

107 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-30469-2025

Date of decision: 30.10.2025

Gurjaipal Singh

...Petitioner

vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Shashi Kumar Rattan, Advocate
 for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present writ petition with a prayer to issue a writ in the nature of certiorari with a prayer to quash the clause (e) in the appointment letter dated 04.04.2022 (Annexure P-5), whereby condition was imposed to pass the departmental examination prescribed under the rules/instructions, while appointing the petitioner as Labour Inspector, Grade-I. Further prayer has been made to quash the order dated 28.05.2025 (Annexure P-7), whereby, the prayer of the petitioner to exempt him from passing the departmental examination was rejected. It was also prayed that the impugned notice dated 16.07.2025 (Annexure P-8) may also be quashed, whereby it was proposed to take action to revert the petitioner from the post of Labour

Inspector Grade-I on the ground that the petitioner had not passed the departmental examination.

2. Learned counsel for the petitioner has vehemently argued that the petitioner was having the qualification of 10+2 and was appointed as a clerk, vide order dated 13.02.2001 under visually handicapped category as he was having 40% disability. The petitioner repeatedly requested the respondents to promote him as Labour Inspector, Grade-II in reserved category of Handicapped Quota and made number of representations in this regard. However, when no action was taken, he filed CWP No.7796 of 2012 before this Court and vide order dated 28.02.2020, this Court held that the non-consideration of the claim of the petitioner for promotion to the post of Labour Inspector Grade II by the respondents could not sustain and the directions were issued to the respondents to consider the claim of the petitioner for promotion to the post of Labour Inspector Grade II, within a period of 2 months. Even after the above said order, the petitioner was not promoted by the respondents, and inaction on the part of the respondents, constrained the petitioner to file COCP No.1891-2021 before this Court. During the pendency of the contempt petition, the petitioner was ordered to be promoted as Labour Inspector Grade -I in the handicapped category, vide order dated 04.04.2022 (Annexure P-5). However, in the impugned order (Annexure P-5), the respondents had imposed the following condition in the appointment letter:-

“(e) It would be essential to pass the departmental examination prescribed under the instructions/rules issued from time to time.”

3. After his promotion as Labour Inspector Grade-I on 05.04.2022, the petitioner had undergone departmental training meant for the post in various branches of the department and was posted at Batala in the office of Assistant Labour Commissioner, Batala. Thereafter, the petitioner remained posted at different places and there was no complaint against him and he performed his duties to the entire satisfaction of the Higher officers and thus, gained sufficient experience of his post of Labour Inspector Grade-I. Ultimately, on 13.05.2025, the petitioner made a representation to respondent No.1 with a request to exempt him from passing the departmental examination as the petitioner is a visually handicapped person to the extent of 40% disability and had attained the age of around 56 years. However, on 28.05.2025, the respondent No.1 rejected the prayer of the petitioner by stating that there was no provision in the departmental rules for maximum age or any kind of exemption for any category and the petitioner was directed to appear in the departmental examination. Learned counsel further contends that the petitioner had attained the age of more than 55 years and he should have been granted the exemption from appearing in the departmental examination, being held on 07.06.2025 and 08.06.2025. Even a notice dated 16.07.2025 (Annexure P-8) was issued to him and he was directed to submit an explanation as to why he should not be reverted from the post of Labour Inspector Grade-I as he had failed to qualify the departmental examination. Learned counsel further contents that even the show cause notice dated 16.07.2025 (Annexure P-8) was wrongly issued to him as it was a case of extreme hardship, keeping in view the visually handicapped category of the present petitioner. Apart from that, now the petitioner has attained the age of 56 years and he would be shortly retiring from service,

consequently relaxation should have been granted to him with regard to the requirement of qualifying the departmental examination. Learnd counsel also referred to Rule 19 of “Punjab Labour Department (State Service Class III) Rules 1969, which provides for relaxation of these rules with respect to any class or category of persons. The said rule reads as under:-

“19. Where the Government is of the opinion that it is necessary or expedient so to do, it may by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.”

