

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

211

CWP-10284-2018

Date of Decision :-07.12.2023

Radhey Shyam**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. B.R. Rana, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance of the petitioner is that the petitioner has not been given extension in service despite the fact that he was fully eligible for the same. Prayer of the petitioner is for issuance of a direction to the respondents to allow the petitioner to continue in service on the post on which he was working.

2. Upon notice of motion, the respondents have filed reply. In para-5 of the reply, it has been mentioned that the petitioner was appointed through private outsourcing agency i.e. M/s Roshni Security Services and Manpower. Respondents have also attached letter Annexure R-3 by which, the said outsourcing agency deployed the petitioners with the respondent-department. Learned counsel for the respondents submits that there was no master and servant relationship between the petitioner and the respondent-department hence, the claim raised by the petitioner against the respondent-

department is liable to be rejected.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. The facts which have been noticed hereinbefore are the conceded facts. There is no replication filed to rebut the averments made by the respondent-State in para-5 of the reply or in letter Annexure R-3, which shows that the private agency M/s Roshni Security Services and Manpower had deployed the petitioner with the respondent-department. That being so, it cannot be said that there is a master and servant relationship between the petitioner and the respondent-department as the petitioner was the employee of the private outsourcing agency hence, no claim with regard to the continuation in service can be raised by the petitioner with the respondent-department.

5. Furthermore, benefit of continuation in service qua the outsourcing agency cannot be looked into by this Court as the writ petition is not maintainable against the private outsourcing agency.

6. Keeping in view the facts and circumstances narrated hereinbefore, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

December 07, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No