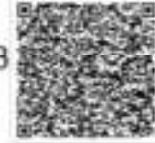


IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025;PHHC:155797-DB



CWP-2340-2023 (O&M)

Date of Decision: 06.11.2025

- | | | |
|----|------------------------------|-------------------|
| 1. | JORA SINGH |Petitioner(s) |
| | V/S | |
| | STATE OF HARYANA AND OTHERS |Respondent(s) |
| 2. | CWP-6460-2023 (O&M) | |
| | DILBAG SINGH |Petitioner(s) |
| | V/S | |
| | STATE OF HARYANA AND OTHER |Respondent(s) |
| 3. | CWP-17510-2023 (O&M) | |
| | RAJIV KUMAR |Petitioner(s) |
| | V/S | |
| | STATE OF HARYANA AND OTHERS |Respondent(s) |
| 4. | CWP-26961-2023 (O&M) | |
| | REKHA RANI |Petitioner(s) |
| | V/S | |
| | STATE OF HARYANA AND OTHERS |Respondent(s) |
| 5. | CWP-3145-2024 (O&M) | |
| | SHER SINGH |Petitioner(s) |
| | V/S | |
| | STATE OF HARYANA AND ANOTHER |Respondent(s) |
| 6. | CWP-1373-2024 (O&M) | |
| | LALIT ROOPESH |Petitioner(s) |
| | V/S | |
| | STATE OF HARYANA AND OTHERS |Respondent(s) |
| 7. | CWP-2824-2024 (O&M) | |
| | SATPAL SINGH |Petitioner(s) |

V/S

STATE OF HARYANA AND ANOTHERRespondent(s)

8. CWP-3148-2024 (O&M)

NARESH KUMARPetitioner(s)

V/S

HARYANA VIDYUT PRASARAN NIGAM LIMITED AND ANOTHER

....Respondent(s)

9. CWP-3307-2024 (O&M)

SATISH KUMARPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

10. CWP-3927-2024 (O&M)

SURJEET SINGHPetitioner(s)

V/S

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD. AND OTHERS

....Respondent(s)

11. CWP-4458-2024 (O&M)

TARSEM SINGHPetitioner(s)

V/S

STATE OF HARYANA AND ANOTHERRespondent(s)

12. CWP-4481-2024 (O&M)

VED PARKASHPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

13. CWP-5411-2024 (O&M)

PARDEEP CHAND SANGHIPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

14. CWP-5470-2024 (O&M)

PRADEEP KUMARPetitioner(s)

V/S

STATE OF HARYANA AND ANOTHER

....Respondent(s)

15. CWP-5476-2024 (O&M)

PARKASH SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND ANOTHER

....Respondent(s)

16. CWP-5485-2024 (O&M)

JOGINDER SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

17. CWP-6490-2024 (O&M)

GULZAR SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

18. CWP-4250-2024 (O&M)

GAJRAJ SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND ANOTHER

....Respondent(s)

19. CWP-5970-2024 (O&M)

NIRMALA DEVI

....Petitioner(s)

V/S

STATE OF HARYANA AND ANR

....Respondent(s)

20. CWP-6476-2024 (O&M)

PUSHPA DEVI

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

21. CWP-6555-2024 (O&M)

BALWANT SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND ANOTHER	Respondent(s)
22. CWP-7720-2024 (O&M)	
SUMER SINGH BHUWAL	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
23. CWP-9857-2024 (O&M)	
KARAN SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
24. CWP-7473-2024 (O&M)	
BIR SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
25. CWP-29482-2023 (O&M)	
HARI PARKASH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
26. CWP-6662-2024 (O&M)	
RAJ SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
27. CWP-6569-2024 (O&M)	
SAJJAN SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
28. CWP-7297-2024 (O&M)	
SURINDER SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
29. CWP-11326-2024 (O&M)	

SHIRI BHAGWAN	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
30. CWP-9113-2024 (O&M)	
BEER SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
31. CWP-12637-2024 (O&M)	
KAILASH CHANDER	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
32. CWP-14352-2024 (O&M)	
RAM PHAL	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
33. CWP-14876-2024 (O&M)	
OM PARKASH	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
34. CWP-14921-2024 (O&M)	
VIJAY SAINI	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
35. CWP-16070-2024 (O&M)	
SUSHILA DEVI	Petitioner(s)
V/S	
STATE OF HARYANA AND ORS	Respondent(s)
36. CWP-14948-2024 (O&M)	

MEENA KUMARI	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
37. CWP-13159-2024 (O&M)	
RAMESH KUMAR	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
38. CWP-37361-2019 (O&M)	
SAMUNDER SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
39. CWP-14501-2024 (O&M)	
KULBIR SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
40. CWP-14968-2024 (O&M)	
LAXMAN SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
41. CWP-15391-2024 (O&M)	
MAHENDER SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
42. CWP-16550-2024 (O&M)	
JAGMAL SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
43. CWP-19654-2024 (O&M)	
PAT RAM	Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

44. CWP-19952-2024 (O&M)

VIJAY KUMAR

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

45. CWP-23480-2024 (O&M)

SHAMSHEER SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND ORS

....Respondent(s)

46. CWP-25523-2024 (O&M)

MANJEET KAUR

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

47. CWP-29119-2024 (O&M)

DHIRAJ YADAV

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

48. CWP-29849-2024 (O&M)

SOM CHAND

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

49. CWP-29925-2024 (O&M)

KAUSHALYA DEVI ALIAS KOSHILYA DEVI

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

50. CWP-14961-2024 (O&M)

BIJENDER SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

51.	CWP-18859-2024 (O&M)	
	UMESH KUMAR SRIVASTAVA	Petitioner(s)
	V/S	
	STATE OF HARYANA AND OTHERS	Respondent(s)
52.	CWP-22244-2024 (O&M)	
	KRISHNA KUMARI	Petitioner(s)
	V/S	
	STATE OF HARYANA AND OTHERS	Respondent(s)
53.	CWP-24163-2024 (O&M)	
	SUNITA DEVI	Petitioner(s)
	V/S	
	STATE OF HARYANA AND OTHERS	Respondent(s)
54.	CWP-26404-2024 (O&M)	
	SURESH KUMAR	Petitioner(s)
	V/S	
	STATE OF HARYANA AND ORS.	Respondent(s)
55.	CWP-27628-2024 (O&M)	
	VISHMBER SINGH	Petitioner(s)
	V/S	
	STATE OF HARYANA AND OTHERS	Respondent(s)
56.	CWP-28538-2024 (O&M)	
	KIRANJIT KAUR	Petitioner(s)
	V/S	
	STATE OF HARYANA AND ANR	Respondent(s)
57.	CWP-16443-2024 (O&M)	
	SURESH KUMAR BHARDWAJ	Petitioner(s)
	V/S	
	STATE OF HARYANA AND ANOTHER	Respondent(s)
58.	CWP-33051-2024 (O&M)	

