
(2022) 11 P&H CK 0112

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 24154 Of 2022

Shiv Kumar

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 29-11-2022

Acts Referred:

Citation : (2022) 11 P&H CK 0112

Hon'ble Judges : Anupinder Singh Grewal, J

Bench : Single Bench

Advocate : Sanjay Gahlawat

Final Decision : Dismissed

Judgement

Anupinder Singh Grewal, J

The petitioner has challenged the order dated 10.10.2022 (Annexure P-15) whereby the work order was not renewed.

Learned counsel for the petitioner submits that the petitioner had been working on outsourcing basis for over 12 years and therefore, his contract should have been renewed as he fulfills all the qualifications which are prescribed for the post of the Assistant Project Officer. He also submits that when the petitioner had been engaged through an outsourcing agency 12 years back, an order was passed by respondent No.1 stating that the qualified persons, who are taken on outsourcing as temporary measure, would continue till final appointments are made.

Heard.

The petitioner had earlier approached this Court by preferring CWP No.22072 of 2022, seeking a direction to the respondents to continue in service and not to replace him by a fresh contractual employee. The petition had been dismissed on 27.09.2022 being not maintainable as the petitioner had been engaged through an outsourcing agency and had not been issued any appointment letter by the

Government as it had been held by the Division

Bench of this Court in the case of Nishan Singh and others versus State of Punjab and others, 2014(11) RCR (Civil) 262 that the service provider, who had selected the candidates for work in the government department, is not an agency of the State and therefore, the writ petition would not be maintainable. The petitioner has once again preferred this petition seeking similar relief. The respondents, vide the impugned order (Annexure P-15), have merely refused to renew the contract pertaining to the petitioner's engagement through an outsourcing agency on the ground that the petitioner does not have the requisite qualification which has been prescribed for the post of Assistant Project Officer. The petitioner had been working through an outsourcing agency and therefore, a direction cannot be issued to the respondents to renew his services through outsourcing especially when the previous petition preferred by him had been dismissed.

Consequently, the petition stands dismissed.