



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

CWP-5224-2026 (O&M)
Date of Order:10.03.2026

Rajnish Kumar and others

.... **Petitioners**

Versus

State of Haryana and others

.... **Respondents**

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

* * * *

Present: Mr.S.K. Rungta, Senior Advocate
(through Video Conferencing), assisted by
Mr.Arun Gupta, Advocate
for the petitioners.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana

* * * *

ROHIT KAPOOR, J. (Oral)

1. The petitioners, who are visually impaired/blind employees working with various departments of the Government of Haryana, have impugned the notification dated 03.02.2026 (Annexure P-6), whereby clauses (i), (ii) and Notes 1 and 3 of Sub rule 1 of Rule 143, of the Haryana Civil Services (General) Rules, 2016 (hereinafter referred to as '*the 2016 Rules* ') have been omitted.

Factual Matrix

2. The State of Haryana vide instructions dated 02.11.1988, granted benefit of extension in service upto the age of 60 years, beyond the age of superannuation, to blind employees who joined government service after attaining the age of 30 years. The decision was reiterated vide



CWP No.5224 of 2026 (O&M)

-2-

instructions dated 18.03.1996 and was extended to include differently abled employees having minimum degree of disability of 70% or more in the year 2006. Subsequently, the Rules of 2016 came into force and the unamended Rule 143(1) of the 2016 Rules, as existed prior to the amendment carried out vide notification dated 03.02.2026 read 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 or from a Medical Board of the Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh constituted 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.”*



CWP No.5224 of 2026 (O&M)

-3-

3. A bunch of writ petitions was filed by certain differently-abled employees questioning the selective grant of benefit of extension in the age of superannuation to employees suffering from disability of 70% or more and/or from blindness, on the ground that all those who incur a disability of '40% and above' constitute a composite class and therefore, the State would not be justified in creating a class within a 'homogenous' group. This bunch of petitions came to be decided by this Court on 06.11.2025 in '**Jora Singh Vs. State of Haryana and Others**' and **connected matters, 2025-PHHC-155797-DB**, wherein 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 RPwD Act*') were examined and this court came to the conclusion that the intent of the parliamentary legislation is to insulate persons suffering from disabilities from any kind of discrimination. This Court also traced the decisions taken from time to time on account of which such extension in the age of superannuation was provided.

4. It was found that, in fact, there was no conscious decision to extend such benefit by the State of Haryana. Though the bunch of writ petitions in *Jora Singh (supra)* were allowed and sub-Rule (1) of Rule 143 of the 2016 Rules was read down to hold, that all differently-abled employees of the State of Haryana, who were issued the certificate of disability under the Act of 1995 and RPwD Act, would be entitled to the benefit of enhanced age of superannuation of 60 years, however, the



CWP No.5224 of 2026 (O&M)

-4-

following observations were made in paragraph No. 43 of the judgment, which are reproduced hereinafter:-

*“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 the 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.”*

5. The State of Haryana decided to omit clause (i), (ii) and Note 1 & 3, of sub-Rule (1) of Rule 143 by way of the impugned notification dated 03.02.2026, which reads as under:-

**“HARYANA GOVERNMENT
FINANCE DEPARTMENT
NOTIFICATION
The 3rd February, 2026**



CWP No.5224 of 2026 (O&M)

-5-

No.11/58/2023-1FR/27758- *In exercise of the powers conferred under the proviso to article 309 of the Constitution of India, the Governor of Haryana hereby makes the following rules further to amend the Haryana Civil Services (General) Rules, 2016, namely:-*

1. (1) *These rules may be called the Haryana Civil Services (General) Amendment Rules, 2026.*
(2) *They shall come into force with effect from the date of their publication in the Official Gazette.*
2. *In the Haryana Civil Services (General) Rules, 2016, Rule 143, in sub-rule (1) clause (i), clause (ii), Note 1 and Note 3, shall be omitted."*

6. The afore-mentioned notification was assailed in CWP-4788-2026 titled as '***Surender Singh and another vs. State of Haryana and others,***' which was dismissed by this Court on 17.02.2026, after taking into consideration the arguments regarding violation of the rights of the disabled persons under the Act of 1995 and the RPwD Act. It was held that the statutory enactment is categorical inasmuch as persons suffering from disabilities are to be insulated against any discrimination in the matter of employment, however, there is no provision which contemplates that the age of superannuation for persons suffering from disabilities be extended from 58 to 60 years. The argument that the provision for extension in age of superannuation was covered within the expression '*reasonable accommodation*' was rejected. The observations made by the Hon'ble Supreme Court in the case of '***Kashmiri Lal Sharma vs. Himachal Pradesh State Electricity Board Limited, 2025 SCC Online SC 1355,***' wherein the decision of the Himachal Pradesh Government to withdraw the benefit of extended age of superannuation to only blind employees, was upheld, were also taken into consideration and the writ petition was dismissed.



