

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21345 of 2021 (O&M)

Date of Decision:18.01.2022

Kailash Chand and others

.....Petitioners

Versus

Urban Local Bodies Department, Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Udit Mehndiratta, Advocate
for the petitioners.

Ms. Kirti Singh, DAG., Haryana.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this writ petition is for a direction to the respondents to reinstate the petitioners on their respective posts/designations at Municipal Corporation, Panchkula and for quashing the relieving orders Annexures P-2 to P-4.

It is submitted that the petitioners served the Municipal Corporation, Panchkula, from 01.01.2018 to 18.08.2021 being appointed on different dates during this period. However, the petitioners have been relieved from their services in an absolute unjustified manner without even disclosing any reason, whereas their work and conduct has been satisfactory. Learned counsel for the petitioners points out that relieving order dated 20.04.2021 in respect to petitioners no.1 and 2 and relieving order dated 31.07.2021 in regard to petitioners no.5 and 9, was issued, wherein it is mentioned that services of the said petitioners were no longer required by

the department. Services of all petitioners are stated to have been dispensed with. It is submitted that the petitioners at-least be made aware of the reason for dispensation of their service.

Heard learned counsel for the petitioners.

Learned counsel for the petitioners is unable to deny that the petitioners were appointed through an outsourcing agency i.e., respondent no.5. There is admittedly no appointment letter issued to the petitioners. Keeping in view the facts and circumstances of the case, it is clear that privity of contract does not exist between the petitioner and respondents No. 1 to 4. Controversy at hand stands conclusively settled now. Reference in this regard can gainfully be made to a judgment of a co-ordinate Bench in CWP-29655-2018 titled **Anmol Garg and another versus State of Punjab and others**, which has been upheld in **LPA-1910-2018**. The First Division Bench of this Court in **LPA- 1910-2018** upheld the decision of the Single Bench while specifically observing as under:-

“Learned Single Judge finding that the appellant was an employee of outsourcing agency which was having a license under the contract to supply manpower held there was no privity of contract between the appellant and the employer and she was not even a contractual employee. The principle being canvassed before us applies only in case there is a privity of contract between the employee and the employer. In the case in hand, the appellant was an employee of the service provider. The benefit of the said principle is not liable to be extended to her and, thus, we do not find any illegality committed by learned Single Judge in dismissing the writ petition.”

Reference in this regard can also be made gainfully to CWP-19762- 2018 titled **Vikash versus The State of Haryana and others**.

A Division Bench of this Court in **Nishan Singh and others versus State of Punjab and others 2014 (11) RCR (Civil) 262** has clearly

observed that a service provider is not an agency of the State. The service provider enters into an agreement with the State agency to provide the work force on certain terms and conditions. The candidates are selected by the service provider and supplied to the Government department. Thus, in this scenario it cannot be held that there is any privity of contract between the contractual employees and the State/department.

Keeping in view the definitive pronouncement of the Division Bench of this Court, I do not find any ground for interference in this writ petition, at this stage.

Accordingly, this writ petition is dismissed with no order as to cost. Needless to say, petitioners are at liberty to avail the remedy/remedies as may be available in accordance with law.

18.01.2022
s.khan

[LISA GILL]
Judge

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