

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18636 of 2015 (O&M)

Date of Decision: 14.02.2018

Anil Kumar Sharma

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ram Niwas Sharma, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG Haryana.

Mr. Suraj Bhan Hooda, Advocate
for respondent Nos. 3 to 7, 11 & 14 to 16.

Mr. Rakesh Nagpal, Advocate
for respondent No.8.

Mr. Abhinav Kalia, Advocate
for respondent No.9.

RAJIV NARAIN RAINA, J. (Oral)

The petitioner has no right to claim promotion to the post of Assistant Labour Commissioner designated in Appendix-B of The Haryana Labour Department (Group-B) Service Rules, 1987 which prescribe essential academic qualifications for appointment other than by direct recruitment amongst officials who are graduate from recognized University and holding a degree or diploma in Social Work or Labour Welfare of its equivalent from any recognized University or Institution. Both these qualifications are interlinked.

For direct recruitment to the post of Assistant Labour Commissioner, the academic qualifications are law graduate with labour laws as one of the subjects from any recognized University or Institution. It follows that graduate in the promotional Rule (Appendix-B) (See Rule 7) is graduate other than law graduate and such graduate must be accompanied by degree or diploma in Social Work or Labour Welfare. The petitioner has produced his original LLB certificate in which he is shown to have passed the paper in labour laws which is not one and the same thing as a degree or diploma in Social Work or Labour Welfare. The LLB degree has to be earned through class-room and campus education and is not easily to be pursued by in-service candidate who may have to take study leave, which may or may not be granted.

Therefore, in the cases of promotion the educational benchmark has been lowered to simple graduate i.e. B.A in Arts or Science etc. complimented with Degree in Social Work or Labour Welfare which will enhance utility on the post of Assistant Labour Commissioner who has to perform various duties under the Labour laws including the Industrial Disputes Act, 1947. It may be mentioned that by amendment the nomenclature of the Post of Labour Officer-cum-Conciliation Officer (LOCO) was changed to Assistant Labour Commissioner in the year **2017 (Check)**. The cases of official in the application pertain to the post of Labour Officer-cum-Conciliation

Officer. If they were promoted, then it does not unnecessarily follow that the petitioner should also be granted the same relief when it is not permissible under the rules. As per rules the petitioner was not eligible.

The Government may look into the background of passing of the orders in the case of Rajender Kumar Aggarwal, Legal Assistant (Ministerial Cadre) promoted to the post of Labour-cum-Conciliation Officer vide order dated 16.11.2010. The petitioner has no *locus standi* to question the right of the private respondents/3rd parties or their promotions.

I find no merit in the petition. Accordingly, the same is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

14.02.2018

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Whether speaking/reasoned : *Yes*

Whether reportable : *No*