CWP No.5224 of 2026 (O&M)

-6-

Contentions of the Petitioners

7. The learned Senior Counsel appearing on behalf of the petitioners, has argued that while dismissing the writ petition in the case of Surender Singh and another (supra), this Court has not taken into account the merits of some of the provisions of the RPwD Act. Our attention has specifically been invited to Sections 24, 26 and 27 of the said Act, as well as to the definition of the term ‘reasonable accommodation’, which according to the learned senior counsel, was the basis for extending the benefit of enhanced age of superannuation to the differently-abled employees suffering from permanent disability above 70% and the blind employees, under the unamended 2016 Rules. It is contended that the decision to withdraw the benefit, previously extended, would result in discrimination, be it direct or indirect, inasmuch as it would amount to denial of reasonable accommodation granted earlier. It is also urged that the decision to withdraw the benefit of enhanced age of superannuation is without any rationale or prior consultation, and is thus arbitrary.

8. The petitioners have sought to draw our attention to the Government instructions dated 02.11.1988, 18.03.1996 and 31.01.2006, whereby the benefit was initially granted, reiterated and was subsequently additionally extended to employees suffering from permanent disability of 70% or more. As per the petitioners, these executive instructions were given statutory backing by incorporating the same under Rule 143 of 2016 Rules, w.e.f. 19.07.2016. It is submitted that keeping in view the necessity to provide social security to the differently-abled employees and with a



CWP No.5224 of 2026 (O&M)

-7-

view to enforce the provisions of the Act of 1995 and the RPwD Act in its letter and spirit, the Central Government issued office memorandum dated 04.11.1997 providing for 3% reservation for persons with disability in group 'C' and 'D', which was adopted by all the State Governments including the State of Haryana. The various concessions/facilities being offered by the Central and State Government have been brought to our notice, in order to emphasize that the benefit of enhanced age of superannuation, was a special dispensation for the blind employees with a view to enforce the mandatory provisions of the Act of 1995 and the RPWD Act.

9. Reference is made to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which was signed and ratified by India on 03.05.2008, to urge that the RPWD Act was enacted by the Parliament with a view to implement and give effect to the principles agreed upon, under the aforesaid Convention. It is, thus, the case of the petitioners that the impugned notification is violative of the provisions of the RPWD Act as well as Article 14 of the Constitution of India and the same has been issued by misconstruing the judgement in the case of **Jora Singh** (supra). Reliance has been placed upon the judgments of the Hon'ble Supreme Court of India in '*Justice Sunanda Bhandare Foundation Vs. Union of India and Another*', (2014) 14 SCC 383 and '*Vikash Kumar vs. Union Public Service Commission and others*' (2021) 5 SCC 370, in support of the above contentions. Lastly, it has been argued that without prejudice to the contention of the petitioners that the impugned



CWP No.5224 of 2026 (O&M)

-8-

notification deserves to be quashed, the same can only be given effect to prospectively, and all such employees, who have crossed the age of 58 years, cannot be superannuated before the age of 60 years.

Contentions of the Respondents

10. *Per contra*, learned State Counsel has opposed the submissions made on behalf of the petitioners. It is argued that the issue pertaining to the removal of disparity in the matter of age of superannuation between the persons suffering from disabilities and regular employees, has been under the active consideration of the Government since the year 2023. It is only after due deliberation and examining the matter dispassionately, that an informed decision has been taken to amend the 2016 Rules, after taking into consideration the provisions of the RPwD Act, which does not provide for any such right of extension in the age of superannuation for the persons suffering from disabilities. It is contended that in similar circumstances, the State of Himachal Pradesh had enhanced the age of superannuation for certain class of persons suffering from disabilities, which was subsequently withdrawn, and such decision to amend the service conditions, was upheld by the Hon'ble Supreme Court in the case of ***Kashmiri Lal Sharma*** (supra). It is contended that that the State is well within its rights to lay down the service conditions, the age of retirement, giving pension to the employees, etc. and to bring about necessary changes/amendments in the same. It is thus urged that the writ petition be dismissed, being bereft of any merit.



