



2025:AHC:181601

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 43666 of 2024

Arun Kumar Singh

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

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Counsel for Petitioner(s)	: Sanjay Singh, Sumati Rani Gupta
Counsel for Respondent(s)	: Ashish Kumar Singh, Ajay Kumar Singh, C.S.C.

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Court No. - 9

**HON'BLE ARUN KUMAR, J.**

1. Heard Sri Sumati Rani Gupta, learned counsel for the petitioner, Sri Ashish Kumar Singh, learned counsel for the respondent no.5 and learned Standing Counsel for the respondent nos.1 to 4.

2. The present writ petition has initially been filed challenging the order of termination dated 11.4.2023 passed by respondent no.5. Subsequently, the relief seeking a writ of mandamus directing the respondent no.1 to decide the representation of the petitioner dated 24.8.2024 (filed as Annexure-9 to the writ petition) has been added by the order of this Court dated 8.7.2025.

3. It is contended by learned counsel for the petitioner that the petitioner was appointed as a Welfare Officer with respondent no.5, whose services were confirmed by the order of the General Manager, H.R. dated 25.8.2012. He was illegally terminated by the order dated 11.4.2025. The said order was passed without concurrence of the Labour Commissioner and was thus in contravention of Rule 15 of the Uttar Pradesh Factories Welfare Officers Rules, 1955. The petitioner moved a complaint before the Director, Factories, U.P. on which a report was called from the Deputy Director, Factories, Uttar Pradesh Meerut Division, Meerut. The report dated 19.12.2023 submitted by the Deputy Director, Factories, shows that the termination of services of the petitioner was in contravention of Rule 15 of the Rules of 1955. The proceedings before the Director, Factories was subsequently dropped by the order dated

10.7.2024 on the ground of pendency of some proceedings against the Management under Section 92 of the Factories Act, 1948 before the Chief Judicial Magistrate, Saharanpur.

4. It is argued by learned counsel for the petitioner that in the absence of concurrence to the termination of the petitioner by the Labour Commissioner, the petitioner has become remediless, as he could not have filed an appeal before the State Government under Rule 16 of the Rules of 1955. Rule 16 of the Uttar Pradesh Factories Welfare Officers Rules, 1955 reads as under:-

*"16. (1) A Welfare Officer, who is subjected to punishment under clause (v) of sub-rule (1) of Rule 15, may appeal to the State Government against the order of punishment made by the management with the concurrence of the Labour Commissioner, within 30 days from the receipt of the order by him. The decision of the State Government shall be final and binding.*

*(2) The State Government may pass such interim orders as may be necessary, pending the decision of an appeal filed under sub-rule (1)."*

5. Under the aforesaid Rule 16, a Welfare Officer, who has been subjected to punishment or dismissal or termination of service, may appeal to the State Government against the order of punishment made by the management with the concurrence of the Labour Commissioner, within 30 days from the receipt of the order by him. However, the said provision does not bar a Welfare Officer from approaching the State Government under the said rule, if the Management terminates his services illegally without concurrence of the Labour Commissioner.

6. On the other hand, learned counsel representing respondent no.5 has contended that after passing the termination order, the petitioner accepted his entire dues and started the proceedings under the provisions of the said Rules only after a notice was given to vacate the official accommodation. He has further argued that the representation dated 24.8.2024 pending before the respondent no.1 is not a statutory representation, therefore, no direction should be issued to decide the same.

7. In my opinion, the petitioner had a remedy of appeal under Rule 16 of the Rules of 1955.

8. In view of the aforesaid facts, the present writ petition is disposed of with liberty to the petitioner to avail the remedy of filing appeal under Rule 16 of the Rules of 1955 before the respondent no.1. However, the question of maintainability of the appeal on other grounds shall remain open to be considered by the respondent no.1 and the respondent no.5 shall be heard while deciding the appeal filed by the petitioner.

**(Arun Kumar,J.)**

**October 13, 2025**

Anil