

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

2024.PHHC.066479-DB



(118)

**LPA-1192-2024 (O&M)
Decided on : 13.05.2024**

Sandeep Dahiya

.....Appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present:- Mr. Sandeep Sharma, Advocate for the appellant.

Mr. Deepak Balyan, Addl. AG, Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

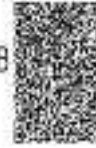
CM-2867-LPA-2024

Application for condonation of delay of 258 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 258 days in filing the appeal is condoned.

CM stands disposed of.

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Consideration in the present letters patent appeal is sought of the judgment of the learned Single Judge dated 25.07.2023 passed in CWP No.26750 of 2021, whereby the learned Single Judge declined to grant relief and dismissed the same. The relief in the writ petition was sought for setting



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aside the order of respondent No.3-Chief Administrator, Haryana Shehri Vikas Pradhikaran (erstwhile Haryana Urban Development Authority), who had passed the order dated 01.01.2018 (Annexure P-10), wherein directions had been issued to engage the writ petitioner through the outsourcing policy.

2. The learned Single Judge was of the opinion that there was no relationship of employer-employee and, therefore, he could not claim any benefit from the respondents for the service rendered by him. It was noticed that there was an agreement which was entered into between the service providers and the respondents that the persons deployed with the respondents were directly under the control and supervision of the service providers and no appointment letter had been issued directly to the writ petitioner. The learned Single Judge was of the opinion that the writ petition would not lie against the an outsourcing agency while placing reliance upon the judgment passed in **CWP-19762-2018 ‘Vikash Vs. State of Haryana and others’** decided on 11.12.2019. An application for recalling of the order had also been filed before the learned Single Judge, which was dismissed on 29.04.2024 which is also subject matter of challenge herein.

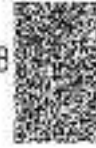
3. A perusal of the paper-book would go on to show that apparently the writ petitioner is under a misconception that he was ever appointed as an Assistant District Attorney, even on contractual basis for which he has been agitating as such. Rather it would go on to show that due to exigency of work he was only appointed as Law Associate in the office of Land Acquisition Collector, Gurugram on contract basis on 20.10.2010. As per the agreement dated 06.12.2010 (Annexure R-1) entered between the writ petitioner and



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erstwhile Haryana Urban Development Authority, he was to be paid Rs.10,000/- per month after expiry of one month from the date of joining. Apparently, it was an *ad hoc* arrangement made to prepare the replies of the petitions/Court cases on the direction of the LAC. In the agreement, it was specifically recorded that no undertaking on behalf of the department can be given in the Court of law. The claim as such it is against the vacant post of Assistant District Attorney, as mentioned in the agreement, is only a mis-drafting of the agreement.

4. Apparently, the writ petitioner was well aware and even from the letter dated 04.02.2015 (Annexure P-6), it would be clear that the Administrator had asked for approval of extension to engage the writ petitioner as a Law Associate by enhancing the remuneration from Rs.10,000/- to Rs.15,000/-. Similarly, perusal of communication dated 04.04.2016 (Annexure P-7) would go on to show that the appellant was a Law Trainee, whereby his contract was extended for a period one year w.e.f. 01.01.2016 to 31.12.2016 on the same terms and conditions, though loosely worded against the vacant post of ADA. Even the communication dated 04.01.2018 (Annexure P-11) is to the same extent that he was working as Law Associate, which was sent by the Zonal Administrator. Vide communication dated 06.03.2018 (Annexure P-12) it was mentioned that one Law Associate is required in the office of Land Acquisition Collector, Gurugram against the vacant sanctioned post of the Law Associate on the terms and conditions already approved. Vide the impugned letter dated 01.01.2018 (Annexure P-10) directions had been issued to follow the guidelines issued by the Government of Haryana to engage the contractual employees, as per outsourcing policy. Therefore, keeping in view the status as such of the



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employee, we do not find any fault as such whereby such directions were issued. The services of the appellant were also dispensed with on 08.10.2021 (Annexure P-15), against which he has represented vide application dated 12.10.2021 (Annexure P-16) regarding his alleged illegal termination, whereby he specified that he was working as Law Associate with the Land Acquisition Collector, Gurugram.

5. A perusal of the paper-book further goes on to show that apparently some wrong statements had been made by the Office of Advocate General, Haryana in the writ petition, which led to a shake up. It would be clear from the letter dated 14.10.2021 (Annexure P-17) written by the Land Acquisition Collector, Gurugram to the Additional Chief Secretary whereby he has requested that appropriate action should be taken against the Assistant Advocate General.

6. It is, thus, apparent that the writ petitioner was always working on contract basis as a Law Associate and vide the impugned order of the Chief Administrator dated 01.01.2018 (Annexure P10) has ensured to follow the instructions issued by Haryana Government to engage contractual employees as per policy. The appellant was sought to be engaged through outsourcing policy and no fault can be found in the same. More so the said letter has now become redundant, keeping in view the fact that contract of the writ petitioner has not been extended.

7. Mr. Deepak Balyan, Addl. Advocate General, Haryana has, thus, been apprised of the situation, which is apparently existing as to how services of the Law Associates are being taken for the convenience of the Land

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Acquisition Collector offices. We are, thus, assured that redressal steps will be taken by the State that untrained persons do not assist the office of the Advocate General, which might result in giving wrong statements. The lack of accountability regarding the fact that they are only on contract basis on a nominal remuneration has to be kept in mind, especially keeping in view the stakes which could be involved regarding the disputes which would arise qua the compensation of land. Accordingly, we are assured that the State will take appropriate steps to fill up the vacancies on regular basis, rather than fall back on the stop gap arrangements.

8. Resultantly, there is no merit in the present letters patent appeal and same is hereby dismissed in *limine*. All pending civil miscellaneous application(s), if any, also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

13.05.2024

Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No