ASHOK KUMARPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

59. CWP-35373-2024 (O&M)

RAJINDER SINGHPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

60. CWP-853-2025 (O&M)

GOBIND RAMPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

61. CWP-955-2025 (O&M)

KIRAN BALAPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

62. CWP-12779-2024 (O&M)

KULDEEP SINGHPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

63. CWP-12785-2024 (O&M)

KRISHAN KUMARPetitioner(s)

V/S

STATE OF HARYANA AND ANRRespondent(s)

64. CWP-12856-2024 (O&M)

BALJEET SINGHPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

65. CWP-13392-2024 (O&M)

KAMLESH KUMARI	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
66. CWP-13734-2024 (O&M)	
MANOJ GHAI	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
67. CWP-15770-2024 (O&M)	
BALWINDER SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
68. CWP-32365-2024 (O&M)	
OM SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
69. CWP-30130-2024 (O&M)	
NARESH KUMAR	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
70. CWP-14179-2024 (O&M)	
MURTI DEVI	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
71. CWP-32996-2024 (O&M)	
KRISHAN KUMAR	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
72. LPA-733-2020 (O&M)	
STATE OF HARYANA AND OTHERS	Appellant(s)
V/S	

SHAKUNTLA DEVI AND ANOTHERRespondent(s)

73. CWP-33651-2024 (O&M)

RAVI JYOTIPetitioner(s)

V/S

STATE OF HARYANA AND ANOTHERRespondent(s)

74. CWP-4947-2025 (O&M)

DR. MEENU SINGHPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

75. CWP-3559-2025 (O&M)

NAMRATA CHAUHANPetitioner(s)

V/S

STATE OF HARYANA AND ANOTHERRespondent(s)

76. CWP-3074-2025 (O&M)

BIJENDER SINGHPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

77. CWP-2436-2025 (O&M)

VINEYPAL SINGHPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

78. CWP-4614-2025 (O&M)

KASHMIRI LALPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

79. CWP-5086-2025 (O&M)

PREMPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

80. CWP-31187-2024 (O&M)	
SULTAN SINGH AND ANOTHER	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
81. CWP-2040-2025 (O&M)	
JOGINDER SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
82. CWP-32844-2024 (O&M)	
HARI KISHAN	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
83. CWP-1290-2025 (O&M)	
AZAD SINGH	Petitioner(s)
V/S	
STATE OF HARYANA	Respondent(s)
84. CWP-7716-2025 (O&M)	
LEELAWATI	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
85. CWP-7820-2025 (O&M)	
SUBHASH CHANDER	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
86. CWP-10374-2025 (O&M)	
DILRAJ HOODA	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
87. CWP-10520-2025 (O&M)	
VIRENDER SINGH	Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

88. CWP-20637-2024 (O&M)

SURENDRA PAL SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

89. CWP-4358-2025 (O&M)

SOM DUTT

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

90. CWP-11362-2025 (O&M)

JAGROOP SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND ANOTHER

....Respondent(s)

91. CWP-11055-2025 (O&M)

SHYAM LAL

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

92. CWP-11012-2025 (O&M)

RAM PAL

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

93. CWP-13029-2025

RAMESH KUMAR

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

94. CWP-13911-2025 (O&M)

JAGDISH SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

95. CWP-11848-2025 (O&M)

ASHOK KUMAR

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

96. CWP-11418-2025 (O&M)

JAI BHAGWAN

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

97. CWP-13922-2025 (O&M)

SUNITA

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

98. CWP-12713-2025 (O&M)

SATYAWAN

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

99. CWP-8579-2025 (O&M)

JITENDER KUMAR KAUSHIK

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

100. CWP-14105-2025 (O&M)

YAD RAM

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

101. CWP-14346-2025 (O&M)

KULINTA DEVI

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

102. CWP-14988-2025 (O&M)

OM PARKASH RANA

....Petitioner(s)

V/S

THE STATE OF HARYANA AND OTHERSRespondent(s)

103. CWP-16974-2025 (O&M)

DEVENDER KUMARPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

104. CWP-17637-2025 (O&M)

AJIT SINGHPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

105. CWP-17780-2025 (O&M)

RAJENDER SINGHPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

106. CWP-18754-2025 (O&M)

ROOPRAMPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

107. LPA-1480-2025 (O&M)

RAM NIWASAppellant(s)

V/S

STATE OF HARYANA AND ORSRespondent(s)

108. CWP-16156-2025 (O&M)

KARAMVIR NAINPetitioner(s)

V/S

THE STATE OF HARYANA AND ANRRespondent(s)

109. CWP-1977-2021 (O&M)

CHANDI RAMPetitioner(s)

V/S

STATE OF HARYANA AND OTHERSRespondent(s)

110. CWP-15843-2024 (O&M)

MADHAV CHANDER

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

111. CWP-23052-2025 (O&M)

SATYAWAN SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

112. CWP-23656-2025 (O&M)

RANJIT SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

113. CWP-23985-2025 (O&M)

ISHWAR SINGH MOR

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

114. CWP-6678-2024 (O&M)

BRAHAM DUTT

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

115. CWP-25844-2025 (O&M)

RAM PAL

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

116. CWP-24576-2025 (O&M)

SHADI RAM

....Petitioner(s)

V/S

STATE OF HARYANA AND ORS

....Respondent(s)

117. CWP-5839-2025

GIRRAJ SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

118. CWP-7174-2025

DUSHYANT KUMAR

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

119. CWP-11034-2025 (O&M)

SUKANYA

....Petitioner(s)

V/S

STATE OF HARYANA AND ANOTHER

....Respondent(s)

120. CWP-26985-2025 (O&M)

SULTAN SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

121. CWP-18646-2021 (O&M)

RAM CHARAN

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

122. CWP-7844-2022 (O&M)

BALJEET SINGH NAIN

....Petitioner(s)

V/S

HARYANA DAIRY DEVELOPMENT COOPERATIVE FEDERATION

LTD AND ANOTHER

....Respondent(s)

123. CWP-9625-2023 (O&M)

RAJ PAL

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS

....Respondent(s)

