

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

**CWP-22485-2016 (O&M)
Date of Decision: 24.08.2022**

Sh. Bhagwan Singh and others	Versus	Petitioners
State of Haryana and others		Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Mohit Rathee, Advocate
for the petitioners.

Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus for directing respondents No.2 to 5 to release the salaries of the petitioners i.e. Rs.9,900/- per month for the period from 01.11.2011 to 31.10.2012 and 01.01.2014 to 30.04.2014.

2. In the return dated 23.02.2018 filed by respondent No.4 on behalf of respondent No.1, qua the factual averments pleaded in the petition, following stand has been taken:

“That the petitioners have filed the present writ petition for issuing directions to the respondents to release the salaries of the petitioners i.e. Rs.9900/- per month, from the period 1.11.2011 to 31.10.2012 and 1.1.2014 to 30.04.2014. It is submitted that no pay of the respondents as the petitioner have never worked with the answering respondents and no sanction was granted by the Govt. regarding the petitioners. From 1.11.2011 to 31.10.2012 manpower was provided by service provider Vinayaka Enterprises. Regd. Office 211, 2nd floor, Radha Palace, Gurudwara Road, Gurgaon and for the period from 1.1.2014 to 30.4.2014, manpower was provided by service provider Sidhi Vinayaka Enterprises, 725A/30 Chinoiot Colony Rohtak, but no

sanction regarding the petitioners was ever granted by the Govt. The pay of the staff provided by the outsourcing agencies is disbursed by the service provider through which they are engaged. The bills are produced by the service provider before the department and payment is released to the service provider from time to time. All the pending bills of the service providers accordingly have been cleared by the department. The petitioners were never appointed by the respondents on any post and no sanction was granted by the Govt.

In view of above submissions, the present writ petition of the petitioners is liable to be dismissed.”

2. In view of the above uncontroverted stand taken, since no replication or any further affidavit has been filed, there is not much for this Court to adjudicate upon the alleged pending payment towards the salary dues of the petitioner. However, the respondents are directed to verify from the outsourced service providers, namely, Vinayaka Enterprises and Sidhi Vinayaka Enterprises, who are admittedly their agents and had deputed services of the outsourced employees in the offices of the respondents, whether the salary for the disputed period has been paid by them. Subject to the verification that the services were in fact rendered in the office of the respondents, the proof of payment thereof be taken from the service providers. In case, the petitioners are held entitled for the salary for the period services were rendered by them, then the pending dues shall be paid by the department and the recovery shall be effected from the service providers by the department in accordance with law.

3. In fact, in the parting, it would not be out of place to observe that the department is well advised that they should devise a mechanism wherein payment of salaries be made in a transparent manner by an outsourced

should insist on providing proof of payment made to the outsourced employee, by way of obtaining specific receipt of every month,qua each employee outsourced employee, from the service provider and, only thereafter the future dues shall be remitted to the service provider in orderto avoid situation of the kind as has arisen in the present case.

- 4. Disposed of accordingly.
- 5. Pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

August 24, 2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No