



115

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

CWP-16963-2025

Date of decision : 02.07.2025

Ravinder Singh

..Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH
NALWA**

Present: Mr. Ravi Gakhar, Advocate for the petitioner.

DEEPINDER SINGH NALWA, J. (Oral)

In the present writ petition, the petitioner is praying for direction to the respondents to permit the petitioner to join, who has been appointed vide appointment letter dated 07.01.2022 (Annexure P-4).

2. Brief facts of the case are that Department of Local Government, Punjab, invited applications for temporary engagement of Driver Operators and Firemen in various Municipal Councils and Municipal Panchayats through outsourcing. It transpires that in pursuance of the abovesaid advertisement, respondent No.4 i.e. M/s S.S. Service Providers was appointed as an agency for the deployment of eligible candidates (205 firemen and 65 drivers) in different Municipal Councils - Nagar Panchayats. It transpires that petitioner was issued appointment letter dated 07.01.2022 (Annexure P-4) by respondent No.4 i.e. Agency. As per the abovesaid appointment letter, the petitioner was appointed on the post of Fireman w.e.f. 08.01.2022



and was posted at the office under the Department of Local Government, Punjab (Municipal Council, Nabha). In spite of the fact that the petitioner was issued appointment letter by respondent No.4, he was not permitted to join at the respective place. The petitioner submitted various representations and also served legal notice. Aggrieved against the action of the respondents in not permitting the petitioner to join, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submits that once, an appointment letter has been issued to the petitioner, there exists no justifiable reason for the respondents to deny the petitioner to join at the respective place. He has placed reliance upon judgments passed by Hon'ble the Supreme Court of India in ***Union of India and others Vs. N. Murugesan etc., reported as (2021) 10 JT 264*** and ***Sarguja Transport Service Vs. State Transport Appellate Tribunal, M.P. Gwalior and others, reported as (1987) AIR (SC) 88.***

4. I have heard learned counsel for the petitioner at length and perused the paper-book.

5. A perusal of the facts of the case would show that the petitioner has been appointed by respondent No.4 i.e. M/s S.S. Service Providers, which is a private entity. Petitioner is an outsourced employee, which is clear from the appointment letter dated 07.01.2022 (Annexure P-4).

6. It is a well settled law now that the writ against an outsourcing agency, which is a private entity, is not maintainable. Since respondent No.4 is not an instrumentality of the State, therefore, the



appointment offered by such agencies would not constitute a civil post. Law in this regard is well settled in the judgment passed by the Division Bench of this Court in ***LPA No.469 of 2013 titled Nishan Singh and others Vs. State of Punjab and others, along with other connected appeals, reported as 2014 (11) RCR (Civil) 262***, wherein it has been held that a service provider is not an agency of the State to make the recruitment against the civil posts, therefore, the writ petition itself is not maintainable. To the same effect is the judgment of Co-ordinate Bench of this Court in ***CWP No.19762 of 2018 titled Vikash Vs. State of Haryana and others, decided on 11.12.2019***, wherein it has been held that no writ petition would lie against an outsourcing agency, being a private entity which is not an authority in terms of the Article 12 of the Constitution of India. Similar view has also been taken by the Co-ordinate Bench of this Court in ***CWP No.25061 of 2022 titled Manpreet Kaur Vs. State of Punjab and others; CWP No.26993 of 2022 titled Parminder Pal Kaur Vs. State of Punjab and others*** and ***CWP No.27336 of 2022 titled Gurvinder Singh Vs. State of Punjab and others, decided on 20.01.2024***.

7. In regard to the reliance placed by learned counsel for the petitioner to the judgments passed by Hon'ble the Supreme Court of India in ***N. Murugesan's case*** (supra) and ***Sarguja Transport service's case*** (supra) is concerned, a perusal of the facts of the abovesaid cases would show that the employee in the aforesaid case was never appointed by a private service provider. As such, judgments cited by



learned counsel for the petitioner does not help the cause of the petitioner.

8. Since the writ petition against the private service provider is not maintainable, therefore, no case is made out in favour of the petitioner and the same is liable to be dismissed. However, if the petitioner is having any other legal right against the service provider i.e. an outsourcing agency/respondent No.4, this order shall not preclude the petitioner from taking recourse to appropriate remedies available to him, in accordance with law.

9. In view of the observations made hereinabove, the present petition is dismissed.

02.07.2025

d.gulati

(DEEPINDER SINGH NALWA)
JUDGE

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