

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

216

CWP-15090-2017

DATE OF DECISION: 28.03.2022

TINU SHARMA

... Petitioner(s)

Versus

STATE OF HARYANA AND ANR

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sajjan Singh, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has sought a direction to the respondents to retain the services of the petitioner and release his salary from November 2016 to April 2017.

Learned counsel for the petitioner contends that initially the petitioner was employed by an outsourcing agency namely Delta Security Forces (Regd.). However, after the expiry of the contract in October 2016, the services of the petitioner were retained by respondent No.2. He also contends that the record of attendance at Annexure P-3 indicates that the petitioner was employed by the respondents directly.

In the reply filed by the respondents, it is stated that the petitioner was never appointed or offered any appointment by the respondents. The tender for inviting auxiliary services were issued to an outsourcing agency namely M/s Radha Krishan Cooperative Society Ltd. Kurukshetra from 14.08.2014 which expired on 15.04.2017 and from 16.04.2017 M/s Believe Solution Services, Z-1, New Palam Vihar, Gurgaon has been providing services. As per the agreement with the outsourcing agencies, the

consolidated bill of wages was to be reimbursed by the respondents on the basis of record of attendance.

Heard.

It is, thus, manifest that the petitioner was appointed through outsourcing agency namely M/s Radha Krishan Cooperative Society Ltd. Kurukshetra. Mere record of attendance maintained by the respondent would not indicate that the petitioner had been employed by the respondents directly. No replication has been filed denying that the services of the petitioner have been engaged through outsourcing agency.

Consequently, I do not find any merit in this petition especially when the petitioner had been engaged through outsourcing agency. In case the petitioner has not been paid the salary for the period he worked, he would be at liberty to seek recourse to the alternative remedy available to him to claim the same from the outsourcing agency.

The petition stands disposed of with the aforesaid liberty.

(ANUPINDER SINGH GREWAL)
JUDGE

28.03.2022

SwarnjitS

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