

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

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CWP-13713-2018 (O&M)

Date of decision : 15.03.2022.

Rajesh Kumar

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Raman B. Garg, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

Mr. Rajesh Sheoran, Advocate for respondent No.3.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioner is seeking a direction to the respondents to treat him as Computer Operator/Data Entry Operator and to pay wages at DC rates since June 2017 in terms of Annexure P-6.

Learned counsel for the petitioner contends that the petitioner was appointed as Computer Operator/Data Entry operator w.e.f. 01.01.2013 by the respondent/Corporation through contractor against regular sanctioned post of Clerk. He was removed from service on 13.08.2018 after issuance of notice in this petition.

Learned counsel for respondent No.3, however, states that the petitioner had been appointed in terms of the outsourcing policy. Respondent No.3 had entered into a contract with a contractor for providing the services. The contract had come to an end on June, 2017. The outsourcing contractor had not sent the name of the petitioner in the list of Peons for the subsequent

period.

Heard.

The petitioner had been appointed through outsourcing agency to work with respondent No.3. The contract of the contractor had been extended from time to time and subsequently, the contract of the petitioner was not extended by the outsourcing agency. The outsourcing agency which had appointed the petitioner has not been impleaded as a respondent. Even otherwise, the writ petition would not be maintainable against an outsourcing agency as it would not fall under the definition of 'State' under 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** and the judgment of a Coordinate Bench in the case of **Kailash Chand and others versus Urban Local Bodies Department, Haryana and others** passed in CWP No.21345 of 2021, decided on 18.01.2022.

Consequently, I do not find any merit in this petition which stands dismissed.

This order has been passed only while deciding the writ petition and would not come in the way of the petitioner if he seeks recourse to an alternative remedy available to him under the law.

(ANUPINDER SINGH GREWAL)
JUDGE

March 15, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No