



2026:UHC:4156

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPSS 1383/2026 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Ms. Priyanka Agrawal, Advocate, for the petitioners.</p> <p>Mr. Rakesh Kanwar, Additional CSC, for the State.</p> <p>Mr. Pankaj Chaturvedi, Advocate, for Uttarakhand Jal Sansthan.</p> <p>Mr. Pankaj Kumar, Advocate, i/b Mr. Neeraj Garg, Advocate for the UPNL.</p> <p>(2) Pursuant to the request made by Uttarakhand Jal Sansthan, vide letter dated 17.3.2012, petitioner no. 1 was sponsored by respondent no. 3 for engagement on contract as Stenographer. Petitioner no. 2 was also engaged on contract as Stenographer in Uttarakhand Jal Sansthan in 2014, pursuant to similar request made by Uttarakhand Jal Sansthan to respondent no. 3. Petitioners contend that since status of the petitioners was upgraded to Senior Personal Assistant by Chief General Manager, vide order dated 20.2.2021, therefore, petitioners are entitled to continue as Senior Personal Assistant and their status cannot be reduced to that of Stenographer. Petitioners have challenged communication dated 8.4.2026, issued by Chief General Manager, Uttarakhand Jal Sansthan, which is enclosed as Annexure-8 to the writ petition. The said communication is addressed to the outsourcing agency (respondent no. 3). By the said communication, outsourcing agency is informed that the competent authority has decided to restore the designation of persons, engaged on contract through outsourcing, as was mentioned by UPNL while sponsoring them for engagement on contract.</p> <p>(3) Decision referred to in the impugned communication dated 8.4.2026 appears to</p>



have been taken in the light of government orders, issued from time to time.

(4) Learned Counsel for the petitioners submits that status of petitioners cannot be changed unilaterally by respondent no. 1 and petitioners are entitled to serve as Senior Personal Assistant on the strength of order dated 20.2.2021.

(5) Learned Counsel appearing for Uttarakhand Jal Sansthan, however, submits that petitioners are outsourced employee engaged through UPNL and they cannot claim to have acquired any status, based on their engagement on contract. He submits that Uttarakhand Jal Sansthan had requested UPNL to supply manpower and on that request, UPNL sponsored name of petitioners for contractual engagement. He submits that an outsourced employee does not acquire status based on his contractual engagement and he is required to perform whatever duties are assigned to him. He submits that outsourced employees have to perform multifarious duties like a multitasking staff, therefore the contention raised by the petitioners that they were appointed as Stenographer, but were later promoted as Personal Assistant and thereafter as Senior Personal Assistant cannot be accepted. He submits that when there is no direct master-servant relationship between petitioners and Uttarakhand Jal Sansthan, then there cannot be any question of promoting the petitioners to higher positions. He submits that the then Chief General Manager, for reasons best known to him, had given a new designation to petitioners, however that was done by him without any authority of law and petitioners cannot capitalise on some wrong committed by the then Chief General Manager. He further submits that when this anomaly came to the notice of the competent authority, then immediately a communication was issued, which is impugned in the present writ petition.



		<p>(6) Learned Counsel for the Uttarakhand Jal Sansthan further submits that pursuant to orders passed by this Court, the issue of regularisation of outsourced employees, engaged through UPNL, is under consideration and this writ petition has been filed by the petitioners to lay foundation for claiming regularisation on the post of Senior Personal Assistant, and not Stenographer. He further submits that the post of Senior Personal Assistant can be filled only by promotion and regularisation is permissible only against a post, which is required to be filled by direct recruitment. Thus he submits that there is no substance in challenge thrown to the impugned communication, issued by Chief General Manager, and petitioners are trying to achieve a benefit to which they are otherwise not entitled.</p> <p>(7) Learned Counsel for the petitioners relies upon Clause 3(6) of the Government Order dated 3.2.2026 for contending that petitioners would be entitled to the benefits admissible for the post against which they are presently serving. The latter half of Clause 3(6), however, provides that if the nature of work/duties of an outsourced employee has been changed, then he shall be entitled to benefits for a work/post against which he/she was initially engaged. Thus viewed, the impugned communication does not affect the benefits, which may accrue to the petitioners in future, based on decision taken by the State Government regarding persons engaged on contract through UPNL.</p> <p>(8) This Court do not find any reason to interfere with the impugned communication. Outsourced or contract employees do not automatically acquire the status enjoyed by regular State Employees. Continuance of an outsourced employee in service for long period does not ipso facto establish a direct employer-employee relationship with the State</p>
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Government. Engagement through outsourcing agency does not necessarily indicate existence of sanctioned post and they can be engaged even if there is no sanctioned post available. Petitioners were sponsored by respondent no. 3 for engagement as Stenographer and they were never sponsored for engagement as Senior Personal Assistant. Unilateral change of designation given to the petitioners by the Chief General Manager of Uttarakhand Jal Sansthan can be corrected by the competent authority and such correction will not entail civil consequences to the petitioners. No prejudice is caused to the petitioners by the impugned communication, as the Government Order dated 3.2.2026 also provides in Clause 3(6) that outsourced employee shall be given benefits for the post against which he was originally engaged.

(9) As outsourced employee, petitioners do not have any direct employee-employer relationship with Uttarakhand Jal Sansthan, therefore it was not open to Uttarakhand Jal Sansthan to upgrade the status of petitioners, who were having status of outsourced employee. Law is well settled that outsourced employees do not have any right to claim promotion and the alternation in the designation made by the Chief General Manager of Uttarakhand Jal Sansthan was, therefore, without any authority of law. The competent authority was, therefore, justified in restoring the original status enjoyed by petitioners to them. Thus this Court do not find any reason to interfere with the impugned communication. Writ petition thus fails and is dismissed. No order as to costs.

(Manoj Kumar Tiwari, J.)
26.5.2026



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