



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-571-2026 (O&M)

Date of Decision: 21.04.2026

MAJOR SINGH

....Appellant(s)

Versus

PUNJAB STATE POWER CORPORATION LTD. AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.B.D. Sharma, Advocate,
for the appellant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is an intra-Court appeal filed assailing the judgment passed by the learned Single Judge dated 12.12.2025 in Civil Writ Petition No.37129 of 2025.

2. Learned counsel appearing on behalf of the appellant submitted that the appellant had filed an application under Section 33C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') before the learned Industrial Tribunal, Amritsar, which was decided on 12.12.2023 vide Annexure P-1. In the aforesaid application, the appellant was seeking promotion, regularization and refixation of pay but as per the aforesaid order passed by the learned Industrial Tribunal, the application under Section



33C(2) of the Act was stated to be not maintainable because the appellant had not sought any reference by raising an industrial dispute under Section 2K of the Act. However, the learned Industrial Tribunal directed the appellant to move a written representation to the respondents on the basis of Policy dated 02.11.1993 within three months from the date of passing of the order. Thereafter, the appellant moved an application before the concerned authorities, which was rejected by way of an order passed vide Annexure P-3 dated 07.05.2024. Thereafter, the appellant again filed an application before the Assistant Labour Commissioner, who observed that the authority cannot look into the legality/illegality of the order passed by the respondents being an executive authority. He submitted that in this way, the Assistant Labour Commissioner did not go into the aforesaid order dated 07.05.2024. This order passed by the Assistant Labour Commissioner was challenged by way of filing a writ petition before this a Single Bench of this Court and the learned Single Judge has dismissed the said writ petition by way of the impugned judgment.

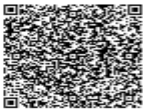
3. We have heard the learned counsel for the appellant.

4. On a query being raised to the learned counsel for the appellant as to whether the appellant had at any stage challenged the order passed by the concerned authority i.e. the Additional Superintendent Engineer (OP) Division PSPCL, Dhariwal vide Annexure P-3 dated 07.05.2024, to which he submitted that the aforesaid order has neither been challenged in any proceedings nor the same was challenged in the writ petition, which has been decided by way of the aforesaid impugned judgment.



5. Earlier when the appellant had filed an application under Section 33C(2) of the Act, the same was not adjudicated on merits in view of the fact that the appellant had not sought any reference and the application was only under Section 33C(2) of the Act. Therefore, the learned Industrial Tribunal had directed the appellant to move an application before the appropriate executive authority seeking relief and when he moved the aforesaid application, the same was rejected vide Annexure P-3 dated 07.05.2024. However, the appellant did not challenge the aforesaid order but again moved a similar application before the learned Industrial Tribunal, who declined the same. When the writ petition was filed before the learned Single Bench, again the aforesaid order by which the appellant was declined the relief was never challenged.

6. In view of the above, we are of the considered view that in the absence of any challenge to the aforesaid order dated 07.05.2024 (Annexure P-3), even the writ petition was not maintainable. The learned Single Judge by way of the impugned judgment has dealt with the claim of the appellant and was of the opinion that the claim of the appellant was based upon his entitlement to the promotion after completion of three years in service and in this regard, he had made a representation in the year 1992. The Policy dated 02.11.1993 only prescribed the eligibility criteria for regularization of the work-charge employees to the post of ALM merely because an employee has completed three years of work charge service does not confer any legal right for promotion to the post of ALM and it was clearly mentioned in the Policy that the regularization of a work-charge employee to the post of ALM would be done on basis of eligibility criteria on the availability of post at



zonal level seniority and therefore, in compliance of the award passed by the learned Labour Court dated 12.12.2023, the impugned order was passed in light of Clause 1(a) and 1(C) of the policy of 02.11.1993. In this way, the learned Single Judge also referred to the aforesaid order. Since the aforesaid order passed by the concerned authorities vide Annexure P-3 was never challenged by the appellant, no interference can be sought by way of filing of the present intra-Court appeal.

7. We are of the view that the present appeal is devoid of any merit and the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

21.04.2026
rakesh

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