

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

**Sr. No.239**

**CWP-11213-2019**  
**Date of Decision:23.03.2023**

**RAJBALA**

.... Petitioner

Versus

**STATE OF HARYANA AND OTHERS**

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

**Present:-** Mr. J. P. Sharma, Advocate  
for the petitioner.

Mr. Rajesh Gaur, Additional A. G., Haryana.

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1. The present Civil Writ Petition has been filed under Article 226/227 of the Constitution of India for issuance of appropriate writ, order or direction especially a writ in the nature of mandamus directing the respondents to reinstate the petitioner in the office of respondent No.3 with continuity of the service.

2. The learned counsel for the petitioner submits that the petitioner was appointed in the office of respondent No.3 on 05.08.2012 as Class-IV part time employee, where she continued to work till 03.08.2018, thereafter the services of the petitioner were terminated and another contractual employee namely Sunita was appointed in place of the petitioner which is in violation of the settled law by Hon'ble Supreme Court in Hargurpratap Singh Vs. State of Punjab (2007) 13 SCC 292. The petitioner filed application before the Assistant Labour Commissioner, Rewari for redressal of her grievance and vide order dated 19.11.2018, the same was disposed of by relegating the petitioner to submit her claim in competent Court. Subsequently the petitioner had been given fresh appointment in the office of respondent No.4 i.e. Principal Government Women College, Ateli, District Mahendergarh which was about 20 Kms

away from the place of the residence of the petitioner and thus he prays that the petitioner be reinstated in the office of respondent No.3 i.e. the Principal Government College Women, Narnaul with continuity of the service.

3. Learned State counsel submits that the petitioner was engaged on 24.08.2018 as mali on fresh appointment on contract basis in the respondent college through her service provider i.e. M/s Dev Enterprises and there is no employee-employer relationship between the petitioner and the respondent No.4 and rather she was an employee of service provider. The petitioner remained absent from duty without any information on various occasion i.e. on 20.06.2019 to 30.06.2019, 03.07.2019 to 19.07.2019 and thereafter w.e.f. 22.07.2019. The petitioner refused to serve as mali and has given in writing dated 02.09.2019 that she does not want to continue as a mali.

4. I have heard the learned counsel for the parties. As per the documents on file there is no record to show that there exist employee and employer relations between petitioner and respondents No.3 and 4 at any stage even otherwise the petitioner was asked to serve as mali at Ateli but instead of that the petitioner had given in writing dated 02.09.2019 that she does not want to work as a mali at Ateli. Even there is no replication to the averments made in the written statement. No case is made out for interference.

5. Dismissed.

(HARNARESH SINGH GILL)  
JUDGE

23.03.2023  
M.Sikka

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