CWP No.5224 of 2026 (O&M)

-9-

Discussion/Analysis

11. We have heard the learned counsel for the parties and have also carefully perused the original record pertaining to the decision regarding withdrawal of the benefit of enhanced age of superannuation.

12. Upon consideration of the rival submissions, the following issues fall for our consideration:-

- i) Whether the withdrawal of the benefit of enhanced age of superannuation granted to certain disabled employees under the unamended provisions of Rule 143 of the 2016 Rules, is violative of their vested rights under the provisions of the RPwD Act?;
- ii) Whether the impugned notification dated 03.02.2026 (Annexure P-6) has been issued without application of mind and in an arbitrary manner?; and
- iii) Whether the impugned notification would also be applicable on employees who had already crossed the age of 58 years, before the coming into force of the amended Rules?

Issue 1

13. As regards the first issue, we have already dealt with the same in the case of Surender Singh & another (supra) however, since the learned senior counsel appearing on behalf of the petitioners has argued that certain provisions of the RPwD Act and the aspect regarding obligation of the State to accord 'reasonable accommodation' was not taken in to account,



CWP No.5224 of 2026 (O&M)

-10-

we deem it appropriate to examine the provisions of the said Act in *extenso*, with a view to determine and decide the said issue.

14. The provisions of the 1995 Act, which stands repealed with the coming into force of the RPwD Act w.e.f. 19.04.2017, have already been discussed and analyzed by us in the case of **Jora Singh** (supra). The Parliament enacted the RPwD Act with a view to give effect to its obligations under the UNCRPD treaty. The said Act was a landmark legislation and brought about a paradigm shift from the earlier legislation. Three separate categories of individuals, i.e. ‘person with benchmark disability’, ‘person with disability’, and ‘person with disability having high support needs’, have been identified and defined under the scheme of the Act. Section 2(r), (s) and (t) defining the aforesaid categories of differently-abled persons are reproduced as under:-

“2. Definitions.—In this Act, unless the context otherwise requires,—

(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;

(s) “person with disability” means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

(t) “person with disability having high support needs” means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;”



CWP No.5224 of 2026 (O&M)

-11-

15. Twenty-one 'specified disabilities' are specified in the schedule and the Central Government is empowered to add further categories to the same. The general principle of 'reasonable accommodation', which did not find place in the 1995 Act, has been defined under section 2(y) of the RPwD Act, which reads as under:-

"2(y) "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;"

16. The term '*discrimination*' has been defined under Section 2(h) of the Act and in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation.

17. Chapter II of the said Act pertains to 'Rights and Entitlements', and under Section 3, an obligation is cast upon the appropriate Government to ensure the equality and non-discrimination, for the persons with disabilities, which includes taking necessary steps to ensure reasonable accommodation for differently-abled persons. Sections 4 to 14 deal with '*women and children with disabilities*'; '*community life*'; '*protection from cruelty and inhuman treatment*'; '*protection from abuse, violence and exploitation*'; '*protection and safety*'; '*home and family*';



CWP No.5224 of 2026 (O&M)

-12-

'reproductive rights'; 'accessibility in voting'; 'access to justice'; 'legal capacity'; and 'provision for guardianship'. Careful examination of the aforementioned provisions would show that an onus is cast upon the appropriate Government and the local authorities to ensure that the rights and entitlements of the persons with disabilities are made available to them and they are able to enjoy such rights equally with others without any discrimination. It may be noticed that under Section 12(3), which specifically deals with access to justice, the National Legal Services Authority and the State Legal Services Authorities are required to make provisions including 'reasonable accommodation' to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

18. Chapter III pertains to Education, and under Section 16, specific facilities are to be provided by the educational institutions, *inter alia* to make building, campus and various facilities accessible; provide reasonable accommodation according to the individual's requirements; ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication; and provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

19. Under section 17, certain specific measures are enlisted to promote and facilitate inclusive education, which includes to train and employ teachers, including teachers with disability who are qualified in



CWP No.5224 of 2026 (O&M)

-13-

sign language and Braille and also teachers who are trained in teaching children with intellectual disability; to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfil the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society; to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years; to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses.

