

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

CWP-28794 of 2023

Date of decision: 30.01.2024

Mohd Aarif

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - None for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

Mr. Sanjeev Soni, Advocate,
For respondent No.5

NAMIT KUMAR, J.

1. Instant writ petition has been filed by the petitioner seeking a writ of *mandamus* for directing respondent No.5- Municipal Council, Malerkotla, to release all the pending salary dues of the petitioner.

2. It has been averred in the writ petition that petitioner was employed as Pump Operator on 31.03.2018 and performed his duties upto 31.08.2022. He has received regular salary payments without interruption, however, thereafter the salary has been withheld by respondent No.5. although petitioner is continuously working.

3. On receipt of advance copy of the paperbook, Sh. Sanjeev Soni, Advocate, on instructions from respondent No.5 submits that petitioner was engaged as outsourced Pump Operator through M/s Rahat Hussain Contractor and worked only upto August, 2022.

4. Perusal of the writ petition shows that although the Contractor has been impleaded as respondent No.6 but in whole of the petition it has not been stated that he has been engaged through the contractor. There is concealment and mis-statement of facts on the part of the petitioner. Since the petitioner has not approached this Court with clean hands, therefore, this petition is liable to be dismissed on this ground alone. Even otherwise, writ petition against outsourced contractor is not maintainable.

5. Consequently, the present petition is dismissed.

30.01.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No