing their duties with same responsibilities as are being performed by the regular employees. He also submits that the petitioners are, therefore, entitled to equal pay as is being paid to the regular employees.

Heard.

The petitioners are outsourced employees. It has been held by this Court in CWP-18798-2021 titled as **Yogesh Sharma versus Municipal Corporation, Faridabad and others** decided on 12.05.2022 that a petition preferred by an outsourced employee would not be maintainable. It is settled law that no writ petition would lie against an outsourcing agency, as it is not an authority in terms of Article 12 of the Constitution of India. Reference can be made to the judgment of a Division Bench of this Court in the case of **Nishan Singh and**

others versus State of Punjab and others, 2014(11) RCR (Civil) 262, wherein it has been held that the service provider who has selected the candidates for work in the government department, is not an agency of the State. The appellants therein were neither selected under any service rules applicable to regular employees of the State of Punjab nor did they apply under any advertisement for their appointment as contractual or regular employees of the state. It was further held that the acceptance of the claim of the appellants therein for continuation of services would amount to a back door entry to public employment in total disregard to the mandate of Articles 14 and 16 of the Constitution of India.

In view of the above, the petition is dismissed, especially when the petitioners were employed through outsourcing agency and were being paid salary through the outsourcing agency.

However, the petitioners would be at liberty to seek recourse to the alternative remedy available to him under the law.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**September 13, 2022**  
**A.Kaundal**

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