



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

CWP-12339-2023 (O & M)

Date of Decision: 14.05.2025

Vikram Katyal and others

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ramesh Malik, Advocate,
for the petitioners.

Ms. Rajni Gupta, Addl. A.G., Haryana.

Mr. Padamkant Dwivedi, Advocate,
for respondent Nos.2 and 3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226 and 227 of the Constitution of India are seeking direction to respondent to allow them to re-join their respective posts.

2. The petitioners were working with respondent i.e. Municipal Council, Ambala as Clerks through outsource agency. They came to be implicated in FIR No.6 dated 01.08.2018 under Sections 420, 466, 468, 471, 120-B IPC and Section 13(1)(d) of the Prevention of Corruption Act, 1988. They were arrested and thereafter released on regular bail granted by learned Additional District and Sessions Judge, Ambala vide order dated 09.08.2022.



3. Mr. Ramesh Malik, learned counsel for the petitioners submits that respondent has permitted similarly situated persons to re-join. The petitioners are on bail, thus, they should be permitted to re-join.

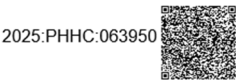
4. *Per contra*, Mr. Padamkant Dwivedi submits that petitioners were engaged through outsource agency and they have not impleaded said agency despite being necessary party. They wrongly issued No Objection Certificate which entailed registration of sale deed. Petitioners No.1 and 2 have been implicated in another FIR No.19 dated 03.08.2023 under Section 420, 120-B IPC and 13 of Prevention of Corruption Act, 1988.

5. In counter, Mr. Ramesh Malik submits that proceedings in second FIR have been stayed by this Court and first FIR is mere bundle of allegations. Till date challan has not been presented.

6. I have heard the arguments and perused the record.

7. Concededly the petitioners were engaged through outsource agency. The petitioners as per their wisdom have not impleaded said agency. The petitioners are not direct employees of the Municipal Council. They are implicated in two different FIRs. They have no fundamental or vested right against respondent. This Court cannot compel respondent to re-engage petitioners especially when they are not direct employees of the respondent. As per petitioners, the respondent has re-engaged similarly situated employees.

8. In these circumstances, this Court deems it appropriate to direct respondent to consider claim of petitioners not as a matter of right but on the ground of parity and as per applicable Rules. It is hereby made



clear that this Court has not expressed opinion on merit and respondent would be free to take an independent view.

- 9. Disposed of.
- 10. Pending application(s), if any, shall also stand disposed of.

14.05.2025	(JAGMOHAN BANSAL)
shivani	JUDGE
Whether reasoned/speaking	Yes
Whether reportable	No