

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

**CWP NO. 26897 OF 2022**

**DATE OF DECISION 23.11.2022**

**Shree Bhagwan**

**...Petitioner**

**Versus**

**State of Haryana and others**

**...Respondents**

**CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Man Mohan, Advocate,  
for the petitioner.

Mr. Pankaj Middha, Addl. AG, Haryana.

**ARUN MONGA, J. (ORAL)**

Petition herein, inter alia, is for issuance of a writ in the nature of mandamus/certiorari seeking quashing of letter dated 16.03.2022 (Annexure P-9) and impugned order dated 06.10.2022 (Annexure P-14) and for reinstatement of the petitioner.

2. Heard learned counsels for the parties.

3. Concededly, services of the petitioner herein were hired on contractual basis through an outsourced private-contractor who, though is not made a party, but the relief sought by the petitioner is effectively against contractor. Official respondents have been arrayed herein stating that they are amenable to writ jurisdiction as his services were being utilized in office of a State functionary. Prayer of the petitioner is that being a contractual employee, he is entitled to continue on contract as long as there is requirement of job and that his services cannot be dispensed with merely to accommodate another contractual substitute.

Reliance is placed on Apex Court judgment in “*Hargurpartap Singh versus State of Punjab and others*” reported as (2007) 13 SCC 292.

4. At this juncture, it is worthwhile to mention that the proposition laid down in *Hargurpartap Singh's case (supra)* is applicable *qua* contractual employees of state and not an outsourced employee of a private contractor. In the case at hand, the petitioner being employee of a private contractor, the present writ petition is not maintainable before this Court as the outsourcing agency is not an authority in terms of Article 12 of the Constitution. In fact, similar views have already been taken by my learned Brother Harsimran Singh Sethi, J., in judgment dated 20.05.2021 rendered in *CWP-9996-2021* titled “*MukeshKumari and others Versus State of Haryana and others*”. Reference may be had to the same and it is not being reproduced here for the sake of brevity.

5. Learned State counsel informs that against the view taken by my learned Brother, an intra-Court appeal filed vide LPA-546-2021 has also been dismissed.

6. In the premise, writ petition is held to be not maintainable and is disposed of with liberty to the petitioner to seek alternative remedy, as may be available to him under the law, if so advised.

7. Pending application(s), if any, shall also stand disposed of.

**NOVEMBER 23, 2022**  
Shalini

**(ARUN MONGA)**  
**JUDGE**

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