124. CWP-27478-2025 (O&M)

SUNEHARA SINGH

....Petitioner(s)

V/S

STATE OF HARYANA AND OTHERS	Respondent(s)
125. CWP-28283-2025 (O&M)	
MAHINDER SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(
126. CWP-28250-2025 (O&M)	
BHAYA RAM	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
127. CWP-30035-2025 (O&M)	
CHANDRAVIR SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
128. CWP-30466-2025 (O&M)	
JAGDISH KUMAR	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
129. CWP-30512-2025 (O&M)	
SURRENDER KHOKHAR	Petitioner(s)
V/S	
STATE OF HARYANA AND ANOTHER	Respondent(s)
130. CWP-31122-2025 (O&M)	
OMBIR SINGH	Petitioner(s)
V/S	
THE STATE OF HARYANA AND OTHERS	Respondent(s)
131. CWP-17988-2025 (O&M)	
JASBINDER SINGH	Petitioner(s)
V/S	
STATE OF HARYANA AND OTHERS	Respondent(s)
132. CWP-28937-2025 (O&M)	

ANIL KUMAR

....Petitioner(s)

V/S

THE STATE OF HARYANA AND OTHERS

....Respondent(s)

133. CWP-28982-2025 (O&M)

KAMLA RANI

....Petitioner(s)

V/S

THE STATE OF HARYANA AND ANOTHER

....Respondent(s)

134. CWP-31484-2025 (O&M)

JASBIR SINGH

....Petitioner(s)

V/S

THE STATE OF HARYANA AND OTHERS

....Respondent(s)

135. LPA-296-2019 (O&M)

STATE OF HARYANA AND OTHERS

....Appellant(s)

V/S

BALWANT SINGH AND OTHERS

....Respondent(s)

136. CWP-7898-2025 (O&M)

SATBIR SINGH

....Petitioner(s)

V/S

THE STATE OF HARYANA AND OTHERS

....Respondent(s)

137. CWP-31604-2025 (O&M)

SUMAN BALA

....Petitioner(s)

V/S

THE STATE OF HARYANA AND OTHERS

....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
HON'BLE MR. JUSTICE ROHIT KAPOOR

ARGUED BY :-

Mr. Vikas Chatrath, Sr. Advocate with
Mr. Abhishek Sharma, Advocate,

Mr. Anurag Goyal, Sr. Advocate, with
Mr. Siddharth Sharma, Advocate,

Mr. Rakesh Nehra, Sr. Advocate, with
Mr. Chirag Kundu, Advocate,

Mr. Sunil K. Nehra, Sr. Advocate with
Mr. Anuj Chauhan, Advocate and
Mr. Rahil Mahajan, Advocate,

Mr. Prateek Singh, Advocate,
Mr. Pankaj Mehta, Advocate,

Mr. Parminder Singh, Advocate,
Mr. Ankit Chahal, Advocate,
Mr. Jaswinder Singh Rana, Advocate for
Mr. S.K. Malik, Advocate,
Mr. Sushil Sheoran, Advocate,
Mr. Jawahar Lal Goyal, Advocate and
Mr. Parth Goyal, Advocate,
Mr. Ankit Chahal, Advocate,
Mr. Rakesh Sobti, Advocate,
Mr. Ankur Kaushik, Advocate,
Mr. G.S. Gopera, Advocate,
Mr. R.N. Lohan, Advocate,
Mr. K.S. Panwar, Advocate,
Mr. Sahil Gupta, Advocate,
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Mr. Sajjan Singh, Advocate and
Mr. Raj Kumar Makkad, Advocate
Mr. Anil Kumar Sharma, Advocate,
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Mr. Amish Sharma, Advocate,
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Mr. Naveen Lohiya, Advocate for the petitioner(s).

Mr. Sanjeev Kaushik, Addl. AG, Haryana,
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Ms. Madhu Dayal, Advocate for PGI in LPA-296-2019.

Mr. Shivam J. Malik, Advocate for respondent No.1 in LPA-296-2019.

Mr. Rajvir Singh Sihag, Advocate for respondent No.2 in CWP-14988-2025 and CWP-31484-2025.

ASHWANI KUMAR MISHRA, J.

1. This order shall dispose of the aforementioned bunch of 134 Writ Petitions and 03 LPAs, as the issue involved in these cases is common. However, for the sake of brevity, the facts are being extracted from CWP-2340-2023.

2. The petitioners in this bunch of Writ Petitions are employees of State of Haryana who possess certificate of disability issued to them by the competent authority under the provisions of The Persons with Disabilities

(Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short '*the Act of 1995*') and The Rights of Persons with Disabilities Act, 2016 (for short the '*Act of 2016*'). They are aggrieved by Rule 143 of Haryana Civil Service (General) Rules, 2016 (for short, '*Rules of 2016*') insofar as benefit of extension in the age of superannuation to 60 years is limited only to such differently abled employees, whose degree of disability is 70% or above or those employees who are blind and deny such benefit to other differently abled persons such as the writ petitioners. Submission is that the Act of 1995 as also the Act of 2016 contemplate a homogeneous class of differently abled persons for extending protection to them and once certificate of disability is issued to an employee by the competent authority, it is not open for the State to create a further class amongst homogeneous group of differently abled employees and restrict the benefit of extended age of superannuation only to employees having degree of disability as 70% or above or is blind and thereby retire the petitioners at the age of 58 years.

3. Rule 143 of the Rules of 2016 provides for retirement on superannuation of the employees of the State of Haryana, which reads as under:-

“143. Retirement on superannuation.— (1) Except as otherwise provided in these rules, every Government employee shall retire from service on afternoon of the last day of the month in which he attains the age of retirement prescribed for him or for the post held by him in substantive or officiating capacity, as the case may be. However, a Government employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the prescribed age. The age of retirement on superannuation is fifty

eight years for all groups of employees except the following for whom the same is sixty years:-

- (i) Differently-abled employees having minimum degree of disability of 70% and above;*
- (ii) Blind employees;*
- (iii) Group 'D' employees; and*
- (iv) Judicial Officers.*

No Government employee shall be retained in service after attaining the age of superannuation, except in public interest and in exceptional circumstances, without the approval of Council of Ministers.

