

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CWPOA No. 5026 of 2019****Date of decision: 01.10.2026****Balwant Singh and another****.....Petitioners****Versus****Himachal Pradesh State Electricity
Board Ltd and others****.....Respondents****Coram****The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.****The Hon'ble Mr. Justice Yogesh Jaswal, Judge.*****Whether approved for reporting?¹ Yes*****For the Petitioners : Mr. Vinod Thakur, Advocate.****For the Respondents : Mr. B.N.Misra, Senior Advocate with
Mr. Sourabh Chand, Advocate for
respondents No. 1 & 2.****Mr. Pushpender Jaswal and
Mr. Ramakant Sharma, Additional
Advocates General for respondent
No.3.****Ajay Mohan Goel, Judge (Oral)**

By way of this writ petition, the petitioners have, inter
alia, prayed for the following reliefs:-

“(i) To quashing the R & P Rules for the post of Junior T/ Mate (Operation Wing) prevalent in the H.P. Electricity Board Ltd. Annexure A-5 qua item No.6 of the rules regarding fixation of the age of direct recruitment for the said post fixed between 18-30 years. Since this provision is highly discriminatory unconstitutional in view of detail facts stated in the original application.

¹*Whether the reporters of the local papers may be allowed to see the Judgment?Yes*

(ii) The respondents may further be directed that representation of the applicant Annexure A- for raising the age limit for the post of Junior T/Mate (Operation Wing) of H.P. Electricity Board Ltd. and giving direction to the respondents to decide the representation of appellant Annexure A-7 at the earliest so that appellant is saved from mental harassment, agony faced by him due to the unreasonable/ discriminatory provisions in the R& P Rules for the post of Junior T/Mate (Operation Wing) prevalent in the H.P. Electricity Board Ltd. which provides upper age limit for the said post between 18 to 30 and for raising the same from 18 to 45 and considering the case of the appellant for relaxation in age and for allowing him for applying for the said post and also raising age limit from 18 to 30 to 18 to 45 in order post of direct recruitment as similar/equivalent category in HPSEBL.”

2. The petitioners are aggrieved by notification dated 16.07.2014 Annexure A-4, in terms whereof, age of direct recruitment for the post of Junior T/Mate has been amended from 18 to 45 years to 18 to 30 years.

3. Learned counsel for the petitioners argued that as a result of the amendment, which has been carried out in the Recruitment & Promotion Rules (R&P) Rules, a vested right of appointment of the petitioners has been denied. He argued that the petitioners are possessing the qualification, which is required for appointment to the post in issue, but on account of the amendment, the petitioners have now become overage and they have been rendered ineligible to apply for the post in issue. He argued that there is no rationale behind the decrease in the maximum age limit from 45 to 30 years and, therefore, as the amendment is arbitrary and violative of Article 14 of the Constitution of India, the petition be allowed and the impugned notification be quashed.

4. On the other hand, learned Senior Counsel for the respondent- Board referred to the reply filed by the respondent- Board and submitted that the decision to reduce the maximum age of recruitment of Junior T/Mates from 45 to 30 years was taken by the Board in consultation with the Government in light of the fact that for the post in issue, young workers are required by the respondent. He argued that this decision was not arbitrary or discriminatory, but the rationale behind the said decision was that for the kind of duties which are to be performed by a Junior T/Mate, the Board was of the considered view that the maximum age limit of 30 years was appropriate as the duty required young legs besides qualification, of course.

5. Learned Senior Counsel further submitted that the proposal to this effect was formulated with due consultation with the State Government and the Service Committee, which was a committee consisting of Finance Secretary, Administrative Secretary to the Government of Himachal Pradesh and the Managing Director of the respondent- Board which finalized the proposal, which was placed before the Board of Directors of the respondent-Board, which deliberated upon the same and adopted the suggestions of the Service Committee. Thereafter, necessary amendment in the R&P Rules was carried out.

6. Learned Senior Counsel further submitted that as the decision has been taken in the larger interest of the Board, taking into consideration the nature of duties, which are to be performed by a Junior T/Mate, the present petition deserves to be dismissed.

