

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 3960/2004

Hans Raj Sharma Son of Shri Radhey Shyam Ji, age-38 years,
R/o178-179, Laxami Nagar, Mangodi Walon Ki Bagechi,
Brahmpuri, Jaipur.

-----Petitioner

Versus

1. State of Rajasthan through the Secretary, Finance Department, Rajasthan, Jaipur.
2. The Deputy Commissioner, (Adm.) Commercial Taxes Department, Udaipur.
3. The Assistant Commissioner, Commercial Taxes Department, Udaipur.

-----Respondents

For Petitioner(s)	:	None Present
For Respondent(s)	:	Mr. Kuldeep Vaishnav, Dy. G.C. Mr. Nilesh Choudhary

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
Order

29/06/2026

1. The present matter pertains to the year 2004 and is listed in the old hearing category.
2. No one appeared on behalf of the petitioner to assist the Court.
3. The instant writ petition under Article 226 of the Constitution of India has been preferred claiming the following reliefs:

"It is, therefore, prayed that by an appropriate writ order or direction:

i. The writ petition filed by the petitioner may kindly be allowed.

ii. The action of the respondents in terminating the services of the petitioner by an oral order from the post of Security Guard may kindly be declared illegal, void and may very kindly be quashed.

iii. It may very kindly be declared that the petitioner should be treated to be in the continuous service of the respondents on the post of Security Guards.

iv. The respondents may kindly be directed to regularise the services of the petitioner on the post of Security Guards.

v. The respondents may kindly be directed to give the petitioner minimum pay scale of the post of Security Guards.

vi. Any other appropriate relief which this Hon'ble Court deems fit in favour of the petitioner may kindly be granted.

vii. Cost of the writ petition may be awarded to the petitioner."

3. As per the averments made in the writ petition, the petitioner claims to have been engaged as a Security Guard in the office of the Deputy Commissioner (Administration), Commercial Taxes Department, Udaipur on 04.04.1989. It has been pleaded that the petitioner continued to discharge duties for a considerable period and that certain similarly situated persons were reinstated, whereas the petitioner was discontinued. The petitioner has further alleged that his services came to be dispensed with without issuance of any formal order and that his claim for regularization was not considered.

4. Learned counsel for the respondents submits that the petitioner was never appointed as a Security Guard/Class IV employee by the respondent department through any regular process. It is contended that the assertion regarding maintenance of attendance records by the department is misconceived and that any such record, if at all maintained, pertained to the agency entrusted with the work in question. It is further submitted that

the petitioner was engaged through M/s Goliath Detective Pvt. Ltd., Udaipur and not by the respondent department and, therefore, neither any appointment order nor any termination order was ever issued by the respondents.

4.1. Learned counsel further submits that there existed no privity of contract between the petitioner and the respondent department. According to him, upon expiry of the contractual arrangement with M/s Goliath Detective Pvt. Ltd., Udaipur, no enforceable right survived in favour of the persons engaged through the said agency.

5. Having considered the pleadings available on record and the submissions advanced on behalf of the respondents, this Court finds that the engagement of the petitioner, if any, was through M/s Goliath Detective Pvt. Ltd., Udaipur pursuant to an arrangement entered into between the said agency and the respondent department. The material placed on record does not disclose any direct appointment of the petitioner by the respondents.

5.1. In such circumstances, this Court is of the opinion that no legal obligation can be fastened upon the respondent department to extend the reliefs sought in the present writ petition. Merely because the petitioner may have rendered services in connection with the work assigned under the aforesaid contractual arrangement, no right accrues in his favour to claim regularization, continuity of service or other consequential benefits against the respondents.

5.2. This Court has also taken into consideration the fact that the petitioner was aged about 38 years at the time of institution of the

present writ petition and, by now, would have crossed the age of superannuation. Thus, even otherwise, the principal reliefs seeking reinstatement and continuity in service have, in practical terms, become incapable of implementation.

6. This matter is listed as a Very Old Hearing Matter. Yet, the petitioner has rendered no assistance to the Court. Such conduct is deprecated, and the Court expresses its displeasure.

7. Accordingly, the writ petition is dismissed.

(DR.PUSHPENDRA SINGH BHATI),J