HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4381/2024

Amita Singh D/o Shri Virendra Singh, Aged About 33 Years, R/o 51/10K/3E/2A, West Arjun Nagar, Agra, Agra.

----Petitioner

Versus

1. State Of Rajasthan, Trough The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur Development Authority, Jaipur, Rajasthan.
3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Pathak, Jaipur 302005.

----Respondents

Connected With

S.B. Civil Writ Petition No. 4386/2024

Ankush Kumar S/o Shri Lachhman Dass, Aged About 36 Years, R/o Street No. 2, Ram Nagar, Near P.w.d. Rest House, Nabha, Patiala, Punjab- 147201.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur Development Authority, Jaipur, Rajasthan.
3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Pathak, Jaipur 302005.

----Respondents

S.B. Civil Writ Petition No. 4389/2024

Rajiv Ratan Meena S/o Shri Jagdish Prasad Meena, Aged About 39 Years, R/o Govind Bhawan, Jhilai Road, Jugalpura Kalan, Tonk.

----Petitioner

Versus

1. State Of Rajasthan, Trough The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur Development Authority, Jaipur, Rajasthan.

3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Pathak, Jaipur 302005.

----Respondents

S.B. Civil Writ Petition No. 4399/2024

Jitendra Tripathi S/o Shri Harihar Lahari Tripathi, Aged About 36 Years, R/o B-502, Dwarka Apartment, B2Bypass, Mansarovar, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur Development Authority, Jaipur, Rajasthan.
3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Pathak, Jaipur 302005.

----Respondents

S.B. Civil Writ Petition No. 4499/2024

Sachin Raj Shakya S/o Shri Rajbahadur Singh, Aged About 30 Years, R/o Of 1/450, Suhag Nagar, Firozabad, Uttar Pradesh-283203.

----Petitioner

Versus

1. State Of Rajasthan, Trough The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur Development Authority, Jaipur, Rajasthan.
3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Phatak, Jaipur 302005.

----Respondents

S.B. Civil Writ Petition No. 4501/2024

Balwinder Kaur D/o Jagir Singh, Aged About 36 Years, R/o H.no. 486, D Block, Ranjit Avenue, Amritsar-I, Punjab-143001.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur

Development Authority, Jaipur, Rajasthan.

3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Pathak, Jaipur 302005.

----Respondents

S.B. Civil Writ Petition No. 4502/2024

Kumari Sangeeta Patil D/o Rustam Singh Patil, Aged About 37 Years, Resident Of Village Ghuggar Tanda Near Kranti Chowk, Ghugar (211) Palampur, Kangta, Himachal Pradesh 176061

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur Development Authority, Jaipur, Rajasthan.
3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Pathak, Jaipur 302005.

----Respondents

S.B. Civil Writ Petition No. 4544/2024

Shabnam Khan W/o Imran Khan, Aged About 33 Years, R/o Ghanghoo, Churu, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Trough The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur Development Authority, Jaipur, Rajasthan.
3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Pathak, Jaipur 302005.

----Respondents

S.B. Civil Writ Petition No. 4585/2024

Varsha Singhal D/o Santosh Kumar Gupta, Aged About 29 Years, R/o 3Rd B-1, Multistory Falts, Lal Kothi, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur

Development Authority, Jaipur, Rajasthan.

3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Pathak, Jaipur 302005.

----Respondents

S.B. Civil Writ Petition No. 4714/2024

Vashika Goyal W/o Sanjeev Goyal D/o Harshit Goyal, Aged About 28 Years, R/o House No. 11, Green Park Colony, Near Sofia Girls School, Bikaner, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur Development Authority, Jaipur, Rajasthan.
3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Phatak, Jaipur 302005.

----Respondents

S.B. Civil Writ Petition No. 4727/2024

Rajendra Singh S/o Shri Umar Dan, Aged About 33 Years, R/o 157, Karani Dan Ji Gali, Rabriya, Pali, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Trough The Secretary, Department Of Urban Development And Housing, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Commissioner (Administration), Jaipur Development Authority, Jaipur, Rajasthan.
3. Exceltench Consultancy And Projects Pvt. Ltd., Through Its Authorised Signatory, Redg. Office At Plot No. 10-11, Natraj Nagar, Imli Phatak, Jaipur 302005.

