



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

229

CWP-10442-2020(O&M)

Date of Decision: 04.03.2025

SANDEEP KUMAR AND ANOTHER

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Shubham Saroha, Advocate for
Mr. Shish Pal Laler, Advocate for the petitioners.

Mr. Harish Rathi, Sr. DAG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed seeking a writ of *certiorari* quashing the order, dated 15.06.2020, Annexure P-6, whereby the petitioners' engagement as Drivers in the office of the third respondent/District Education Officer, Sonapat, has been cancelled; and a writ of *mandamus* directing the respondents to make payment of salary withheld from April, 2019.

2. It is apparent on record that the petitioners' services as Driver were provided to the third respondent by the fourth respondent/Private Company, and they were so appointed by the third respondent at DC rate, vide letters dated 16.06.2018, Annexures P-3 and P-4, respectively. Later, the higher authority on enquiry found that the petitioners had been unauthorisedly engaged in the Department in violation of Outsourcing Policy dated 06.04.2015. Accordingly, the third respondent was directed to clarify the position, and the petitioners' appointments were cancelled vide impugned order dated 15.06.2020.

3. Learned counsel for the petitioners has contended that the petitioners were engaged by the Department and their services could not have been terminated without issuance of show cause notice. Besides, they have not



been paid salary with effect from April, 2019. The posts against which the petitioners were engaged, are still vacant and they have a right to continue on the same.

4. Learned State counsel, on the contrary, contends that the petitioners were engaged through an outsourcing agency/fourth respondent and they have no right to approach this Court by filing the instant petition. There was no employee-employer relationship between the petitioners and the Department; therefore, salary or any such claim by the petitioners is not maintainable.

5. Heard.

6. It is conceded position on record that the petitioners' services were provided to the Department by the fourth respondent which is a private company. They were disengaged once it was found that their services have been taken in violation of the Outsourcing Policy. Being in the employment of a private company, their claim against the Department is not maintainable, nor are they entitled to invoke extraordinary jurisdiction of this Court as writ petition would not lie against a private company as laid down by this Court in CWP-19762-2018 titled *Vikash v. State of Haryana and others*.

7. The petition is, accordingly, disposed of with liberty to the petitioners to avail alternate remedy in accordance with law.

(TRIBHUVAN DAHIYA)
JUDGE

04.03.2025

Ad

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No