Note 1.— *One eyed employee shall not be treated as blind or differently-abled person for the purpose of this rule.*

Note 2.— *When a Government employee is due to retire on superannuation from service an office order shall be issued on 7th of the month in which he is going to be retired and a copy of every such order shall be forwarded immediately to the Principal Accountant General, Haryana. There is no need to re-instate a Government employee who is under suspension at that time.*

Note 3.— *A Government employee who becomes disabled while in service shall bring to the notice of his Head of Department minimum three months before attaining the age of 58 years. He shall be got examined from a Medical Board of the Post Graduate Institute of Medical and Science, Rohtak to be headed by its Director. On receipt of medical report from the Board, the appointing authority or the Head of Department, whichever is higher, shall take a final decision to grant or not to grant the extension in service to such physically disabled employee.'*

4. Rule 143 prescribes the age of superannuation of the employees of the State of Haryana and also specifies when such an employee shall retire. For all classes of employees, the age of superannuation is 58 years, excluding

those who fall in the excepted category i.e. (i) Differently abled employees having a minimum degree of disability of 70% or above or blindness; (ii) Blind employees; (iii) Group-D employees and (iv) Judicial Officers. We are primarily concerned with the excepted category of differently abled employees having a minimum degree of disability of 70% or above and blindness. It is the degree of disability as 70% or above and blindness for restricting the benefit of extended age of superannuation at 60 years which is the bone of contention, herein.

5. The petitioners are the employees of the State of Haryana and have been assessed with disability of 40% or above by the District Medical Board and are issued a certificate of disability under the signature of the Chief Medical Officer of the District concerned under the Act of 1995 and the Act of 2016. Their degree of disability is, however, assessed below 70% and consequently, they are to retire at the age of 58 years instead of 60 years. These employees contend that the State cannot restrict the benefit of extended age of superannuation only to a person suffering from a degree of disability of 70% or above and blindness. It is argued that persons suffering with benchmark disability of 40% or above, constitute a class in themselves for the purposes of protection in employment by way of affirmative action under the provisions contained in the Act of 1995 as well as the Act of 2016 and therefore, it is not open for the State to create further divide within this homogenous group of persons suffering with disabilities under the Act of 1995 as well as the Act of 2016, by creating a class in itself of employees suffering with 70% disability or above and blindness.

6. In order to appreciate the controversy raised herein, we directed the Chief Secretary of the Government of Haryana to clarify, by filing an affidavit, the rationale of the extended age of superannuation to employees suffering from disability of 70% or above and blindness. The Chief Secretary in his affidavit has clarified that the benefit of extended age of superannuation was accorded firstly, *vide* Government instruction dated 02.11.1988, to all blind employees who entered into service after attaining the age of 30 years. Subsequently, this benefit was extended to all blind employees *vide* instruction dated 18.03.1996. The affidavit further clarifies that no justification has been given in the said instructions and even the original files, whereby these instructions were issued, are not traceable being old records. Subsequently, the Physically Disabled Employees' Association represented to the Government of Haryana for the age of retirement to be enhanced to 60 years for all differently abled employees having disability of 70% or above, so as to bring uniformity among all categories of differently abled employees. The Government of Haryana, *vide* instructions dated 31.01.2006, accordingly extended the age of superannuation from 58 years to 60 years for differently abled employees having disability of 70% or above.

7. The affidavit of the Chief Secretary further states that the file relating to the issuance of instructions dated 31.01.2006 is available and its perusal reveals that in order to bring uniformity among all disabled employees from Group-A to Group-D, it was decided to extend the benefit of age of retirement from 58 years to 60 years, subject to recognition of disability of 70% or above.

8. Record reveals that on 16.02.1996 a circular was issued by the Punjab Government, increasing the age of retirement from 58 years to 60 years for Government employees who were visually impaired/blind. This circular came to be challenged by one Bhupinder Singh, an orthopedically disabled employee, by filing CWP-7233-2010 before this Court, contending that the measures taken to protect disabled persons cannot be limited to persons suffering with only one class of disability i.e. visual impairment/blindness and that the protection ought to be extended to other classes of disability recognised in law.

9. Learned Single Judge of this Court allowed CWP-7233-2010 *vide* judgment dated 25.05.2011 and held that there is no distinction between a person suffering from one kind of disability or the other. The Court took note of Section 2(i) of the Act of 1995 which defined disability. Reference was also made to Section 2(t) of the Act of 1995 which defined *person with disability* to mean a person suffering from not less than 40% of any disability, as certified by a Medical Authority. As per the learned Single Judge all categories of differently abled persons fell in a similar disadvantageous position. Accordingly, the Court opined that the circular confining the benefit of enhancement of retirement age only to blind persons tends to discriminate between different categories of persons suffering from disability and consequently, directed the State of Punjab to extend the benefit of enhanced age of superannuation to other categories of disabled persons.

10. State of Punjab challenged the decision of the learned Single Bench *vide* LPA-1719-2011, along with other connected Appeals. These appeals came to be dismissed by the Division Bench of this Court on

25.09.2012. The Division Bench observed that with the enactment of the Act of 1995 persons suffering from all kinds of recognized disability are to be treated equally and at par. The Act of 1995 was held to place responsibility on the society to make adjustments for differently abled persons so that they are able to overcome various practical, psychological and social hurdles created by their disability. Law placed differently abled persons at par with other citizens of India in respect of education, vocational training & employment so as to establish a coherent and comprehensive framework for the promotion of just and fair policies. The Court, accordingly, held as under:-

“The aforesaid discussion would amply demonstrate that it is not only the statutory but Constitutional right of persons suffering from disabilities to get special treatment recognized by law. In this process, persons suffering from one disability cannot be treated differently from other kind of disability. All disabled persons falling within the definition of Section 2(i) of the Disability Act form one class. There cannot be sub-classification within this same class.”

The appeal of the State was consequently dismissed.

11. Aggrieved by the judgment of the Division Bench, the State of Punjab filed Civil Appeal No. 8855 of 2014 which too was dismissed on 16.09.2014 by the Hon’ble Supreme Court observing as under:-

“In order to dissuade this Court from accepting the reasoning expressed in the impugned orders, learned counsel for the appellants invited our attention to a decision rendered by this Court in Union of India vs. Devendra Kumar Pant and others, (2009) 14 SCC 546. The question that arose for consideration in the aforesaid judgment pertains to promotion. This is not the case here. The benefit granted by the High Court pertains to the respective employment in which a disabled employee has been engaged. In that view of the matter, the judgment

relied upon by the learned counsel for the appellants is not applicable to the facts and circumstances of this case. Our above view is based on the fact, that the issue of discrimination adjudicated upon by the High Court, relates to employees who were already engaged in government service. There is no dispute about their ability to discharge their duties, against the posts on which they were employed. The benefit if extended to the categories of disabilities for which reservation in employment has been contemplated under the Disabilities Act would not cause any administrative inconvenience to the appellants.