20. Chapter IV deals with Skill Development and Employment. While Section 19 necessitates formulation of schemes and programmes for vocational training and self-employment for the persons with disabilities, section 20 pertains to non-discrimination and employment. Under sub-section (2) thereof, *“every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability”*. The subjects of social security, health, rehabilitation and recreation, are dealt with under Chapter V of the Act.



CWP No.5224 of 2026 (O&M)

-14-

21. Since the learned Senior counsel for the petitioners has specifically adverted to sections 24, 26 and 27 of the RPwd Act, the same are reproduced as under:-

CHAPTER V
SOCIAL SECURITY, HEALTH, REHABILITATION AND
RECREATION

24. Social security.— (1) *The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community: Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent higher than the similar schemes applicable to others.*

(2) The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.

(3) The schemes under sub-section (1) shall provide for,—

(a) community centres with good living conditions in terms of safety, sanitation, health care and counselling;

(b) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;

(c) support during natural or man-made disasters and in areas of conflict;

(d) support to women with disability for livelihood and for upbringing of their children;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(h) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(i) care-giver allowance to persons with disabilities with high support needs;



CWP No.5224 of 2026 (O&M)

-15-

(j) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government-sponsored insurance schemes;

(k) any other matter which the appropriate Government may think fit.

25. Healthcare

xxx

xxx

xxx

26. Insurance schemes.—*The appropriate Government shall, by notification, make insurance schemes for their employees with disabilities.*

27. Rehabilitation.—*(1) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities.*

(2) For the purposes of sub-section (1), the appropriate Government and the local authorities may grant financial assistance to non-Governmental Organisations.

(3) The appropriate Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of persons with disabilities.”

22. Chapter VI deals with special provisions for persons with benchmark disabilities, and under section 31, the right of a child with benchmark disability between the age of 6 to 18 years, to have access to free education in a school of his choice is recognized. Under section 32, reservation upto 5% has been provided for persons with benchmark disabilities in Government and government-aided higher educational institutions, and further relaxation of upper age of 5 years in admission to such institutions is provided for. Section 33 deals with identification of posts for reservation, and Section 34 mandates reservation of not less than 4% of the total vacancies in every government establishment, as per the criteria laid down therein. The ‘special provisions for persons with disabilities with high support needs’ are spelt out under Chapter VII, and



CWP No.5224 of 2026 (O&M)

-16-

such persons may apply to any authority as notified by the appropriate Government, requesting to provide ‘high support’ which is defined under Section 2(1) of the Act and includes within its ambit intensive support, be it physical, psychological and otherwise, to take independent and informed decision to access facilities and participate in all areas of life, employment, family and community life, and treatment and therapy.

23. The duties and responsibilities of appropriate Governments are specified under Chapter VIII of the Act which includes awareness campaigns, providing accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, for the persons with disabilities. Several kinds of ‘accommodations’ are envisaged, such as facilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines; access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design; accessible roads to address mobility necessary for persons with disabilities. The appropriate Government is also under an obligation to develop scheme and programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for incentives and concessions; retrofitting of vehicles; and personal mobility assistance. Measures to ensure that all contents available in audio, print and electronic media are in accessible format; persons with



CWP No.5224 of 2026 (O&M)

-17-

disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning; electronic goods and equipment which are meant for everyday use are available in universal design, are to be taken by the appropriate Government.

24. A careful perusal of the provisions of the RPwD Act would show that the appropriate Government is under a duty to remove ‘*barriers*’ and ensure appropriate modifications and adjustments at the workplace, educational institutions, transportation, public places, etc. to ensure that persons with disabilities can enjoy or exercise rights equally with others. The essential rights that are bestowed upon persons with disabilities under the RPwD Act are that of equality and non-discrimination *vis-à-vis* their able-bodied counterparts.