4. Apart from that, vide order dated 09.12.2003 (Annexure P-12), Jasbir Singh, Labour Inspector Grade-I, Rajpura, was granted exemption from passing departmental examination and since the petitioner is also identically placed, he may also be exempted from appearing in the departmental examination

5. On advance notice, Mr. Rohit Ahuja, Deputy Advocate General, Punjab appeared on behalf of the official respondents and submits that the petitioner was promoted to the post of Labour Inspector Grade-I on 04.04.2022 (Annexure P-5) and a specific condition was mentioned in his promotion orders that it would be essential for him to pass the departmental examination, prescribed under the rules/instructions from time to time. Even, departmental examinations were held for petitioner on four occasions and the petitioner had availed four chances to get the department exam cleared. However, he remained unsuccessful in all the four examinations held on four different occasions. At the time of 4th chance to appear in the departmental examination, the petitioner had submitted a representation that he was handicapped and his

age was more than 55 years, so he should be exempted to appear in the departmental examination, which was scheduled to be held on 07.06.2025 and 08.06.2025. However, no such exemption could be allowed under the rules as the rules do not prescribe for any such relaxation. Even the petitioner could not have relied upon the letter (Annexure P-12), to claim parity with Jasbir Singh, Labour Inspector Grade-I, Rajpura on the ground that the said employee was promoted after attaining the age of 55 years. In the present case, admittedly, the age of the petitioner was less than 55 years as on 04.04.2022 i.e. the date of his promotion, consequently, the benefit of the order dated 09.12.2003 (Annexure P-12) would not be available to him. Even otherwise, the service conditions of Labour Inspector Grade-I shall be governed by the Punjab Labour Department (State Service Class-III) Rules 1969 and as per Rule 11, the Labour Inspector, before becoming eligible for confirmation, shall have to qualify the departmental examination as prescribed in Appendix B to these rules. However, the petitioner did not qualify the departmental examination, as prescribed under the rules, he was being correctly reverted by the respondents and the writ petition deserves to be dismissed by this Court.

6. After hearing learned counsel for the parties and perusing the record, I find sufficient force in the submissions made by learned State counsel. The petitioner was ordered to be promoted to the post of Labour Inspector Grade-I on 04.04.2022, when admittedly, he was less than 55 years of age. Even otherwise a specific condition was imposed in his promotion orders that it would be essential to pass the departmental examination prescribed under the rules/instructions. Admittedly, the Punjab Labour Department (State Service Class-III) Rules, 1969 governed the promotion of the petitioner to the post of

Labour Inspector Grade-I and as per Rule 11, before becoming eligible for confirmation, the Labour Inspector has to qualify the departmental examination, as prescribed in Appendix 'B' to these rules. After getting the promotion, the petitioner was provided the following four chances to qualify the departmental examinations:-

“(i) Departmental examination held on 06.05.2023 & 07.05.2023.

(ii) Departmental examination held on 24.12.2023 & 25.12.2023.

(iii) Departmental examination held on 17.02.2024 & 18.02.2024.

(iv) Departmental examination held on 07.06.2025 & 08.06.2025.”

7. However, the petitioner appeared in on all 4 occasions and was declared unsuccessful. Thus, this Court is of the considered opinion that the respondents had provided sufficient opportunity to the petitioner to qualify the departmental examination, but he could not fulfill the condition No.2(e) of the promotion order (Annexure P-5) and the department had rightly decided to revert him. Even otherwise, the petitioner is not entitled to claim the benefit of the order (Annexure P-12), whereby Jasbir Singh, Labour Inspector Grade -I was exempted from passing the departmental examination as he was promoted after attaining the age of 55 years, which is not the case with the petitioner.

8. In view of the above discussion, finding no merits, the present petition is ordered to be dismissed.

(N.S.SHEKHAWAT)
JUDGE

30.10.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No