

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

CWP-23054-2019

DATE OF DECISION: 30.08.2022

NAZIM

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

.... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rajesh Arora, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Hitesh Pandit, Advocate for respondent No.3.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking quashing of the order dated 18.04.2019 (Annexure P-12) whereby his services have been withdrawn with immediate effect.

Learned counsel for the petitioner submits that the petitioner has been erroneously removed from service without any opportunity of hearing.

Learned counsel for the respondent No.3 submits that the petitioner was outsourced employee and therefore, this petition would be rendered infructuous.

Heard.

The petitioner had been appointed on outsourcing basis through a private contractor. The Division Bench of this Court in the case of Nishan Singh and others versus State of Punjab and others, 2014 (11) RCR (Civil) 262, has held that the service provider who has selected the candidates for work in the government department, is not an agency of the State under Article 12 of the Constitution of India and writ petition would not be

maintainable. This Court in the case of Kamal Kant Mehta Vs. State of Punjab and others, CWP No.2053 of 2020, decided on 20.05.2022 and Yogesh Sharma Vs. Municipal Corporation Faridabad and others, CWP No.18798 of 2021, decided on 12.05.2022 had also dismissed petitions preferred by outsourced employee on maintainability.

Consequently, the petition stands dismissed as not maintainable.

However, the petitioner would be at liberty to avail the alternative remedy in accordance with law.

Civil miscellaneous application, if any, also stands disposed of.

30.08.2022

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No