25. The principle of ‘*reasonable accommodation*’ runs central to the scheme of the Act and has been examined at length by the Hon’ble Supreme Court in the case of **Vikash Kumar (supra)**, wherein it *inter alia* observed as under:

“46. In the specific context of disability, the principle of reasonable accommodation postulates that the conditions which exclude the disabled from full and effective participation as equal members of society have to give way to an accommodative society which accepts difference, respects their needs and facilitates the creation of an environment in which the societal barriers to disability are progressively answered. Accommodation implies a positive obligation to create conditions conducive to the growth and fulfillment of the disabled in every aspect of their existence – whether as students, members of the workplace, participants in



CWP No.5224 of 2026 (O&M)

-18-

governance or, on a personal plane, in realizing the fulfilling privacies of family life. The accommodation which the law mandates is 'reasonable' because it has to be tailored to the requirements of each condition of disability. The expectations which every disabled person has are unique to the nature of the disability and the character of the impediments which are encountered as its consequence.

47. For instance, for a visually impaired person, the reasonable accommodation she requires might consist of screen magnification software or a screen reader [which can speak out the content on a computer screen in a mechanical voice]. It might also consist of content being made available in Braille and a sighted assistant. In the same way, for someone with a hearing impairment, reasonable accommodation could consist of speech-to-text converters, access to sign language interpreters, sound amplification systems, rooms in which echo is eliminated and lip-reading is possible. Similarly, for a person with dyslexia, reasonable accommodation could consist of access to computer programmes suited to meet their needs and compensatory time.

48. Failure to meet the individual needs of every disabled person will breach the norm of reasonable accommodation. Flexibility in answering individual needs and requirements is essential to reasonable accommodation. The principle contains an aspiration to meet the needs of the class of persons facing a particular disability. Going beyond the needs of the class, the specific requirement of individuals who belong to the class must also be accommodated. The principle of reasonable accommodation must also account for the fact that disability based discrimination is intersectional in nature. The intersectional features arise in particular



CWP No.5224 of 2026 (O&M)

-19-

contexts due to the presence of multiple disabilities and multiple consequences arising from disability. Disability therefore cannot be truly understood by regarding it as unidimensional. Reasonable accommodation requires the policy makers to comprehend disability in all its dimensions and to design measures which are proportionate to needs, inclusive in their reach and respecting of differences and aspirations. Reasonable accommodation cannot be construed in a way that denies to each disabled person the customization she seeks. Even if she is in a class of her own, her needs must be met. While assessing the reasonableness of an accommodation, regard must also be had to the benefit that the accommodation can have, not just for the disabled person concerned, but also for other disabled people similarly placed in future.

49. As the Committee on the Rights of Persons with Disabilities noted in General Comment 6, reasonable accommodation is a component of the principle of inclusive equality. It is a substantive equality facilitator. The establishment of this linkage between reasonable accommodation and non-discrimination thus creates an obligation of immediate effect. Under this rights-based and disabled centric conceptualization of reasonable accommodation, a failure to provide reasonable accommodation constitutes discrimination. Reasonable accommodation determinations must be made on a case-by-case basis, in consultation with the disabled person concerned. Instead of making assumptions about how the relevant barriers can be tackled, the principle of reasonable accommodation requires dialogue with the individual concerned to determine how to tackle the barrier.



CWP No.5224 of 2026 (O&M)

-20-

50. *The concept of reasonable accommodation as a component of the equality guarantee has been recognized in a consistent line of precedents of this Court. Illustratively, in **Syed Bashir-ud-din Qadri v. Nazir Ahmed Shah**, this Court, speaking through Justice Altamas Kabir, held that a person having cerebral palsy should be given access to an external electronic aid as a reasonable accommodation to offset the impact of his inability to write on the blackboard. The Court held as follows:*

“31. ...while a person suffering from cerebral palsy may not be able to write on a blackboard, an electronic external aid could be provided which could eliminate the need for drawing a diagram and the same could be substituted by a picture on a screen, which could be projected with minimum effort.”

26. Upon a comprehensive analysis, reasonable accommodation thus would mean providing assistance/accommodation based upon individual requirements such as assistive technologies, screen readers, voice recognition software, Braille displays and special input devices, adjustable workstations, wheelchair accessible offices, flexible work arrangements including work from home etc. These are just few examples that are cited with a view to underscore what the phrase ‘*reasonable accommodation*’ connotes.

