



HPGCL  
AN ISO: 9001, ISO:  
14001 & OHSAS: 18001  
CERTIFIED COMPANY

HARYANA POWER GENERATION CORPORATION LIMITED

Regd. Office: C-7, Urja Bhawan, Sector-6, Panchkula  
Corporate Identity Number: U45207HR1997SGC033517  
Website: [www.hpgcl.gov.in](http://www.hpgcl.gov.in)  
Telephone No. 0172-5023407 Fax No. 0172-5022432



From

Chief Engineer/Admn.,  
HPGCL, Panchkula.

To

1. All Chief Engineers in HPGCL.
2. All Financial Advisors & CAO in HPGCL.
3. SE/FTPS, HPGCL, Faridabad.

Memo No. 517 /Ch.137/HPGC/Court Case/HPU/2022


Dated: 21 /11/2022.

**Subject: - CWP No. 18190 of 2019 titled as Dharamvir Singh & ors. Vs. State of Haryana & Ors.**

Kindly refer to the subject noted above.

In this context, enclosed please find herewith a copy of Memo No. 99/LB-2 (119) dated 03.11.2022 alongwith copy of judgment dated 13.09.2022 passed by Hon'ble High Court, Chandigarh in the subject cited case, received from the office of I R/HPU, Panchkula for praying dismissal of similar court cases by placing reliance on the ibid judgment.

**DA/As above**

  
Xen/Rectt-cum-LNO,  
For Chief Engineer/Admn.,  
HPGCL, Panchkula

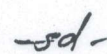
Endst. No. Ch.137 / HPGC/Court Case/HPU/2022/517

Dated: 21 /11/2022

A copy of the same is forwarded to the following for information and further necessary action:-

1. Xen/IT, HPGCL, Panchkula with a request to host the judgment dated 13.09.2022 alongwith office memo dated 03.11.2022 (copy enclosed) on the official website of HPGCL please.

**DA/As above.**

  
Xen/Rectt-cum-LNO,  
For Chief Engineer/Admn.,  
HPGCL, Panchkula

CC:-

PS to Chief Engineer/Admn, HPGCL, Panchkula.





# HARYANA VIDYUT PRASARAN NIGAM LIMITED

Regd. Office : Shakti Bhawan, Plot No. C-4, Sector-6, Panchkula 134109  
Corporate Identity Number : U40101HR1997SGC033683  
Website : [www.hvpn.org.in](http://www.hvpn.org.in), E-mail: [companysecy@hvpn.org.in](mailto:companysecy@hvpn.org.in)  
Correspondence E-mail - [lr@hvpn.org.in](mailto:lr@hvpn.org.in), [legalofficerdhbvn1@gmail.com](mailto:legalofficerdhbvn1@gmail.com)  
Telephone No. - 0172-2560769, 0172-2571841

To

1. The CE/Admn., HVPNL, Panchkula.
2. The CGM/Admn., UHBVN, Panchkula.
3. The CE/Admn., HPGCL, Panchkula.
4. The CGM/Admn. & HR, DHBVN, Hisar.

Memo No. 99/LB-2 (119)

Dated: 3.11.2022

Subject: CWP No. 18190 of 2019 titled as Dharamvir Singh & Ors. Vs. State of Haryana & Ors.

Attention is drawn to judgment dated 13.09.2022 passed in subject cited case vide which the Hon'ble High Court has dismissed the petition filed (out sourced) *employee* for grant of equal pay for equal work, as is being paid to the regular employee. The operative part of judgment dated 13.09.2022 is given here under: -

*"The petitioners have challenged the order dated 05.12.2018 (Annexure P-10) whereby their representation for grant of equal pay as is being paid to the regular employees has been dismissed. Learned counsel for the petitioners submits that the petitioners are working as Assistant Lineman with the respondents for over 08 years and they are performing their duties with same responsibilities as are being performed by the regular employees. He also submits that the petitioners are, therefore, entitled to equal pay as is being paid to the regular employees.*