For the reasons recorded hereinabove, the instant appeals are disposed of in the above terms, with no order as to costs.”

12. Accordingly, the benefit of enhanced age was extended to persons suffering from other disability recognized under the Act of 1995, in addition to employees suffering from visual impairment/blindness in the State of Punjab.

13. When the Rules of 2016 came to be formulated by the State of Haryana, under the proviso to Article 309 of the Constitution of India, the benefit of extended age of superannuation has been restricted to the differently abled employees suffering from disability of 70% and above and blindness only, in the background noted above.

14. It transpires that similar issue arose in the adjoining State of Himachal Pradesh wherein the benefit of extended age of superannuation was limited to employees who were blind vide Office Memorandum dated 29.03.2013. The issue was brought before the Central Administrative Tribunal (for short, ‘CAT’), which allowed the Original Application of the applicant and extended the benefit of higher age of superannuation to other differently abled employees in addition to visually impaired/blind employees.

15. The State of Himachal Pradesh, during the pendency of the dispute, withdrew the Office Memorandum dated 29.03.2013, *vide* which increased the age of 60 years was provided for visually impaired employees only *vide* Office Memorandum dated 04.11.2019. The Office Memorandum dated 04.11.2019 was also put to challenge and the controversy ultimately came to be resolved by the Hon'ble Supreme Court in ***Kashmiri Lal Sharma Vs. Himachal Pradesh State Electricity Board Ltd., 2025 SCC Online SC 1355*** wherein following two questions fell for determination before the Court:-

“I) *Whether the benefit of extension of retirement age for the physically disabled category could be confined to persons with visual impairment as provided in the OM dated 29.03.2013 or it should be available to persons suffering from all such disabilities as are specified in the 1995 Act and the 2016 Act.*

II) *Whether such extension could be withdrawn as was done by the OM dated 04.11.2019? if yes, then what would be its effect on the claim of the appellant?*

16. The Court relying upon the judgment in ***Bhupinder Singh (supra)*** has held as under:-

14. In our considered view, the decision in Devendra Kumar Pant (supra) was rightly distinguished in Bhupinder Singh (supra) as there appeared no intelligible basis to confer benefit of age extension to one disabled category and deny it to the other when both are specified in the 1995 Act as well as the 2016 Act. In this view of the matter, if benefit of extension of retirement age is available to visually impaired category, the same ought to be available to other categories of disabilities specified in the 1995 Act as reiterated in the 2016 Act.

15. Besides above, the decision in Bhupinder Singh (supra) has been followed by the High Court of Himachal Pradesh in several of its decisions (i.e., CWP No.7860 of 2021: The Principal Secretary Health

and Family Welfare & Anr. V. Surender Kumar Vashisth, decided on 20.12.2022; and CWP No. 1577/ 2018 -H: State of H.P. & others v. Krishan Chand, decided on November 05, 2018, against which SLP © D. No. 18076 of 2019 was dismissed by this Court on 13.09.2019).

16. For the reasons recorded above, it is held that the benefit of extension of retirement age as provided under the OM dated 29.03.2013 could not have been confined to visually impaired category. Rather, it should be available to persons suffering from all such benchmark disabilities as are specified in the 1995 Act and the 2016 Act.”

17. So far as the second question posed for consideration in ***Kashmiri Lal Sharma (supra)*** is concerned, the Court has held as under:-

“21. However, as we have held, while deciding issue I, that persons suffering from other specified disabilities could not have been denied the benefit of the OM dated 29.03.2013, we are of the view that till the date the said OM was operative, the appellant was entitled to its benefit as, admittedly, he fell in the category of employee suffering from such disabilities as are specified in the 1995 Act and the 2016 Act.

22. Accordingly, these appeals are partly allowed. The impugned judgment and order dated 28.07.2021 of the High Court dismissing the Writ Petition of the appellant is set aside. The appellant shall be entitled to the benefit of continuance in service until 04.11.2019. In consequence, he shall be entitled to full wages from 01.10.2018 to 04.11.2019, with all consequential benefits that may impact his pension.”

18. In this bunch, petitioners rely upon the decision in the case of ***Bhupinder Singh (supra)*** rendered in respect of State of Punjab as also the judgment of Hon’ble the Supreme Court in ***Kashmiri Lal (supra)*** rendered in respect of similar issue arising from the State of Himachal Pradesh to contend that persons with disability under the Act of 1995 and benchmark disability

under the Act of 2016 constitute a homogeneous group and any carving of distinction therein, is impermissible. Argument of the petitioners is that the State of Haryana cannot limit the benefit of extended age of superannuation only to persons with disability of 70% or above and blindness. It is also the petitioners' case that once certificate of disability is issued in terms of the Act of 1995 as well as the Act of 2016, by the competent Medical Officer at the District level, it would not be open for the State to require the retiring employee to produce a fresh certificate of disability from PGIMS, Rohtak certifying degree of disability as 70% or above and blindness.

19. Learned counsel for the respondent-State, on the other hand, argues that the State, as an employer, has the right to regulate the service conditions of its employees by making appropriate Rules under the proviso to Article 309 of the Constitution of India and consequently, the condition that extended age of superannuation would be limited to persons with degree of disability above 70%, is well within its power. The respondents also argue that the initial circular to extend the age of superannuation to 60 years for visually impaired employees since has been extended to other disabled persons, as such the State retains the right to restrict the extent of disability for which extended age of superannuation is available. It is also the case of the respondents that fixing of degree of disability at 70% is based upon the request made by the Association of Disabled Employees themselves and consequently, the petitioners are estopped from questioning such decision of the State.

20. We have heard learned counsel for the parties and perused the materials on record.

21. The short question that arises for consideration in this bunch of the Writ Petitions is as to whether the State of Haryana can restrict the benefit of extended age of superannuation to persons suffering with disability of 70% or above and blindness, notwithstanding the provisions contained in the Acts of 1995 and 2016 specifying the degree of disability for grant of protection at 40% or above? Additionally, the issue raised is as to whether the State can require obtaining of disability certificate from the Medical Board of PGIMS, Rohtak evidencing degree of disability to be 70% or above and blindness, alone, for extending the age of superannuation from 58 years to 60 years?

