



**111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-37809-2025 (O&M)
Date of Decision:24.12.2025**

SUSHIL KUMAR

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENT(S)

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

Present: Mr. K. D. S. Hooda, Advocate
for the petitioner.

Mr. Nitin Kaushal, Addl., AG, Haryana.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. The petitioner is a differently abled employee of the State of Haryana, working in the Group-D category. As per the applicable Rules, the age of superannuation for Group-D employees is 60 years. Accordingly, the petitioner has been retired upon attaining the age of 60 years.

2. Learned counsel for the petitioner submits that merely because the petitioner is differently abled, the State ought to grant him a further extension of two years in service, allowing him to continue till the age of 62 years, on the ground that such benefit has been extended to employees belonging to Group-A to Group-C categories. It is contended that for Group-A to Group-C employees, the age of superannuation is 58 years, and differently abled persons in those categories have been granted

a two-year extension, enabling them to continue till 60 years. The petitioner, therefore, claims that solely on account of his disability, he has an indefeasible right to continue in service for an additional period of two years.

3. We may note that a bunch of writ petitions had been filed by differently abled employees of the State of Haryana having disability of 40% and above belonging to Group-A to Group-C categories claiming extension in the age of superannuation relying upon the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as “*the Act of 1995*”) and the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as “*the Act of 2016*”). The Rules framed by the State of Haryana, however, restricted the benefit of extension in the age of superannuation to employees suffering from disability of 70% or above. The petitioners’ claimed, therein, that the rationale to fix 70% disability, for grant of extension in the age of superannuation, is without any basis/rationale and that such benefit be extended to all employees suffering from disability in terms of the provisions of the Act of 1995 and the Act of 2016.

4. The bunch of petitions was allowed by this Court *vide* judgment dated 06.11.2025, passed in a batch of cases with the leading case titled ***CWP-2340-2023, Jora Singh vs. State of Haryana and Others***. In the said judgment, this Court also examined the rationale behind granting extension in the age of superannuation to differently abled persons.

5. Having gone through the entire material on record, this Court found that no conscious decision had ever been taken by the State of Haryana to grant such extension in the age of superannuation. Accordingly, observations were made in paragraph 43 of the judgment, leaving it open to the State of Haryana to take an appropriate decision regarding the grant of extension in age of superannuation to employees suffering from disability, which reads as under:

“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."*

6. The Court also took note of the fact that similar benefits granted in the State of Himachal Pradesh have already been withdrawn, and the withdrawal of such benefits has been approved by the Supreme Court in ***Kashmiri Lal Sharma vs. Himachal Pradesh State Electricity Board Ltd., 2025 SCC Online SC 1355.***

7. In the present case, the petitioner claims extension in the age of superannuation solely on the basis of his disability. Neither the Act of 1995 nor the Act of 2016 contains any provision for extension in the age of superannuation for employees suffering from disability. It appears that the decision in that regard was taken for a different purpose and without there being any conscious decision in that regard, the State of Haryana has been extending such benefits. We have, therefore, left it open for the

State of Haryana to examine the rationale of extending such benefits.

8. In view of the statutory provisions and the observations made by this Court in ***Jora Singh (supra)***, we have no hesitation in coming to the conclusion that in fact there exists no right in any employee to claim extension in age of superannuation only on account of his/her disability. Merely, because such benefits have been granted to employees of Group-A to Group-C over a period of time, rationality of which is to be examined in light of the decision in ***Jora Singh (supra)***, it would not confer any legal right on the petitioner to claim such extension as a matter of right.

9. In that view of the matter, the present writ petition is dismissed and consigned to records.

10. Pending application(s), if any, stand(s) disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

DECEMBER 24, 2025
Rahul Joshi

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| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |