



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA No.3135 of 2024 (O&M)

Date of Decision: 07.05.2025

Haryana Shehri Vikas Pradhikaran and others

...Appellants

Versus

Sonu Ram and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Arvind Seth, Advocate,
for the appellants along-with Ms. Jyoti Mittal,
Estate Officer, HSVP, Hisar.

Mr. Ajit Singh Lamba, Advocate
for respondents No.1 &2-Caveators.

* * * *

SANJEEV PRAKASH SHARMA J.(Oral)

Challenge in this appeal is to the order dated 07.11.2023 passed by the learned Single Judge in writ-petition bearing ***CWP No.3136 of 2021*** as moved by the respondents-petitioners as well as the order dated 09.01.2024 in ***Civil Misc. Application No.21809-CWP of 2023*** in ***CWP No.3136 of 2021*** for clarification of the said order dated 07.11.2023.

2. Learned counsel appearing for the appellants submits that in the order dated 07.11.2023 passed by the learned Single Judge which is impugned before this Court, the statement of counsel Mr. Arvind Seth was recorded stating that the wages claimed in the present petition have been released to the petitioners for the period 01.04.2020 to 20.04.2022. The said statement recorded by the Court, was not based on the instructions and



therefore, an application was moved pointing out that the Department does not admit the claim of wages for the period 01.04.2020 to 20.04.2022. He submits that the application moved by the applicant was rejected vide order dated 09.01.2024 and it was held that no clarification in the order dated 07.11.2023 is made out. He submits that the clarification ought to have been given with regard to Para No.2.

3. Per-contra, learned counsel appearing for the respondents/writ-petitioners submits that the writ-petitioners were admittedly appointed through outsourcing agency after 31.03.2020 and on account of *Covid*, no further outsourcing agency was granted the contract. However, the writ-petitioners continued during the *Covid* period in employment and it was only when a letter was issued that they were working illegally, they filed a writ-petition before this Court claiming wages for the intervening period. It is also stated that the learned Single Judge in its order dated 07.11.2023 has directed the counsel to ensure the payment may be released by the outsourcing agency and after that order of 07.11.2023, the contempt proceedings were filed wherein the order has been passed and the wages have been released to the writ-petitioners.

4. In re-joinder, learned counsel appearing for the appellants submits that the payments made to the writ-petitioners was subject to outcome of the appeal. It cannot be treated as an admission on the part of the appellants.

5. We have carefully considered the submissions. It is apparent that so far as, the writ-petitioners are concerned, they were appointed through outsourcing agency and the outsourcing agency was not given the



contract after 31.03.2020. In these circumstances, the continuous of the writ-petitioners in the Department is of course without any orders of any officer and therefore so far as the Department is concerned, it cannot be held liable to make payment to them. If any objection as above, he/she could have claimed the same only from the concerned outsourcing agency. So far as the directions issued by the learned Single Judge with regard to Para No.4 is concerned, we do not have any objection to it but the Department, itself, cannot be forced to make the payments. The payments, if any made interregnum of contempt, cannot create any right in favour of the writ-petitioners and the Department has right to recover the same from the concerned outsourcing agency or from the writ-petitioners as the case may be.

6. We, accordingly, clarify and held that the statement of Mr. Arvind Seth, Advocate, as recorded in para No.2 in the impugned judgment, needs to be deleted as it could not have been recorded since the written-statement filed by the Department specifically mentions of the contract having been awarded to outsourcing agency for employment of the writ-petitioners. The appeal in hand is, accordingly, partly allowed.

7. All the pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

May 07, 2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No