27. Having thus examined the principle of reasonable accommodation as well as the entire scheme of the RPwd Act, including Sections 24, 26 & 27, we are of the considered opinion that there is no right to extended age of superannuation for the persons suffering from any



CWP No.5224 of 2026 (O&M)

-21-

disability, under the said Act, nor the term '*reasonable accommodation*' can be interpreted in a manner to extend such benefit, as claimed by the petitioners. The argument of the learned senior counsel with regard to such a right flowing from the provisions cited by him, cannot therefore be countenanced. Section 24 deals with social security and the proviso to sub-Section (i), which mandates that the quantum of assistance to the persons with disabilities under schemes and programme is mandatorily required to be 25% higher than similar schemes applicable to others, has no applicability to the service conditions, including the age of superannuation. Moreover, the exhaustive list of schemes as referred to under sub-Section (i), have been enlisted under sub-Section (iii), which has no connection with the age of superannuation fixed under statutory rules. The position regarding sections 26 and 27, which pertain to insurance scheme and rehabilitation, is no different, as they do not pertain to the exigency of alteration in the service conditions of an employee, as is involved in the present case.

28. Reliance upon the law laid down in the cases of ***Justice Sunanda Bhandare Foundation and Vikash Kumar*** (supra), is of no benefit to the petitioners, as the facts and circumstances involved therein were quite distinct and the dicta laid down by the Hon'ble Supreme Court in the said cases would have no bearing on the issues raised in the instant petition. In the case of ***Justice Sunanda Bhandare Foundation*** (supra), the petitioner which was a charitable trust, approached the Supreme Court seeking a direction for reservation of 1% of the identified teaching posts



CWP No.5224 of 2026 (O&M)

-22-

in the faculties and colleges of various universities in terms of section 33 of the 1995 Act. After noticing the response of the UOI that it has implemented the provisions of the 1995 Act as regards the reservation of 1% of the identified teaching posts, a direction was given that the Central, State Governments and Union Territories were to implement the provisions of the 1995 Act in its letter and spirit. In **Vikash Kumar** (supra), the matter was carried to the Supreme Court at the instance of a citizen who suffered from a writer's cramp and was denied a scribe in the Civil Services examination. It is in this case that the principle of '*reasonable accommodation*' was examined at length, and ultimately directions were given to the Union Government to ensure the framing of proper guidelines which would regulate and facilitate the grant of facilities of a scribe to persons suffering from disability. The aforesaid cases did not deal with the withdrawal of selective benefit to particular categories of persons suffering from disabilities. In fact, the *lis* involved in the instant case is identical to the dispute arising in the case of **Kashmiri Lal** (supra), wherein it has already been held that the decision of State Government withdrawing any additional benefit as regards the age of superannuation, cannot be faulted.

29. We are also unable to accept the submission of the petitioners that the decision to withdraw the benefit previously extended would result in any kind of direct or indirect discrimination. To the contrary, such selective grant of benefit of extended age of superannuation to only few categories of disabled employees would be discriminatory and against the



CWP No.5224 of 2026 (O&M)

-23-

provisions of the RPwD Act, as has been held by the Hon'ble Supreme Court in the case of *Kashmiri Lal* (supra).

30. We are therefore of the considered opinion that the decision of the State Government to revisit its decision of selectively granting the benefit of enhanced age of superannuation vide the impugned notification, does not violate any vested rights of the petitioners, either under the RPwD Act or under the Constitution of India.

Issue No.2

31. Coming to the second issue as regards the challenge to the impugned notification on the grounds of alleged arbitrariness, non-application of mind, no prior consultation and having no rationale with the object sought to be achieved, we find the same to be without any basis. Records reveal that the issue was under the active consideration of the State of Haryana since the year 2023 itself, on account of complications arising due to selective grant of such benefit and multiple litigations on this account. It was in this backdrop that the Finance Department had been requested to reconsider Rule 143 of the 2016 Rules with a view to ensure parity amongst all employees. It was noted that the additional benefit was over and above the rights protected under the RPwD Act, and in view of repeated litigation in this regard, the matter was examined at the level of the Chief Secretary and subsequently legal opinion was sought from the office of the Advocate General on the matter with the request to examine the provisions of the RPwD Act. The office of the Advocate General, Haryana vide its opinion dated 02.08.2024, opined that the State is well



CWP No.5224 of 2026 (O&M)

-24-

within its rights to amend the Rules under the proviso to Article 309 of the Constitution of India. Records further reveal that the proposal of omitting Rule 143 (1) (i) and (ii) and Notes 1 and 3, was with a view to align the retirement age of all employees, and the matter was also examined by considering the judgment of the Hon'ble Supreme Court in the case of ***Kashmiri Lal*** (supra), and it is only after proper deliberation and application of mind that the decision to withdraw the selective benefit of enhanced age of superannuation was taken, with a view to ensure that there is no disparity between the employees working in the same departments.

