

2025:PHHC:033921



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-19137-2019
Date of decision: 10.03.2025

RAKESH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Ajay Chaudhary, Advocate and
Mr. D.S. Adlakha, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

Mr. Kamaldeep Redhu, Advocate
for respondent No.5.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for seeking quashing of the order dated 10.06.2019 whereby the services of the petitioner are stated to have been terminated w.e.f. 10.06.2019 without any show cause notice.

2. Learned Counsel appearing on behalf of the petitioner contends that the petitioner was appointed as a Assistant Technology Manager (A.T.M.) on 02.05.2018 in the office of Deputy Director, Agriculture and Farmer Welfare Department, Panipat. It is stated that despite the work and conduct of

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the petitioner being satisfactory, the respondents directed termination of the service of the petitioner without affording a show cause notice or opportunity of hearing.

3. Learned Counsel appearing on behalf of the respondent-State refers to the reply filed by way of an affidavit of Virender Dev Arya, Deputy Director of Agriculture & Farmer's Welfare Department, Panipat wherein it has been specifically set out that the Government of Haryana, General Administration Department issued instructions on 16.02.2009 with regard to policy of engaging/outsourcing of services/activities and that in furtherance thereto, the service of the petitioner were put at the disposal of the Department through an outsourcing agency and that there was no privity of contract or relationship of employer-employee between the parties. He thus contends that the instant writ petition may be dismissed for the said reasons. It is vehemently stated by the learned State Counsel that even though the written statement was filed by them in December 2019, however, despite lapse of nearly 05 years, no replication/rejoinder has been filed denying any of the averments so contained. He further contends that similar controversy came up before this Court in ***CWP-27667 of 2019*** titled as "***Seema versus State of Haryana and others***" which was dismissed vide order dated 21.05.2024 by relying upon the judgment of "***Kumar Sourabh and others versus State of Haryana and others***" passed in CWP-12274-2020.

4. I have heard learned Counsel appearing on behalf of the parties and have gone through the documents appended.

5. Undisputedly, the matter of "***Seema versus State of Haryana and others***" bearing CWP-27667 of 2019 was also instituted by the Assistant



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Technology Manager through a private agency and the services had been discontinued. This Court has held vide its order dated 21.05.2024 in the matter of *Seema (supra)*, that the writ petition would not be maintainable.

6. The present writ petition is accordingly dismissed with liberty to the petitioner to avail an alternative remedy in accordance with law for redressal of his grievance before competent forum as per law. The period during which the present writ petition has remained pending before this Court shall be taken into consideration while computing limitation.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 10, 2025
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No