22. As already noticed, the petitioners have prayed for quashing of Rule 143 of the Rules of 2016, to the extent that the degree of disability for extended age of superannuation is fixed at 70% or above and blindness, in place of 40% or above under the Act of 1995 and the Act of 2016. Note 3 appended to Rule 143 which requires the employee to be examined by the Medical Board of the PGIMS, Rohtak for determination of disability is also impugned insofar as the disability certificate issued by the competent authority under the Act of 1995 and the Act of 2016 is not relied upon.

23. In order to ameliorate the condition of differently abled persons the Act of 1995 was enacted to give effect to the proclamation on the full participation and equality of the people with disabilities in the Asian and Pacific Region adopted at the Economic and Social Commission for Asia and Pacific held at Beijing, China from 1st to 5th December, 1992. India being a signatory to the proclamation was required to enact necessary law for the purpose. Section 2(i) of the Act of 1995 defined '*disability*' to include disability of seven distinct kinds i.e. (i) Blindness; (ii) Low Vision; (iii)

Leprosy-cured; (iv) Hearing impairment; (v) Locomotor Disability; (vi) Mental Retardation and (vii) Mental Illness while Section 2(t) of the Act of 1995 defined '*persons with disability*' to mean a person suffering from not less than forty percent of any disability as certified by a medical authority. Section 32 of the Act of 1995 provided for the identification of posts which can be reserved for persons with disabilities. Section 33 of the Act then provided for reservation of posts by the appropriate Government of not less than 3%, consisting of 1% each for the persons suffering from blindness or low vision; hearing impairment; locomotor disability or cerebral palsy in the post identified for each disability.

24. Act of 1995 is substituted by the Act of 2016 which defines "Person with benchmark disability" under Section 2(r) to mean as under:-

2(r) "person with benchmark disability" means a person with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

25. The Act of 2016 also defined '*person with disability*' under Section 2(s) and *person with disability having high support needs* under Section 2(t). Provisions in the Act of 2016 promotes the cause of not just the persons suffering with benchmark disability defined in Section 2(r) but are comprehensive to include other concerns defined under Section 2(s) and 2(t) of the Act.

26. Chapter VI of the Act of 2016 contains special provisions for persons with benchmark disabilities. Section 31 provides for free education to

children with benchmark disability while Section 32 provides for reservation in admission in higher educational institutions. Section 33 provides for identification of posts for reservation in employment. Section 34 then provides for reservation in the matter of employment for persons suffering from benchmark disability. Section 35 to 37 contains provisions to incentivize employers in private sector; creation of special employment exchange and special schemes and developmental programmes.

27. The provisions contained in the Act of 2016 provides for affirmative action to secure protection in the matter of employment for differently abled persons suffering with benchmark disability. No provision in the Act of 2016 exists permitting creation of any separate class of differently abled persons with higher degree of disability of 70% or above or blindness alone in the matter of grant of benefit in employment.

28. When this bunch of cases were heard on 15.09.2025 and the statutory scheme was highlighted on behalf of the petitioners to assail the impugned provisions contained in the Rules of 2016, we proceeded to pass following orders:-

“Before we proceed further in the matter, the Court would like to understand as to what is the rationale or justification for fixing a higher age of superannuation for those who suffer from benchmark disability of 70% or more and are blind.

The provisions of the Disabilities Act of 2016 prima facie aims to only protect disabled persons, and the policy of the State for grant of additional benefits to them in the form of higher age of superannuation needs to be clarified.

In these circumstances, we call upon the Chief Secretary of State of Haryana to file his affidavit clarifying

the position in the light of observations made herein within two weeks.

Since, in this bunch of petitions, interim orders have already been passed in favour of most of the employees, who are suffering from benchmark disability of 40% and above to continue till the age of 60 years, we provide that all the employees covered by this bunch would be allowed to continue till the age of 60 years where their benchmark disability is 40% or above. In cases, where the disability of 40% or above is disputed by the State, relying upon reports of the Board constituted either by PGI Rohtak or PGI Chandigarh, such persons shall not be entitled to any continuation in service beyond the age of 58 years, but their rights would remain subject to outcome of these petitions.

Adjourned to 30.09.2025.”

29. In response to the above observation the Chief Secretary, State of Haryana has filed his personal affidavit stating as under:-

“3. That with regard to the rationale or justification for fixing a higher age of superannuation for those who suffer from benchmark disability of 70% or more it is most respectfully submitted that to begin with, the benefit of enhanced retirement age was accorded vide instructions dated 02.11.1988 to only those blind employees who enters into service after attaining the age of 30 years. Further, this benefit was extended to all blind employees vide instructions dated 18.03.1996. However, no justification has been given in the said instructions and even the original files whereby these instructions were issued are not traceable being old record. Subsequently, Physically Disabled Employees Association represented to the Government of Haryana, requesting that their retirement age be enhanced to 60 years for all physically disabled employees having disability of 70% or above, so as to bring uniformity among all categories of disabled employees. The Government of Haryana vide instructions

dated 31.01.2006 extended the age of superannuation of all Physically Handicapped Employees from 58 years to 60 years having disability of 70% or above. It is pertinent to mention here that the file relating to issuance of the instructions dated 31.01.2006 is available in record and a perusal of notings/note sheets reveal that in order to bring uniformity among all disabled employees from Group-A to Group-D, it was decided to extend the benefit of age of retirement from 58 years to 60 years subject to the condition of disability of 70% or above. The said benefit of raising the age of superannuation for blind employees and Group-IV Employees was also incorporated in Rule 3.26(a) of the Punjab Civil Services Rules, Volume-I, Part-I which provides that Judicial Officers, Group-IV and blind employees of Haryana Government shall retire at the age of 60 years.

4. That it is most respectfully submitted that in exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Haryana has granted approval to the Haryana Civil Services (General) Rules, 2016 in place of Punjab Civil Service Rules (ibid). After following the due procedure of law, the aforementioned rules have been issued by the Finance Department of the Government of Haryana.

