



2026:AHC:30890

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 658 of 2026

Ram Kumar

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Jamal Ahmad Khan
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Jamal Ahmad Khan, learned counsel for the writ petitioner and Sri S.K. Pal, learned Addl. Chief Standing Counsel for the State.
2. This Court entertained the present writ petition on 21.01.2026 while seeking instructions.
3. Today, instructions have been produced dated 04.02.2026 under the signature of Deputy Labour Commissioner, Uttar Pradesh are taken on record.
4. The case of the writ petitioner is that he qualified the UPPCS examination in the year 2007 and was accorded posting in Tehsil Baberu, District Banda Uttar Pradesh as Labour Enforcement Officer, where he remained till September 2012 and thereafter he was transferred to one place to another as Labour Enforcement Officer and lastly he was working as Labour Enforcement Officer in the office of Deputy Labour Commissioner, Mirzapur district Sonebhadra. On the personal request of the writ petitioner he was transferred from Sonebhadra to Lucknow on 15.06.2025 and the writ petitioner had joined the transferred place in the office of Addl. Labour Commissioner, Lucknow on 17.06.2025. It is also the case of the writ petitioner that one Sri Amit Prakash Singh, Labour Enforcement Officer was accorded promotion as Assistant Labour Commissioner pursuant whereto the work which he was allotted to him was of Sector 2 and 14 came to be vacant. Pursuant whereto, on 17.12.2025, an order came to be passed by Addl. Labour Commissioner, Lucknow Region, Lucknow granting additional charge to the writ petitioner of Sector 2 and to one Santosh Kumar of Section 14. However, on 20.12.2025, an order came to be passed by the

Labour Commissioner, U.P. G.T. Road, Kanpur whereby the additional charge so granted to the writ petitioner of Sector 2 had been taken away.

5. Questioning the said order, the present writ petition has been preferred.

6. Learned counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained for a single moment, particularly when the Government Order dated 16.08.2024 itself provides for modalities according to which the additional charge or work allocation is to be done. Submission is that Clause 2(2) of the Government Order dated 16.08.2024 itself provides that it is the Deputy Commissioner, who is empowered to allocate work and according to him, the said allocation is to be done post approval of the Labour Commissioner. However, according to the writ petitioner, the order impugned has been straightaway passed by the Labour Commissioner while usurping the power which is vested in the Deputy Labour Commissioner. Contention is that if a particular act is to be done in a particular manner, then the same cannot be done in different manner. It is also contended that the order impugned is stigmatic in nature, particularly when the grounds which weighed with the respondents were that there existed three inquiry proceedings pending against the writ petitioner.

7. Sri S.K. Pal, learned Addl. Chief Standing Counsel while countering the submissions so raised by the learned counsel for the writ petitioner submitted that none of the contentions has any legs to stand. Submission is that it is always open for the authorities to pass an order taking away additional charge, as additional charge in no manner whatsoever, gives a right to a particular person, and merely because the three inquiries are pending, would not make the order impugned as stigmatic. Further submission is that the Labour Commissioner being the Head of the Department is obviously vested with the power to take an administrative decision in that regard.

8. I have heard the submissions so made across the Bar and perused the records carefully.

9. Facts are not in issue. It is not in issue that post promotion of one Sri Amit Prakash Singh, Labour Enforcement Officer as Assistant Labour Commissioner on 15.12.2025, the work which was allotted to him referable to Section 2 and 14 became vacant and the writ petitioner by virtue of an order dated 17.12.2025 passed by the Addl. Labour Commissioner,

Lucknow Region, Lucknow was granted additional charge of Section 2 whereas Sri Santosh Kumar of Section 14. However, the bone of contention between the parties is whether it was open for the Labour Commissioner to have passed the order impugned dated 20.12.2025 taking away the additional charge of Sector 2 in light of the Government Order dated 16.08.2024. Government Order dated 16.08.2024 talks about the allotment of the Sectors and work relating to Labour Enforcement Officer. Though Clause 2(2) of the Government Order dated 16.08.2024 empowers the Deputy Labour Commissioner to allot the work post approval from the Labour Commissioner and here in the present case, the objection of the writ petitioner is that Labour Commissioner could not have on his own allot the work while usurping the power of the Deputy Labour Commissioner and by doing so he has erred in law and passed an order an order which is without jurisdiction is not convincible to the Court, particularly when the Labour Commissioner being the Head of the Department obviously possesses authority and powers to allocate the Sectors in that regard. Moreover, merely because the Government Order dated 16.08.2024 requires approval of the Labour Commissioner before allocating work by the Addl. Labour Commissioner does not make the order without jurisdiction. As matter of fact, grant of additional charge does not in any manner whatsoever gives an unfettered right, particularly when in the present facts and circumstances of the case, the original work so allotted to the writ petitioner is not being discharged and there is no change in the service condition to the detriment of the writ petitioner. As regards the submission that there happens to be three inquiry proceedings against the writ petitioner, though the same may be a factor for non-according additional charge, but merely because additional charge is being taken is not going to create a situation, whereby the pay-scale and the status of the writ petitioner is being altered. Even otherwise, the Courts under Article 226 of the Constitution of India are not required to delve into the issue relatable to additional charge and normal conduct of business untill and unless the same takes away the vested right or it is detriment to the incumbent concerned.

9. Accordingly, the interest is declined. The writ petition is **dismissed**.

10. Instructions filed today are taken on record and marked as Appendix 'A'.

February 11, 2026

N.S.Rathour

(Vikas Budhwar,J.)