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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13327-2020(O&M)
Date of decision: 25.07.2024

Rajat Kajal

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R.S. Mamli, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Gaurav Jindal, Advocate, for respondents No.2 and 3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents not to replace the petitioner by another contractual employee and further allowing the petitioner to work till the regular employee is being employed and to pay the salary of the petitioner.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was working under respondent No.5 and without assigning any reason he has been asked not to attend the office and no enquiry whatsoever was conducted in this regard and therefore, a direction be issued to



respondent No.4 to re-instate the petitioner and not to replace the petitioner by any other contractual employee.

3. On the other hand, learned counsel appearing on behalf of respondents No.2 and 3 has raised a preliminary objection by stating that the present petition itself is not maintainable because the relief claimed is against respondent No.5 which is an outsource agency and it is a settled law that writ petition does not lie against a private person as same is not an instrumentality of the State under Article 12 of the Constitution of India. He relied upon judgments of a Co-ordinate Bench of this Court vide Annexures R-2 to R-4 in this regard.

4. After hearing the learned counsel for the parties, this Court is of the considered view that the petitioner in the present petition is seeking relief against respondent No.5 which is not an instrumentality of the State and the prayer is squarely covered against the petitioner in view of the aforesaid judgments (Annexures R-2 to R-4).

5. The present petition is accordingly dismissed as not maintainable.

(JASGURPREET SINGH PURI)
JUDGE

25.07.2024
rakesh

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