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

**CWP-3070-2026 (O&M)
Date of decision: 11.02.2026**

Tarsem Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raj Kumar Makkad, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. Vikrant Pamboo, Advocate
for respondents No.3 to 5.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the speaking order dated 11.12.2025 (Annexure P-20) and further to issue a writ in the nature of *mandamus* directing the respondents to transfer and post the petitioner at his nearest station, preferably Cheeka, as a special and priority case, being a person with 70% permanent locomotor disability and sole caregiver of his wife, who is suffering from stage-V lung cancer, in



the light of directions issued by this Court vide order dated 18.08.2025 passed in **CWP-23677-2025** titled as ***Bijender Singh and another Vs. State of Haryana and others*** (Annexure P-17), letters dated 07.04.1989 & 23.12.2008 (Annexures P-2 & P-3 respectively), the judgment dated 03.03.2025 rendered by the Hon'ble Supreme Court in ***Suo Motu Writ Petition (Civil) No.2 of 2024 – Re: Recruitment of Visually Impaired in Judicial Services, 2025 INSC 300*** and the statutory mandate under Sections 3(5), 20(2) & 20(5) of the Rights of Persons with Disabilities Act, 2016.

2. On 03.02.2026, following order was passed by this Court: -

“1. Learned counsel for the petitioner inter alia contends that the petitioner is a permanent employee with 70% permanent locomotor disability as discernible from Annexure P-1. Further his sole caregiver of his wife suffering from Stage-IV lung cancer as discernible from Annexure P-6. The petitioner was posted as SDO at Kaithal far away from his permanent aboard causing extreme hardship. Despite Government circulars (Annexures P-2 & P-3) and the Model Online Transfer Policy, 2025 (Annexures P-4 & P-5) mandating disability sensitive postings, his repeated representations (Annexures P-11 to P-16) were ignored. This Court in CWP No.34017 of 2025 (Annexure P-18) directed the respondents to pass a reasoned order on the representation of the petitioner.

2. In purported compliance, the impugned order dated 11.12.2025 (Annexure P-20) was passed which by mechanically rejecting the request of the petitioner, ignoring the statutory protections under the Rights of Persons with Disabilities Act, 2016 and binding judgment rendered by this Court in CWP

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No.23677 of 2025 titled as 'Bijender Singh and another Vs. State of Haryana and others' decided on 18.08.2025 which was further upheld by the Division Bench of this Court in Intra Court Appeal and the respondent-Corporation has already filed a compliance report before this Court and implementing the directions issued by this Court in Bijender Singh's case (supra) as such, the impugned order not only violates the Sections 3 (5), 20 (2) and 20 (5) of the Rights of Persons with Disabilities Act, 2016 and is also contrary to the directions issued by this Court in Bijender Singh's case (supra).

3. Learned counsel for the respondent-Corporation submits that the petitioner's rejection is based upon the pendency of the criminal case and the respondent-Corporation relying upon the instructions of the Government of Haryana in which the delinquent employee cannot be posted in the same district where the criminal proceedings are pending.

4. Learned counsel for the petitioner further submits that the Rights of Persons with Disabilities Act, 2016 is enacted by the Parliament and as per the statutory scheme of the Act, it will have primacy over all laws for the time being in force and the mandate of the Act cannot be superseded by the executive instructions.

5. At this stage, learned counsel for respondents No.3 to 5 seeks a short accommodation to have complete instructions.

6. List on 11.02.2026."

3. Learned counsel for respondents No.3 to 5-Corporation, at the outset, submits that the petitioner has suppressed the material facts from this Court. He has earlier approached this Court by way of filing CWP-6736-2024, in which, during the course of arguments, learned senior counsel for the



petitioner submitted that the petitioner has no objection in case he is posted on a non-public duty place at Kaithal. The aforesaid writ petition was allowed vide order dated 16.05.2024, copy of which is taken on record as Mark 'X'. Registry is directed to tag the same at the appropriate place of the case file. Based upon the aforesaid statement, the petitioner was transferred to Kaithal and no inconvenience is being caused to him, as earlier posting was in District Kaithal. However, keeping in view the disability of the petitioner, a post having non-public dealing duties has been identified and he is posted on the said post. As such, the present petition is liable to be dismissed.

4. Having heard learned counsel for the parties and after perusal of record of the case with their able assistance, it transpires that the petitioner has earlier approached this Court by filing CWP-6736-2024, which was allowed vide order dated 16.05.2024 (Mark 'X'). Relevant portion of the said order reads as under: -

“8. The learned Senior Counsel for the petitioner during the course of arguments has also stated that he has no objection in case the petitioner is posted on a Non-Public Duty place at Kaithal.

9. In view of the aforesaid peculiar facts and circumstances of the case, the present petition is allowed. The impugned order dated 0707.2023 (Annexure P-3), order dated 22.08.2023 and order dated 06.12.2023 (Annexure P-11) are hereby set aside. The respondent-Nigam is at liberty to pass a fresh order after considering posting the petitioner near his house at Kaithal which may be a Non-Public Dealing Office.”



5. In compliance of the aforesaid order dated 16.05.2024, after identifying a non-public dealing post, the petitioner was transferred to the said post.

6. Keeping in view the facts and circumstances of the case, no further interference is warranted at the hands of this Court. Accordingly, the present petition is disposed of.

7. The pending miscellaneous application(s), if any, shall also be disposed of.

[HARPREET SINGH BRAR]
JUDGE

11.02.2026
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No