

219.

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-16646-2017 (O&M)

Date of Decision: 08.02.2023

BALDEV SINGH AND OTHERS

.... Petitioners

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

II. CWP-6646-2018 (O&M)

VIPIN KUMAR AND OTHERS

.... Petitioners

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Parveen Chauhan, Advocate,
for the petitioners.

Mr. Narender Singh Behgal, AAG, Haryana.

Mr. Padamkant Dwivedi, Advocate, for respondent No.2.

JAISHREE THAKUR.J (Oral)

By way of this common order, two writ petitions i.e. *CWP No.16646 of 2017, Baldev Singh and others Versus State of Haryana and others* and *CWP No.6646 of 2018, Vipin Kumar and others Versus State of Haryana and others*.

The petitioners herein are seeking directions to the respondents- Corporation to treat them at par with the employees who have been reinstated in terms of the award of the Labour Court.

Learned counsel appearing on behalf of the petitioners would submit that the petitioners had been appointed as Security Guards etc. in the year 2002 as would be evident from Annexure P-2 which is a document signed by the Mandi Inspector stating that the payment be released to the petitioners. Counsel would further submit that after having served with the department for innumerable years, they should be paid same wages as paid to the persons regularly appointed.

Mr. Padankant Dwivedi, learned counsel appearing on behalf of respondent No.2 would oppose the writ petitions by stating that the petitioners, who were on contract, came to be appointed through outsourcing agency. They were initially appointed in July, 2017 through M/s Orion Security Solutions Private Limited and thereafter, their work was outsourced to M/s Oscar Security Services Private Limited. It is submitted that the writ petitions would not be maintainable. Moreover, the petitioners did not raise any grievance when they came to be appointed through outsourcing agency as far back as in 2017. Counsel would also submit that now the petitioners have been deployed through Haryana Kaushal Rozgar Nigam Limited and their services are being deployed through the said Nigam. He would also rely upon a judgment passed in ***CWP No.13193 of 2018***, titled as ***Ashok Kumar and others Versus State of Haryana and others, decided on 07.12.2022***, wherein in similar situation, the writ petition came to be dismissed.

I have heard learned counsel for the parties and with their assistance, have gone through the pleadings of the case. This very Court has taken into account several judgments rendered in ***Nishan Singh and others Versus State of Punjab and others, 2014 (11) RCR (Civil) 262; Sharanbir***

Kaur Versus State of Punjab and others, LPA No.1910 of 2018, decided on ***10.12.2018***; ***Vikash Versus State of Haryana and others, CWP No.19762 of 2018***, decided on ***11.12.2019***; ***Yamin and others Versus State of Haryana and others, CWP No.1822 of 2019***, decided on ***19.08.2020*** and ***Balbeer Singh and others Versus Haryana State Warehousing Corporation and others, CWP No.17478 of 2020***, decided on ***07.12.2020***, holding that the writ petition would not be maintainable in case the petitioners were appointed through outsourcing agency, which has been done in the present case. The argument as raised that both these writ petitions are pending since 2017/2018 would lose significance in the light of the fact that the petitioners now have been registered on the portal of Nigam and are being deployed under the said policy.

Consequently, the writ petitions, being devoid of any merit, are hereby dismissed.

(JAISHREE THAKUR)
JUDGE

08.02.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No