----Respondents

For Petitioner(s) : Mr. Prashant Sharma

For Respondent(s) : Mr. Amit Kuri with
Mr. Harsh Vardhan Shekhawat
Mr. Dharma Ram

HON'BLE MR. JUSTICE SAMEER JAIN

Order

23/04/2024

1. With the consent of learned counsel for both the sides, the present bunch of petitions, with an overarching *lis,* are jointly taken up for final disposal. For efficacious disposal, S.B. Civil Writ Petition No.4381/2024 is taken as the lead file.

2. The instant petition is filed with the following prayers:-

> *"(1) By issuing an appropriate, writ, direction or order in the nature of writ of mandamus quash and set-aside the orders dated 31.01.2024 (Annexure-1 & 2) as the same is illegal and arbitrary.*
>
> *(2) By issuing an appropriate, writ, direction or order in the nature of writ of mandamus direct the respondents to reinstate the petitioner back in services with all the consequential benefits.*
>
> *(3) Any other appropriate order or direction may also be passed in favour of the humble petitioners.*
>
> *(4) Cost of the writ petition be also awarded."*

3. Heard and considered.

4. Upon a considered perusal of the record, the following germane stipulations have come to light, namely:-

4.1 That the petitioners were appointed as contractual employees.

4.2 That the petitioners have categorically failed to place on record any appointment letter issued in favour of the petitioners by the respondent-JDA, exhibiting the terms and conditions of their engagement etc.

4.3 That the petitioner is merely a third-party and alien to the contract which was primarily entered into between the

respondent-JDA and respondent no.3-Contractor, which had engaged the services of the petitioners.

4.4 That privity of contract subsisted only between the respondent-JDA and the concerned placement agency/contractor(respondent no.3).

5. The Hon'ble Apex Court in **K.K. Suresh and Anr. vs. Food Corporation of India** reported in **AIR 2018 SC 3905**, has categorically held that contractual engagement does not create a vested right of employment in favour of the workers, engaged through a placement agency. The relevant extract of the said judgment is reproduced herein-under:-

> *"In the first place, the Appellants failed to adduce any evidence to prove existence of any relationship between them and the FCI; Second, when the documents on record showed that the Appellants were appointed by the FCI Head Load Workers Co-Operative Society but not by the FCI then obviously the remedy of the Appellants, if at all, in relation to their any service dispute was against the said Society being their employer but not against the FCI; Third, the FCI was able to prove with the aid of evidence that the Appellants were in the employment of the said Society whereas the Appellants were not able to prove with the aid of any documents that they were appointed by the FCI and how and on what basis they claimed to be in the employment of the FCI except to make an averment in the writ petitions in that behalf. It was, in our opinion, not sufficient to grant any relief to the Appellants."*

6. In furtherance of the settled position of the law regarding the negative scope of regularization of contractual employees, the Hon'ble Apex Court as recently as on 12.09.2023 in **Ganesh Digamber Jhambhrundkar and Ors. vs. State of Maharashtra and Ors.: Special Leave to Appeal No.**

2543/2023, has held that the fact of having rendered their services for a long time by contractual employees, shall not create a vested right of employment in their favour. The relevant extract of the said judgment is reproduced herein-under:-

> *"The issue with which we are concerned in this petition is as to whether by working for a long period of time on contractual basis, the petitioners have acquired any vested legal right to be appointed in the respective posts on regular basis.*
> *We appreciate the argument of the petitioners that they have given best part of their life for the said college but so far as law is concerned, we do not find their continuous working has created any legal right in their favour to be absorbed. In the event there was any scheme for such regularization, they could have availed of such scheme but in this case, there seems to be none. We are also apprised that some of the petitioners have applied for appointment through the current recruitment process. The High Court has rejected their claim mainly on the ground that they have no right to seek regularization of their service. We do not think any different view can be taken."*

7. Accordingly, in view of the dictum of the Hon'ble Apex Court as enunciated in **K. K. Suresh (supra)** and **Ganesh Digamber Jhambhrundkar and Ors. (supra)**, this court is inclined to dismiss the instant petitions.

8. As a result, instant petitions are dismissed. Pending applications, if any, stand disposed of.

(SAMEER JAIN),J

DEEPAK/19-29