



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

Date of decision: 12.08.2025

CWP-5141-2023

AJAY PAL SINGH AND OTHERS

.....Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CWP-7904-2024

MUNEESH BABBAR

.....Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Amit Jhanji, Senior Advocate with
Mr. Abhishek Kumar Premi, Advocate
for the petitioners in CWP-5141-2023 and
for respondents No. 13 to 16 in CWP-7904-2024.

Mr. R.D. Sharma, DAG, Haryana.

Mr. Shubham Bhardwaj, Advocate
for the petitioner in CWP-7904-2024 and
for respondent No. 4 in CWP-5141-2023.

VINOD S. BHARDWAJ, J. (Oral)

Both these writ petitions are inter connected in as much as the issue pertains to reservation in promotion to Group 'A' services for the persons with Bench mark disabilities. While the petitioner Ajay Pal Singh

**CWP-5141-2023 & CWP-7904-2024**

-2-

and others in CWP-5141-2023 have challenged the instructions dated 01.07.2022 to the extent whereby the benefit of reservation in promotion to the employees with benchmark disabilities under the 'Rights of Persons with Disabilities Act, 2016', has been made applicable to the all cadres of Group 'A' post notwithstanding that the said instructions had been issued on the pattern of the instructions issued by the Government of India dated 17.05.2022 which grants the benefit of reservation in promotion to the persons with benchmark disability to the lowest rung of the Group 'A' cadre only, but such expression is amiss in the State notification, hence, the instant writ petitions have been filed.

2. The respondent No.4-Muneesh Babbar in the above said petition has filed CWP-7904-2024 wherein he has challenged the promotion orders of other persons to the post of Superintending Engineer, which is not the lowest rung Group 'A' post in the Cadre.

3. Learned Senior Counsel appearing on behalf of the petitioner in CWP-5141-2023 submits that the Government of Haryana has issued revised clarificatory instructions vide memo No. 22/128/2023-1HR-III dated 02.05.2025 wherein they have brought about a clarification and have modified the earlier instructions of 01.07.2022 in conformity with the instructions issued by the Government of India on 17.05.2022 and have decided that the benefit of reservation in promotion within 'A' and 'A' would be granted to the lowest rung of Group 'A' and no further reservation in promotion from Group 'A' to Group 'A' shall be admissible. He submits that in view of the aforesaid, the matter needs to be re-examined by the



CWP-5141-2023 & CWP-7904-2024

-3-

Government at this stage so as to analyze the impact of the clarificatory notification.

4. Even though learned State Counsel submits that the clarificatory instructions of 02.05.2025 may not be applicable, being prospective however, he does not dispute the factum that the applicability thereof has not yet been commented upon and/or considered by the competent authority. The issue as regards the nature of instruction being clarificatory or substantive thus first needs to be examined and applied, by the authorities themselves. Consequently, both these writ petitions are disposed of at this stage, without commenting on merits, with a direction to the respondent No.1 to pass a fresh order on the rival claims submitted by the petitioners in both these writ petitions in light of the prevailing as well as the modified instructions, as applicable.

5. Let the needful be done by the respondents without being influenced by the earlier order and while taking a considered view in the totality of the circumstances, opportunity may also be granted to the parties, if permissible as per law.

AUGUST 12, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No