

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

2024:PHHC:170542



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**CWP-4952-2024 (O&M).
Date of Decision: 19.12.2024.**

GURMEET SINGH

..Petitioner

VERSUS

**MANAGING DIRECTOR, DAKSHIN HARYANA BIJLI VITRAN
NIGAM LIMITED, HISAR AND OTHERS**

.. Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. P.S. Jammu, Advocate,
for the petitioner

VINOD S. BHARDWAJ, J. (ORAL)

CM-20273-CWP-2024

The instant application has been filed under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 praying for impleadment of the contractor as respondent No.9

Learned counsel appearing for the applicant-petitioner has been confronted with the fact that the writ petition had been filed for seeking issuance of directions to the respondents to reinstate the petitioner to the post of Assistant Lineman. However, in the event of the petitioner being employed through an Outsource Agency, there is no employer – employee relationship so far as the petitioner and the respondent distribution licensee is concerned. Further, no such specific averment has also been made by the counsel for the petitioner even in the writ petition. Hence, his relationship with the respondents has been concealed and an impression has been given that his services had been discontinued on account of his involvement in a criminal case wherefrom he stands acquitted subsequently. The said

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concealment becomes critical and fundamental since the maintainability of the writ petition would depend on it. The private respondent being the employer of the petitioner would not be amenable to a writ jurisdiction of the High Court under ordinary circumstances.

Faced with the above, counsel for the petitioner submits that he may be permitted to withdraw the main writ petition with liberty to take recourse to the alternative remedies as are available to the petitioner in accordance with law.

In view of above, the present application for imleadment is dismissed. However, the main case is preponed from 30.01.2025 and is taken on board today itself.

Main case

Prayer in the present writ petition was for seeking issuance of directions to the respondents to reinstate the petitioner to the post of Assistant Lineman.

Taking into consideration that it is a brazen attempt on the part of the petitioner to mislead this Court by making wrong averments in the writ petition on an affidavit, the prayer for withdrawal of the writ petition is allowed subject to deposit of costs of Rs.10,000/- with the High Court Advocates Welfare Fund.

Disposed of as withdrawn with liberty as aforesaid subject to deposit of costs as stated above.

December 19, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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