

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

**CWP-8867-2018  
DECIDED ON: 11.08.2023**

RAJENDER PAHAHA AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sanjeev Kumar Birla, Advocate  
for the petitioners.

Mr. BS Virk, Sr.DAG Haryana

Mr. M.S. Sidhu, Advocate and  
Mr. Sandeep Singh Maan  
for respondents No 4.

**SANDEEP MOUDGIL, J**

1. The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in nature of mandamus directing the respondents to pay to the petitioners the minimum revised pay scale as is being paid to the similarly replaced regular employees alongwith arrears in terms of Instructions dated 03.11.2017 (Annexure P-7).

2. Learned counsel for the petitioners contends that the petitioners are working as Shift Attendants, Substation Attendant, Assistant Lineman at DC rates and are doing the same work and same duty as the regular employees are performing and there is no difference in the work of the regular employee vis-a-vis contractual employee.

3. Reply dated 03.10.2019 on behalf of Respondent No.4 has been filed wherein it has been averred that the petitioners have been employed/out-sourced through man-power agency, as such, a preliminary question of maintainability has

arisen i.e. whether the petitioners who have been appointed through outsourcing agency are amendable to writ jurisdiction of this Court.

4. I have heard the learned counsel for the parties and have gone through the record of the case.

5. The principle of law stands settled vide a large number of judgments wherein it has been held that claim of the petitioners against a private outsourcing agency with regard to claim of salary/increments, cannot be adjudicated by a Court exercising extra-ordinary writ jurisdiction. That being so, the averments as to the DC rates of Kaithal are highest in the State of Haryana and even higher than the DC rates of Gurugram cannot be looked into by this Court being beyond the realm of judicial function being exercised by Courts.

6. In **Kumar Saurabh &Ors. Vs. State of Haryana &Ors. [LPA-81-2021 (O&M), Decided on 23.9.2021]** the Division Bench of this Court held that since the petitioners were not employed by the Haryana Government, as such, there exists no master-servant relationship between the two. Further, in the case of **Karan Singh Vs. State of Haryana & Ors. [CWP-1481-2022 (O&M), Decided on 12.05.2022]**, this Court held that no writ petition would lie against an outsourcing agency, as it is not an authority in terms of Article 12 of the Constitution of India. A similar view was taken in **Vikash Vs. State of Haryana &Ors. [CWP-19762-2018, Decided on 11.12.2019]** while holding that the petitioner has no direct relationship with Municipal Corporation, Gurugram where he is was working as an outsourced employee.

7. As such, the present petition is dismissed being non-maintainable.

11.08.2023

V.Vishal

**(Sandeep Moudgil)**  
**Judge**

1. Whether speaking/reasoned?  
2. Whether reportable?

Yes/No  
Yes/No