

Date of decision: 09.12.2025

CWP-13082-2020

...Petitioner

Vs.

...Respondents

CWP-12589-2020

...Petitioner

Vs.

...Respondents

CWP-9594-2021

...Petitioner

Vs.

...Respondents

CWP-11234-2021

...Petitioner

Vs.

...Respondents

CWP-17721-2021

...Petitioner

Vs.

...Respondents



6.

CWP-28135-2022

PARDEEP KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Ajit Singh Lamba, Advocate
for the petitioner in CWP-28135-2022, CWP-13082-2020,
CWP-11234-2021, CWP-9594-2021 and CWP-17721-2021.

Mr. Mohit Nehra, Advocate
for the petitioner in CWP-12589-2020.

Mr. Sanjeev Kaushik, Addl. A.G. Haryana.
Ms. Amisha Rana, Advocate
for the respondents-State.

ASHWANI KUMAR MISHRA, J. (Oral)

1. Learned counsel for the parties submits that the issue raised in the present petition has already been answered by this Court in **CWP- 2340-2023** titled as **“Jora Singh v. State of Haryana and others’** and other connected cases in which it is held that:-

“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.”

- 2. For the reasons enumerated therein, this petition is also disposed of in terms of **CWP-2340-2023** and connected cases.
- 3. Pending application(s), if any, also stand(s) disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

09.12.2025

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