

2025:PHHC:068562



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

**Date of Decision: 21.05.2025  
CWP-13146-2014 (O&M)**

**M/S NETWORK FOR INFORMATION & COMPUTER  
TECHNOLOGY (NICT) ... PETITIONER**  
**VS.**  
**GURLAL SHARMA AND ORS .. RESPONDENTS**

**CWP-13289-2014 (O&M)**

**M/S NETWORK FOR INFORMATION & COMPUTER  
TECHNOLOGY (NICT) ... PETITIONER**  
**VS.**  
**MINAKSHI KAUSHIK & ORS .. RESPONDENTS**

**CWP-13878-2015 (O&M)**

**DIRECTOR OF SECONDARY EDUCATION HARYANA AND ORS  
... PETITIONERS**  
**VS.**  
**GURLAL SHARMA AND ORS .. RESPONDENTS**

**CWP-14009-2015 (O&M)**

**DIRECTOR OF SECONDARY EDUCATION HARYANA AND ORS  
... PETITIONERS**  
**VS.**  
**MINAKSHI KAUSHIK AND ORS .. RESPONDENTS**

**CWP-438-2017 (O&M)**

**NARENDER KUMAR AND ORS. ... PETITIONERS**  
**VS.**  
**STATE OF HARYANA AND ORS. .. RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Aashish Gupta, Advocate,  
for the petitioner in  
CWP-13146-2014 and CWP-13289-2014.

Ms. Gayatri Bakshi, Advocate and  
Mr. Rakesh Bakshi, Advocate,  
for the petitioner in CWP-438-2017.

Mr. Gaurav Jindal, Addl. A.G.Haryana.

Mr. J.S.Cooner, Advocate with  
Mr. Vikrant Cooner, Advocate,  
for respondent No.1 in  
CWP-13289-2014 & CWP-14009-2015.

Mr. Ravi Gakhar, Advocate (Amicus Curiae)  
for workman in CWP-13146-2014.

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**HARSIMRAN SINGH SETHI, J.(ORAL)**

1. Present are the bunch of four writ petitions namely CWP Nos. 13146, 13289, 13878 and 14009 of 2014, the details of which are mentioned in the heading involve common question of law in the context of common set of facts and thus they are being decided by a common order.
2. Learned counsel appearing on behalf of the petitioner in CWP Nos. 13146 and 13289 of 2014 submits that though the liability imposed in the award has been fixed jointly upon the petitioner herein as well as the State, the said liability has already been discharged by the State hence, the present petition qua the claim in the abovesaid two petitions has already been rendered infructuous and the same may kindly be disposed of as such.
3. Learned counsel for the respondent-Workman and the State disputes that the liability has been discharged by the State and submits that in case, the petitioner intends to withdraw the CWP Nos. 13146 and 13289 of 2014, they have no objection.
4. Keeping in view the statement of the learned counsel for the petitioner, CWP Nos. 13146 and 13289 of 2014 have been rendered infructuous and the same are disposed of accordingly.
5. Learned counsel for the petitioner in CWP Nos. 13878 and 14009 of 2015 submits that the challenge in the present set of petitions is

with regard to the joint liability fixed by the State with regard to the award impugned in the present set of petitions.

6. Learned counsel for the petitioner in CWP Nos.13878 and 14009 of 2015 submits that the respondent-Workman in both the petitions were the employees of the outsourcing agency i.e. M/s Network for Information and Computer Technology (NICT) hence, once the said finding has been recorded, no liability upon the petitioner-Department could have been fixed.

7. Once, the petitioner-Department is disputing the existence of master and servant relationship and nothing has come on record which could show that the Department ever appointed the respondent-workmen and rather it is a conceded position that the workmen were appointed through the Contractor Agency i.e. M/s Network for Information & Computer Technology (NICT), the recording of a finding holding thereby that it is the liability of the petitioner-Department along with the employer Contractor agency to pay jointly cannot be accepted and the said direction was beyond the jurisdiction of the Tribunal hence, the Award concerned is modified accordingly that there will be no liability of the State qua the employees as the same will be only of M/s Network for Information & Computer Technology (NICT).

8. Learned counsel for the petitioners in CWP No.438 of 2017 submits that the only claim being raised by the petitioners should be given preference while conducting new selection as per the Circular dated 08.09.2015, copy of which has been appended as Annexure P-8.

9. The selection has already been done hence, the grant of preference does not arise.

10. With regard to the payment of the salaries of the petitioners in case, any left to be paid, the petitioner(s) will be free to avail appropriate remedy by filing an appropriate representation with the employer by giving due evidence/facts as to for which period, the salary has not been paid, which representation in case filed, will be decided by the authorities concerned within a period of **8 weeks** from the receipt of copy of this order.

11. Present bunch of petitions stand disposed of.

12. Pending application, if any, also stands disposed of.

13. Photocopy of this order be placed on the connected file.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**21.05.2025**  
*sapna goyal*

Whether speaking : Yes  
Whether Reportable : No