32. Once the rationale behind the action of the State is found to be in consonance with a lawful objective of ensuring equality, the same cannot be faulted merely on the ground that the petitioners or other persons who had been granted such benefit, were not consulted, as it is well settled that the employer is well within its rights to alter or amend the service conditions, including the retirement age and there is no requirement of any prior consultation with the employees in this regard.

33. Submissions with regard to the genesis of the earlier benefit being based upon the alleged vested rights under certain government instructions, are also without any force as the said decision was more in the nature of a largesse based upon mere representations rather than well-thought policy decisions as discussed in paragraph 43 of the judgment passed by this Court in the case of ***Jora Singh*** (supra).



CWP No.5224 of 2026 (O&M)

-25-

34. As a result of the aforesaid discussion, we are of the view that the impugned notification cannot be said to have been issued without application of mind and does not suffer from the vice of arbitrariness.

Issue No.3

35. As regards issue no.3, the right of the employer to alter the service conditions, including the retirement age by way of reduction in the age of superannuation, is not a matter of dispute before us and it has been held by the Hon'ble Supreme Court in the case of ***Bishnu Narain Misra vs. State of Uttar Pradesh and others, AIR 1965 SC 1567***, that such exercise of power would not be hit by Article 311 of the Constitution of India. The argument of the petitioners that such reduction would operate prospectively and would not be applicable to employees who have already crossed the age of 58 years, is based upon a wrong assumption that the same would result in disturbing accrued rights which already stand crystallized. The correct legal position is that the conditions of service, including the age of superannuation, do not confer an indefeasible vested right on a government servant. The State retains competence to alter them for valid reasons. The prospective nature only protects against reopening of past service records, past pay fixation etc., accrued service benefits such as salary and pension etc., which cannot be withdrawn. In the case of ***Kashmiri Lal*** (supra), it was *inter alia* observed as under:-

“18.....Otherwise also, an employee has no fundamental right as regards the age at which he would retire. Moreover, termination of service of an employee on account of reaching the age of superannuation in accordance



CWP No.5224 of 2026 (O&M)

-26-

with law or rules regulating the conditions of service does not amount to his removal from service within the meaning of Article 311(2) of the Constitution of India.³ In K. Nagaraj v. State of Andhra Pradesh, (1985) 1 SCC 523, a three-Judge Bench of this Court upheld reduction of the age of retirement from 58 years to 55 years. While doing so, this Court observed that “it is not possible to lay down an inflexible rule that 58 years is a reasonable age for retirement and 55 is not. If the policy adopted for the time being by the Government or the Legislature is shown to violate recognized norms of employment planning, it would be possible to say that the policy is irrational since, in that event, it would not bear reasonable nexus with the object which it seeks to achieve. But such is not the case here.”

36. The appellant in the said case was granted the benefit of continuance of service and full wages with all consequential benefits that may impact his pension upto 04.11.2019, which was the date on which the OM granting the benefit of extended age of superannuation till 60 years, was withdrawn.

37. In the instant case, we may take note that by virtue of interim orders passed by this Court, several employees are continuing to work, even after coming into force of the impugned notification, despite having attained the age of 58 years. Under such circumstances, we hold that all such employees who have crossed the age of 58 years, shall be entitled to protection of service benefits, like salary, pension, etc. till the date of their working. However, on account of the amendment in Rule 143 coming into



CWP No.5224 of 2026 (O&M)

-27-

force on 03.02.2026, no existing employee can claim to continue till the age of 60 years.

38. As a sequel to the aforesaid discussion, the writ petition is dismissed. There shall be no order as to costs. However, any service benefits that may have enured to the benefit of the employees on account of their working, after coming into force of the notification dated 03.02.2026 (Annexure P-6), shall not be withdrawn.

39. All pending applications, if any shall stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

10th March, 2026
Mohit goyal

Whether speaking/reasoned: *Yes*

Whether Reportable: *Yes*