

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	10.06.2026		<p><b>WPSB No. 334 of 2026</b> Ziaul Hasan -----Petitioner.</p> <p style="text-align: center;"><b>Versus</b></p> <p>State of Uttarakhand and others. --Respondents</p> <p><b><u>Hon'ble Manoj Kumar Gupta, C.J.</u></b> <b><u>Hon'ble Subhash Upadhyay, J.</u></b></p> <ol style="list-style-type: none"> <li>1. Sri Yogesh Pant, learned counsel for the petitioner.</li> <li>2. Sri B.P.S. Mer, learned Standing Counsel for the State of Uttarakhand.</li> <li>3. The petitioner is stated to be working as Block Mission Manager under the Uttarakhand State Rural Livelihood Mission, initially, through outsourcing agency-UNDP and, thereafter, through INDUCTUS in pursuance of appointment letters dated 02.07.2019 and 20.06.2022 respectively.</li> <li>4. It appears that recently, the Mission has engaged a new Outsourcing Agency, namely TSA. The State has issued a Government Order dated 11.08.2023 providing for the manner in which the man-power could be engaged on basis of outsourcing through GeM portal. It contemplates under Para 3(5) that any person, who intends to work as an outsourced employee, shall get himself registered on 'Rojgar Prayag Portal'. For registration on the said portal, one of the requirements is to upload the Domicile Certificate of being a permanent resident of Uttarakhand.</li> <li>5. Since the petitioner is not a permanent resident of the State of Uttarakhand, in view of the said condition, he is facing difficulty in getting himself registered on the said portal. Now, for want of registration, the second respondent, in his communication dated 19.05.2026, addressed to respondent No. 5, has clarified that it would not be possible to retain the petitioner in service.</li> </ol>

6. Learned counsel for the petitioner submits that under Para 3(4) of the Government Order dated 11.08.2023, there is specific provision that where any Department of the Government had been provided man-power on outsourcing basis, the vacancies, to be filled through outsourcing, would be calculated after excluding the posts against which persons are already working through outsourcing. He submits that in view of the said provision, the Mission was not justified in treating the post, against which the petitioner is working, as vacant and in seeking appointment of a new person against the said post through outsourcing. He has also invited our attention towards the exercise undertaken for identifying the persons to be retained and in which, name of the petitioner also figures. It shows that the performance of the petitioner was satisfactory and, therefore, recommendation was made by the Chief Development Officer Chamoli for retaining him as an outsourced employee, even through the new outsourcing agency also.

7. Learned Standing Counsel for the State is not in a position to dispute that under Para 3(4) of the Government Order, the persons, who are already working through any outsourcing agency, are to be retained. He seeks time to file counter-affidavit.

8. Accordingly, as prayed, he is granted four weeks' time to file counter-affidavit(s).

9. List immediately thereafter.

10. In the meantime, the services of the petitioner as an outsourced employee shall not be dispensed with solely on the ground that he could not get himself registered on the 'Rojgar Prayag Portal' in terms of Para 3(5) of the Government Order.

(Subhash Upadhyay, J.)  
10.06.2026

(Manoj Kumar Gupta, C.J.)  
10.06.2026

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