7. Learned Senior Counsel further submitted that otherwise also, in light of the fact that the decision was taken in the larger interest of the Board and was not a motivated decision to meet the requirements of a few favoured few, Hon'ble Supreme Court of India has been pleased to hold that in such like cases as framing of the R & P Rules and carrying out amendments thereto, is the prerogative of the employer, ordinarily the Court should not interfere with the same.

8. Having heard learned counsel for the petitioners as also learned Senior Counsel for the respondent-Board and having perused the impugned order, impugned R&P Rules as well as the pleadings and documents appended therewith, we do not find any merit in the petition.

9. It is settled law that prescription of post, prescription of qualification and other conditions of service, including avenues of promotion and criteria to be fulfilled for such promotion, fall in the field of Policy, which is the exclusive discretion and jurisdiction of the employer, subject of course to the limitations and restrictions envisaged in the Constitution. It is also settled law that the employer

has the right to frame the R & P Rules and also to alter or amend the same and ordinarily, the Courts cannot direct the employer to have a particular method of recruitment or eligibility criteria itself, be it by way of direct recruitment of post.

10. It has been categorically held by the Hon'ble Supreme Court in ***P.U.Joshi and others versus Accountant General, Ahmedabad and others a/w connected matter, (2003) 2 SCC, 632*** in para-10 thereof, which is reproduced as under:-

“10. We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of Policy and within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the Statutory Tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/ subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a Government servant has no right to challenge the

authority of the State to amend, alter and bring into force new rules relating to even an existing service.”

11. Thereafter, Hon’ble Supreme Court of India in ***Subodh Kumar and others versus Commissioner of Police and others***, ***AIR 2020 SC 1427*** has been pleased to reiterate this principle in para-15, which is reproduced as under:-

“15. It is a settled law that prescribing of any age limit for a given post, as also deciding the extent to which any relaxation can be given if an age limit is prescribed, are essentially the matters of policy. It is always open for the Government or the appointing authority while framing rules, to prescribe such age limits or to prescribe the extent to which any relaxation can be given. Prescription of such limit or the extent of relaxation to be given, cannot ordinarily be termed as arbitrary or unreasonable. Just because the amendment under notification dated 13th March, 2013 has curtailed the chances of the appellants to take part in the selection process, it cannot lead to an inference that the rule is arbitrary or unreasonable as prayed for.”

12. In the present case, the grievance of the petitioners is that the maximum age limit for recruitment to the post of Junior T/Mate has been arbitrarily reduced by the Board from 45 to 30 years. Firstly, in terms of the judgment of the Hon’ble Supreme Court in ***Subodh Kumar versus Commissioner of Police (supra)***, prescribing of any age limit for a given post, as also, deciding the extent to which relaxation can be given, if an age limit is prescribed, are essentially the matters of Policy and it is always open for the Government or the appointing authority, by framing Rules, to prescribe such age limits etc.

13. The above demonstrates that simply because earlier the maximum age limit was fixed at 45 years, this does not mean

that the respondent-Board was not having the power to amend this. Now, the reasons which have led to the issuance of the impugned R&P Rules have been well explained in the reply filed by the respondent-Board and according to us, the reasons which have been so spelled out, justify the incorporation of the amendment.

14. The rationale of having fresh legs to man the post of Junior T/Mate, is a valid rationale, as because the work of Junior T/Mates is ordinarily a field job, which includes climbing of high poles etc., obviously, young legs who possess the requisite qualification, are required to man this post.

15. Therefore, we do not find any arbitrariness in the decision of the respondent- Board of amending the maximum age of recruitment to the said post from 45 to 30 years.

16. Besides this, during the course of the hearing of this case, it could not be demonstrated before us that amendment was incorporated by the Board with some ulterior motive or that it was a motivated amendment. It is also evident from the submissions made by learned Senior Counsel for the respondent-Board as also the contents of the reply that due deliberation was made before the amendment was incorporated, which includes discussions with the Government and thereafter a decision in this regard being taken by the Service Committee, which was duly ratified by the Board of Directors of the Board.

17. Therefore, due process was also followed while carrying out the amendment, which is the subject matter of this petition. Simply because the amendment has now taken away the right of the petitioners, this does not mean that the amendment is per se arbitrary or violative of Article 14 of the Constitution.

18. Accordingly, in the light of the above discussions, as we do not find any merit in the petition, same is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

1st October, 2026.
(yogesh)