*Heard.  
The petitioners are outsourced employees. It has been held by this Court in CWP-18798-2021 titled as Yogesh Sharma versus Municipal Corporation, Faridabad and others decided on 12.05.2022 that a petition preferred by an outsourced employee would not be maintainable. It is settled law that no writ petition would lie against an outsourcing agency, as it is not an authority in terms of Article 12 of the Constitution of India. Reference can be made to the judgment of a Division Bench of this Court in the case of Nishan Singh and others versus State of Punjab and others, 2014(11) RCR (Civil) 262, wherein it has been held that the service provider who has selected the candidates for work in the government department, is not an agency of the State. The appellants therein were neither selected under any service rules applicable to regular employees of the State of Punjab nor did they apply under any advertisement for their appointment as contractual or regular employees of the state. It was further held that the acceptance of the claim of the appellants therein for continuation of services would amount to a back-door entry to public employment in total disregard to the mandate of Articles 14 and 16 of the Constitution of India.*

*In view of the above, the petition is dismissed, especially when the petitioners were employed through outsourcing agency and were being paid salary through the outsourcing agency. However, the*

Memo No. 7829  
Dated 16/11/22  
DS/Estt.  
US/NGE  
DS/General  
DS/T&M  
XEN/HR&TRG  
XEN/Rectt.

*[Signature]*  
CE/Admn.,

*[Signature]*  
16/11  
16/11/22

Diary No. 1316... XEN/Rectt.

Dated 16/11/22

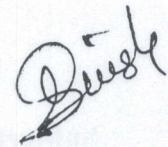


*petitioners would be at liberty to seek recourse to the alternative remedy available to him under the law".*

It is an important judgment on the issue that an outsourced employee is not entitled for equal pay as paid to regular employee being employee through outsourced agency and salary also paid through outsourced agency. The above judgment be circulated to offices under your control for praying dismissal of similar cases by placing reliance on the judgment dated 13.09.2022 passed by Hon'ble High Court. It is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 13.09.2022 on the website of concerned Power Utility. A complete copy of judgment dated 13.09.2022 is enclosed herewith for ready reference

This issue with the approval of L.R.

DA/As above



Legal Officer,  
HPU, Panchkula.

CC:-

1. The Deputy Secretary/Technical, UHBVN, Panchkula and DHBVN, HVPNL, HPGCL, Hisar for hosting on website.
2. The CE OP Circle, UHBVN, Panchkula & Rohtak.
3. The CE OP Circle, DHBVN, Hisar.

AD min



In the High Court of Punjab and Haryana at Chandigarh

262

CWP-18190-2019 (O & M)

Date of Decision: September 13, 2022

DHARAMVIR AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr.G.S. Gopera, Advocate for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Hitesh Pandit, Advocate for respondents No.2 and 3.

\*\*\*\*

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have challenged the order dated 05.12.2018 (Annexure P-10) whereby their representation for grant of equal pay as is being paid to the regular employees has been dismissed.

Learned counsel for the petitioners submits that the petitioners are working as Assistant Lineman with the respondents for over 08 years and they are performing their duties with same responsibilities as are being performed by the regular employees. He also submits that the petitioners are, therefore, entitled to equal pay as is being paid to the regular employees.

Heard.

The petitioners are outsourced employees. It has been held by this Court in CWP-18798-2021 titled as Yogesh Sharma versus Municipal Corporation, Faridabad and others decided on 12.05.2022 that a petition preferred by an outsourced employee would not be maintainable. It is settled law that no writ petition would lie against an outsourcing agency, as it is not an authority in terms of Article 12 of the Constitution of India. Reference can be made to the judgment of a Division Bench of this Court in the case of Nishan Singh and



others versus State of Punjab and others, 2014(11) RCR (Civil) 262, wherein it has been held that the service provider who has selected the candidates for work in the government department, is not an agency of the State. The appellants therein were neither selected under any service rules applicable to regular employees of the State of Punjab nor did they apply under any advertisement for their appointment as contractual or regular employees of the state. It was further held that the acceptance of the claim of the appellants therein for continuation of services would amount to a back door entry to public employment in total disregard to the mandate of Articles 14 and 16 of the Constitution of India.

In view of the above, the petition is dismissed, especially when the petitioners were employed through outsourcing agency and were being paid salary through the outsourcing agency.

However, the petitioners would be at liberty to seek recourse to the alternative remedy available to him under the law.

(ANUPINDER SINGH GREWAL)  
JUDGE

September 13, 2022  
A.Kaundal

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