



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

LPA-2120-2025 (O&M)

Date of decision: 23.07.2025

Kanu Priya

....Appellant

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Ashutosh Kaushik, Advocate,
for the appellant.

Mr. Bhupender Singh, Addl. Advocate General, Haryana,
for respondents No.1, 2 and 5.

Mr. Bhupender Singh, Advocate,
for respondents No.3 and 4.

KULDEEP TIWARI, J. (Oral)

CM-5324-LPA-2025

Delay of 21 days in filing the accompanying appeal has been satisfactorily explained. Accordingly, the application is allowed, and the delay of 21 days in filing the accompanying appeal is condoned.

LPA-2120-2025

1. The instant intra court appeal is directed against the order and judgment dated 27.05.2025, wherethrough, claim of the appellant-petitioner to allow her to join, and to grant her salary from 01.09.2023 to 13.05.2025, was declined by the learned Single Judge, while invoking the principle of 'no work no pay'.



2. Before embarking upon the submissions made by learned counsel for the appellant, it is imperative to refer to a brief narration of the undisputed facts.

3. The appellant was initially engaged as Computer Clerk through an outsource agency, i.e. MI2C Security & Facilities Pvt. Ltd., in the office of Municipal Corporation, Gurugram. Whereafter, she was deployed as Data Entry Operator with the indenting organization, i.e. Municipal Corporation/Urban Local Bodies, Gurugram, through Haryana Kaushal Rojgar Nigam Limited (for short 'HKRNL'). It is worthwhile to mention that HKRNL is a State Government initiative for promoting skill development, and to achieve the object of facilitating the residents of Haryana, for job placement and entrepreneurship opportunity.

4. Accordingly, the appellant remained deployed with Municipal Corporation, Gurugram, till August, 2023. Whereafter, she submitted a representation (Annexure P-3), thereby requesting her transfer to Municipal Corporation, Karnal. Consequently, the Municipal Corporation, Karnal, acceded to her request, granting her requisite no objection, but on the post of Clerk, vide communication dated 23.06.2023 (Annexure P-4). Thereafter, HKRNL, issued a re-deployment letter dated 27.08.2023 (Annexure P-5), re-deploying her with Municipal Corporation, Karnal, but to perform the duty on the post of Data Entry Operator. However, she was not permitted to join at Municipal Corporation Karnal, as no vacancy/post of Data Entry Operator was available at that time, and the matter remained pending. But, in the month of October, 2023, the Director, Urban Local Bodies, intervened in the matter, and requested the Commissioner, Municipal Corporation, Karnal,



to allow the appellant to join against the vacant seat of Clerk, which occurred on account of transfer of one employee, but to no avail. In this backdrop, the appellant was propelled to knock the doors of this Court, by filing the writ petition.

5. It is pertinent to mention that, during the pendency of the writ petition (supra), she was ultimately allowed to join on 13.05.2025. Thus, she raised the claim of salary from 01.09.2023 to 13.05.2025, on the ground that she was illegally not permitted to join by the Municipal Commissioner, Karnal, despite the fact that she was deputed therewith, by HRKNL. As already observed, the claim of the appellant was not found favour with the learned Single Judge, and accordingly, the writ petition preferred by her was dismissed, by invoking the principle of 'no work no pay'.

6. Learned counsel for the appellant vociferously submits that the appellant was deployed with the Municipal Corporation, Karnal, by an outsource agency, way back in the year 2023. However, the Director, Urban Local Bodies, Gurugram, made a request, but Municipal Corporation, Karnal, did not allow the appellant to join, which is totally illegal. He further submits that in the event, she was allowed to join, in pursuance of the deployment order (supra), she would have performed the job. Therefore, the Municipal Corporation, Karnal, is liable to pay salary, for the period she was not allowed to join.

7. We have heard the submissions advanced by learned counsel for the appellant, but the same merit rejection, for the reasons extracted hereinafter.



8. It is not disputed that the Municipal Corporation, Karnal, was not the employer of the appellant, as she was engaged through an outsource agency, i.e. HRKNL. Apparently, as indicated above, acceding to her request, she was re-deployed at Municipal Corporation, Karnal. The record reflects that no objection was extended by Municipal Corporation, Karnal, for deployment, but against the post of Clerk, whereas, she was deployed as a Data Entry Operator. As narrated above, as there existed no vacancy/work of Data Entry Operator, it was well within the domain of the Municipal Corporation, Karnal, to refuse the appellant to join. Further, the appellant cannot claim, as a matter of right, to be deployed at Municipal Corporation, Karnal, specifically, when there was no vacancy available. In such circumstances, and in view of the fact that the appellant did not work, during the period in question, no liability to pay her salary could be fastened upon the Municipal Corporation, Karnal.

9. In summa, this Court is in respectful agreement with the learned Single Judge. Accordingly, this intra-court appeal is dismissed. However, in case the appellant has not drawn her salary after her joining, she is at liberty to avail such other remedies, as shall be admissible in law.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

23.07.2025
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No