

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 878 of 2022

Laxmikant Guin.....

Petitioners

Versus

The State of Jharkhand & Ors.....

Respondents

.....

Coram: Hon'ble Mr. Justice Ananda Sen

.....

For the Petitioner

: Mr. Rakesh Kumar, Advocate

For the Respondents

: Ms. Divya, AC to S.C.-III

.....

4/22.09.2022 Several writ applications have come before this Court where permanent vacant sanctioned posts are sought to be filled up by recruiting manpower through outsourced agencies on temporary basis. This is one of such case. This has become rampant in the State of Jharkhand where permanent vacant posts are sought to be filled up by engaging manpower through outsourced agencies. This type of appointment prima-facie is illegal. If persons through outsourced agency is appointed in sanctioned and vacant post, the basis of service jurisprudence gets eroded. Government then does not become the employer rather the outsourced agencies become the employer. Government cannot take disciplinary action, as there is no employer and employee relationship between the State and the outsourced employee. The control is also lacking.

Thus, henceforth till further orders in the State of Jharkhand, against any sanctioned vacant post, the Government of Jharkhand should not any further engage any manpower through outsourced agencies. This order should be strictly complied with.

Counsel for the respondents is directed to seek instructions and file counter affidavit in this case within three weeks.

This Court appoints Mr. Manoj Tandon, Mr. Indrajit Sinha and Mr. Sumeet Gadodia, learned counsel, as Amici Curiae in this case to assist this Court on the larger issue as to whether against sanctioned and vacant post Government can engage manpower through outsourced agency.

Let a copy of this order be forwarded to the Chief Secretary, Government of Jharkhand, Ranchi, immediately through FAX.

Let a copy of this order alongwith a copy of this petition be handed over to the learned Amici Curiae, appointed by this Court.

Let the name of Mr. Manoj Tandon, Mr. Indrajit Sinha and Mr. Sumeet Gadodia, learned counsel, be printed in the daily cause list.

List this case after four weeks under the heading 'for Orders'.

(Ananda Sen, J)