5. That a number of Civil Writ Petitions have been filed before this Hon'ble High Court challenging Rule 143(1)(i) and Note 3 of the Haryana Civil Services (General) Rules, 2016. In order to avoid such litigation, Finance Department being the competent authority has submitted the proposal to reconsider the matter. For the kind perusal of this Hon'ble Court, the relevant portion of the said rules is reproduced below:-

"Except as otherwise provided in these rules, every Government employee shall retire from service on afternoon of the last day of the month in which he attains the age of retirement prescribed for him or for

the post held by him in substantive or officiating capacity, as the case may be. However, a Government employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the prescribed age. The age of retirement on superannuation is fifty eight years for all groups of employees except the following for whom the same is sixty years:-

- (i) *Disabled employees having minimum degree of disability of 70% and above.*

XXXXXXXXXXXXXXXXX

Note 3.- *A Government employee who becomes disabled while in service shall bring to the notice of his Head of Department minimum three months before attaining the age of 58 years. He shall be got examined from a Medical Board of the Post Graduate Institute of Medical and Science, Rohtak to be headed by its Director. On receipt of medical report from the Board, the appointing authority or the Head of Department, whichever is higher, shall take a final decision to grant or not to grant the extension in service to such physically disabled employee."*

6. *That the aforesaid proposal of the Finance Department has been approved in principle by the State Government and the matter is being placed before the Council of Ministers for their consideration.*

7. *That it is respectfully submitted that in one of the CWP No. 14988 of 2025, this Hon'ble Court vide interim order dated 23.05.2025 permitted the employees of the Haryana State Cooperative Apex Bank Ltd. who are physically disabled to continue on their posts beyond the age of 58 years till the age of 60 years. The said interim order was challenged by the Haryana State Cooperative Apex Bank Ltd. before the Apex Court by filing SLP(C) No. 24294 of 2025 and the Apex Court vide order dated 14.10.2025 set-aside the said order by observing that if the concerned employees ultimately succeed*

in their writ petition they would be entitled to all consequential benefits for the period in dispute, even without having actually worked during that time. On the contrary, if the writ petition fails there cannot be any turning back of the clock for the period during which respondent No. 1 would have continued in service without legal sanction. A true Copy of the order dated 14.10.2025 passed by the Hon'ble Apex Court is annexed herewith as Annexure-R/1. Therefore, it is humbly prayed that all the interim orders in connected petitions wherein this Hon'ble Court has allowed the petitioners to continue in service beyond the age of 58 years till the age of 60 years may kindly be vacated.

In view of the above mentioned facts and circumstances, it is respectfully prayed that the present status report by way of affidavit may kindly be accepted and place on record in compliance of order dated 15.09.2025 in the interest of justice.”

30. It transpires that the genesis of the policy for extending the age of superannuation was the instruction dated 02.11.1988, which limited the benefit of extended age of superannuation to the employees with no vision/blindness who entered in service after attaining the age of 30 years. This was further extended to all employees with no vision/blindness *vide* instruction dated 18.03.1996. Such benefit of enhanced age of superannuation for blind employees and Group-IV employees was also incorporated in Rule 3.26(a) of the Punjab Civil Service Rules, Volume-I, Part-I, which provides that Judicial Officers, Group-IV and blind employees of Haryana Government shall retire at the age of 60 years. The affidavit of Chief Secretary further states that in exercise of power conferred by the proviso to Article 309 of the Constitution of India, the Rules of 2016 have been framed substituting Punjab Civil Service Rules (*ibid*).

31. So far as the policy in the State of Haryana for extending the age of superannuation for persons suffering with blindness or differently abled employees having minimum degree of disability of 70% and above and blindness is concerned, the only explanation offered by the State of Haryana is the existence of previous instructions issued on 02.11.1988 and 18.03.1996. These instructions were initially limited to persons suffering from blindness who entered in service after the age of 30 years and later to all employees suffering from blindness. On this aspect, similar controversy raised in respect of State of Punjab stands authoritatively settled in the case of *Bhupinder Singh (supra)*. The ratio laid down in *Bhupinder Singh's case (supra)* is fully applicable in respect of the State of Haryana, as well. Accordingly, disabled employees suffering from blindness cannot be treated as a separate and distinct class from other disabled employees having disability of 40% or above/benchmark disability will also be entitled to the benefit of extended age of superannuation.

32. What appears from the affidavit of the Chief Secretary is that the rationale for extending the age of superannuation for blind employees, vide instructions dated 02.11.1988 and 18.03.1996 does not exist on record. The only basis for the State policy in restricting the benefit of enhanced age of superannuation to differently abled employees having minimum degree of disability of 70% and above is the alleged representation received from the Physically Disabled Employees' Association requesting that their retirement age be enhanced to 60 years for all physically disabled employees having disability of 70% or above so as to bring uniformity among all categories of differently abled employees.

33. Apart from the representation of the Physically Disabled Employees' Association making a request for enhancement of retirement age

for persons suffering with 70% disability or above, no other material or justification has been placed on record on behalf of the State Government justifying extended age of superannuation in terms of Rule 143 of the Rules of 2016. The rationale for restricting the benefit only for the employees having disability of 70% or above or blindness for extending the age of superannuation to 60 years while disability/benchmark disability under the Act of 1995 and 2016 remains at 40% and above is not explained. It is, therefore, apparent that the decision of the State of Haryana to restrict the benefit of enhanced age of retirement only to the persons above 70% disability is not based on any intelligible differentia, nor any object is sought to be achieved. The impugned decision is apparently based only on the ground that such prayer was made in the representation of the Association of differently abled employees.

34. We fail to understand as to how the State Government could come out with a Policy restricting benefit of extended age of superannuation only for employees suffering from disability of 70% or above or of blindness when the applicable law in the form of Act of 1995 and the Act of 2016 specifies disability of 40% or above/benchmark disability for grant of protection to differently abled persons. Mere making of representation by the Association of differently abled employees cannot furnish a valid basis for the creation of a distinct class of differently abled employees in the matter of extending the age of superannuation.

35. No conscious decision appears to have been taken by the State of Haryana while restricting the benefit of extended age of superannuation to the persons with disability of 70% or above or of blindness. No material or basis

is otherwise shown for extending the age of superannuation for persons suffering with benchmark disability.

36. Employees suffering with benchmark disability/disability above 40% have been held to constitute a homogeneous class in themselves for the purposes of affirmative action by the State for protection in employment by virtue of the provisions contained in the Act of 1995 and the Act of 2016. This position in law has been affirmed by this Court in *Bhupinder Singh's case (supra)* which has received ringing endorsement from the Supreme Court in *Civil Appeal No.8855 of 2014, State of Punjab and Others v. Bhupinder Singh* and in *Kashmiri Lal Sharma v. Himachal Pradesh State Electricity Board and Another, 2025 SCC OnLine SC 1355*.

