

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-20483-2023

Date of Decision :-22.09.2023

Mahesh Parkash and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjay Gahlawat, Advocate for the petitioners.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, the claim of the petitioners is that though, they were appointed through private outsourcing agency but they were wrongly employed through the said outsourced agency in the year 2013 and as of now, certain claim of the petitioners subsists with the said outsourcing agency hence, the said outsourcing agency needs to decide the dues, which are to be given to the petitioners. Prayer of the petitioners is for issuance of a direction to the private outsourcing agency for the release of the dues of the petitioners.

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

It is a conceded position that the petitioners were engaged through a private outsourcing agency, which is a private entity and were working under the said private outsourcing agency since 2013 and against the private entity, a writ petition is not maintainable keeping in view the settled principle of law settled by this Court in CWP-12274-2020 titled as

Kumar Saurabh and others vs. State of Haryana and others, decided on 30.09.2020. Hence, as the claim of the petitioners is against a private outsourcing agency with regard to claim of salary and increments, the same cannot be adjudicated in the present petition as the petitioners have a remedy to avail before the Civil Court.

Learned counsel for the petitioners by placing reliance upon *CWP-4821-4817 of 1983* titled as *Dhirendra Chamoli and another vs. State of U.P.* decided on 05.08.1985, argues that the nature of appointment is irrelevant qua the claim having 'equal pay for equal work'.

In the present petition, nature of appointment is not being taken into account as the employer of the petitioners is a private agency. Once, the employer of the petitioners is a private agency, against which private entity no writ can be issued, the judgment being relied by the learned counsel for the petitioner is not applicable in the facts and circumstances of the present case.

Keeping in view the above, present petition is dismissed being not maintainable with liberty to the petitioners to avail an appropriate remedy before the appropriate forum.

September 22, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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