

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-351-2021 (O&M)

Date of decision: 14.12.2023

Sunil Kumar and others

...Appellants

Vs.

National Institute of Technology
Kurukshetra and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Deepak Kundu, Advocate
for the appellants.

Mr. A.S. Virk, Advocate
for respondent No. 1 and 2.

Ritu Bahri, Acting Chief Justice

1. The instant appeal, under Clause X of the Letters Patent Appeal, is against the judgment dated 05.03.2021 passed by the learned Single Bench of this Court, whereby petition (CWP-5258-2021) filed by petitioners/appellants has been dismissed.

2. A bare perusal of the judgment of the learned Single Judge shows that the petition filed by petitioners/appellants was dismissed, keeping in view the Division Bench Judgment of this Court passed in LPA No. 1910-2018 titled as ***Sharanbir Kaur vs. State of Punjab and others, decided on 10.12.2018*** and CWP No. 17454-2020 titled as ***Naresh Kumar and other vs. Haryana State Warehousing Corporation and others, decided on 02.12.2020*** wherein it was held that since there was no privity of contract between the Corporation and petitioners, the writ petition seeking direction to the respondents to not replace them with fresh set of contractual

employees, is not maintainable.

3. In the present case as well, the petitioners/appellants have been working regularly since 2014 and they were employed through contractor i.e service provider. Thus, the petitioners/appellants do not have employer-employee relationship with respondent Nos. 1 and 2. Respondent No. 3 is not an instrumentality of the State.

4. Since it is not in dispute that the petitioners/appellants were working through contractor, the writ petition filed by them was rightly dismissed.

5. After going through the contents of appeal as well as the impugned judgment, no ground is made out to interfere in the judgment passed by learned Single Judge. Accordingly, the appeal stands dismissed.

6. Since the main appeal is decided, all the pending miscellaneous applications stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

14.12.2023
G Arora

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