37. Moreover, in *Deaf Employees Welfare Association and Another Vs. Union of India and Others; (2014) 3 SCC 173*, the Supreme Court has emphasized that once disability of 40% has been certified by the medical Doctor of the kind specified in Section 2(i) of the Act of 1995 then such person is entitled to the benefits of all the schemes and benefits provided by the Government and there can be no further discrimination among the persons with varied or different types of disabilities. The observation of the Court contained in paragraphs No.23 and 26 are reproduced hereinafter:-

23. *The Disabilities Act, as already indicated, states that the “persons with disabilities” means persons suffering from not less than 40% of “any disability”, as certified by the medical doctor. When a person is having any of the disabilities mentioned in [Section 2\(i\)](#) and is so certified by the Medical Doctor, he is entitled to the benefits of all the Schemes and*

benefits provided by the Government and there can be no further discrimination among the persons with varied or different types of disabilities. In the matter of affirmative action, in our view, there cannot be further discrimination between a person with disability of 'blindness' and a person with disability of 'hearing impairment'. Such discrimination has not been envisaged under the Disabilities Act. All the categories of persons mentioned in [Section 2\(i\)](#) have their own disadvantages, peculiar to themselves. A 'visually impaired person' cannot be equated with 'hearing impaired person' and vice versa. Both have different type and mode of disability. For a blind person, visibility may be poor, sometimes zero per cent, but would be able to hear and understand what is going on in and around him. At the same time, a deaf and dumb person could see, but would not be able to talk and hear what is going on around him. The nature of disability of those categories of persons may not be same, but the disabilities they suffer are to be addressed with care and compassion.

26 *The Disabilities Act deals with a well defined class i.e. "persons with disabilities" mentioned in [Section 2\(i\)](#). The nature of disability may differ from person to person included in [Section 2\(i\)](#), but all such persons have been categorized as a group of "persons with disabilities" under [Section 2\(i\)](#) read with [Section 2\(t\)](#) of the Act. In our view, the differentia sought to be canvassed by the Ministry of Finance has no rational relation to the object sought to be achieved by the Disabilities Act, which*

envisages to give equal opportunities, protection and rights to the “persons with disabilities”. Equality of law and equal protection of law be afforded to all the “persons with disabilities” while participating in Governmental functions. Transport allowance is given to Government employees since many of the Government employees may not be residing in and around their places of work. Sometimes, they have to commute long distances to and fro. There has been an unprecedented increase in the commutation time between the residence and place of work which effects the work environment in offices adversely as the employee spend much of their energy in commuting and, in the case of persons with disabilities, the situation is more grave.”

38. There is unanimity in the judicial opinion expressed by the Supreme Court as well as the opinion expressed by this Court and the High Court of Himachal Pradesh that persons with disability of 40% or above persons with benchmark disability constitute a class in themselves and further creation of a class, in such homogenous group, would be arbitrary unless the classification is based on any intelligible differentia and has a valid object to achieve.

39. Persons suffering with 40% and above disability, under the Act of 1995 and the Act of 2016 constitute a homogenous group and any further classification therein, limiting the affirmative action in the form of extended age of superannuation would be violative of the provisions of the Acts of 1995 and 2016. Since such classification is otherwise not found to be based on any

intelligible differentia nor any valid object is sought to be achieved by such classification, justifying limitation of benefit of extended age of superannuation for the employees suffering with disability of 70% or above or blindness, the classification is held to be arbitrary and violative of Article 14 of the Constitution of India.

40. We, therefore, find substance in the petitioners' grievance that Rule 143 of the Rules of 2016 insofar as it limits the benefit of extended age of superannuation to persons suffering with disability of 70% or more or blindness contravenes Article 14 of the Constitution of India as well as the provisions of the Act of 2016 and consequently is liable to be declared *ultra vires*.

41. In order to save Rule 143 from the vice of hostile discrimination, for the reasons recorded above, we read down Rule 143 of the Rules of 2016 and hold that all differently abled employees of the State of Haryana, who are issued the certificate of disability under the Act of 1995 and the Act of 2016 would be entitled to the benefit of enhanced age of superannuation of 60 years.

42. Note 3 appended to Rule 143 was intended to subserve the object of Rule 143 of the Rules of 2016 insofar as the benefit of extended age of superannuation was restricted only to differently abled employees suffering from disability of 70% or above or to employees who have no vision/blind. Once we hold that such classification/restriction is *ultra vires*, no purpose would be served in allowing Note 3 to continue in the Rule Book. Accordingly, Note 3 appended to the Rule 143 of the Rules of 2016 is quashed. The determination of disability since is regulated by the Act of 1995

as well as Act of 2016 therefore, the determination of degree of disability as per the applicable provisions in law would regulate the extension in the age of superannuation for the differently abled employees having the required disability as per law.

43. Before parting, we may observe that the only conscious decision of State to extend the age of superannuation for differently abled persons is contained in the instruction dated 02.11.1988. By this instruction, the age of superannuation was enhanced to 60 years for visually impaired/blind employees who entered in service after attaining the age of 30 years. The rationale apparently was to secure minimum tenure for employees suffering with blindness. The next decision in this regard is contained in instruction dated 18.03.1996 which is in the nature of modification of previous decision dated 02.11.1988, altering the clause insofar as it limited the benefit to those blind employees who entered in service after 30 years of age. The Act of 1995 was not in existence and rights for disabled employees had not crystallized when the earliest decision dated 02.11.1988 was taken. We have taken note of the scheme of the Act of 1995 and the Act of 2016 which protects persons from discrimination and provides for affirmative action in matters of employment on account of their benchmark disability/disability above 40%. Our attention has not been invited to any provision in the applicable statute which provides for affirmative action in the nature of extended tenure of service for persons suffering from such disability. Our attention has also not been invited to any conscious decision taken by the State of Haryana to provide for extended age of superannuation for persons suffering with disability under the Act of 1995 and the Act of 2016. It is, otherwise, well-

settled by the Hon’ble Supreme Court in *Kashmiri Lal Sharma (supra)* that State has the power to fix the age of superannuation of its employee and consequently, the withdrawal of previous circular, extending such extended age of superannuation for employees suffering with blindness alone, has been affirmed. In such circumstances, while deciding these matter(s), we deem it appropriate to clarify that it shall be open for the State of Haryana to take a conscious decision whether or not to allow the extended age of superannuation for persons suffering with disability, in light of the provisions contained in the Act of 1995 as also the Act of 2016.

- 44. With these observations, all the cases are disposed of.
- 45. Pending applications, if any, also stand disposed of.
- 46. Photocopy of this order be placed on the files of other connected cases. However, no order is passed as to costs.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

NOVEMBER 06, 2025
Ess Kay/Rahul Joshi/Rajesh

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>