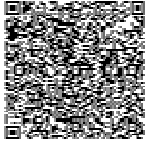


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:053196-DB



CM-650-CWP-2026 in/and
CWP-7005-2024 (O&M)
Date of Decision: 07.04.2026

Suresh 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. Himalya Makkad, Advocate and
Ms. Himani Makkad, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-650-CWP-2026

In view of the fact that the correct status of the case has been shown on the web portal, learned counsel for petitioner comes up with a prayer not to press the application.

Consequently, the application is dismissed as not pressed.

CWP-7005-2024 (O&M)

1. Controversy raised in the present writ petition stands finally adjudicated by this Court in CWP-12356-2024, titled as 'Nakul vs. State of Haryana and another', decided on 26.12.2025. The observations made by this Court in para No.20, 22 to 24 is reproduced herein after:-

20. We, therefore, find substance in the petitioners' grievance that the denial of benefit of conveyance allowance to the petitioner, while extending the said benefit to the persons having 40% permanent partial disability of 'either' upper or lower limbs and other persons with disability, would be in the teeth of the special enactments i.e. the Acts of 2005 & 2016. The persons with disability of 40% or above, constitute a class in themselves and further creation of a class in such homogenous group, would be arbitrary unless the classification is based on any intelligible differentia and has a valid object to achieve. In the facts of the present case, since no such grounds are shown to exist, the impugned clause (iii) of Sub rule 1 of Rule 22 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.

xx xx xx

22. We are equally unimpressed by the other argument advanced by the respondents, regarding rejection of the claim of the petitioner on the basis of recommendations in the medical certificate dated 18.01.2024 (Annexure R-I). Careful perusal of the certificate would show that the same relies upon the earlier certificate dated 19.10.2023 (Annexure P-5) issued by the recognized certifying authority under the 2016 Act, to certify that the petitioner is suffering from locomotive deformity and is a divyang person and his permanent disability is 40%. Thereafter, it only records that the petitioner is not entitled for conveyance allowance, and no other reasons for the same, have been mentioned. The petitioner has pleaded in his petition that the solitary reason for such rejection is clause (iii) of Sub rule 1 of Rule 22, which has not been denied in the reply filed by the respondents. Thus, it is clear that the reason for the doctor not recommending the case of the petitioner, was only on account of the fact that he did not fulfill the criteria under the impugned clause of Sub rule 1 of Rule 22 and therefore the same cannot be

considered as a valid basis for rejection of the claim of the petitioner.

23. In order to save clause (iii) of Sub rule 1 of Rule 22 from the vice of hostile discrimination, we read down the said clause and hold that all disabled employees of the State of Haryana, suffering from disability/benchmark disability of 40% or more, who have been issued a valid certificate of disability under the Acts of 2005 and 2016, and in accordance with the guidelines issued under section 56 of the 2016 Act, would also be entitled to the benefit of conveyance allowance, under the said clause.

24. For the reasons recorded above, the writ petition is allowed in part, and the Memo/Reply dated 30.04.2024 (Annexure P-4) rejecting the claim of the petitioner for conveyance allowance is set aside. The respondents are directed to release conveyance allowance to the petitioner, as fixed from time to time, as per Rule 22 of the 2016 Rules, alongwith interest @ of 8% per annum, within a period of three months from the date of presentation of a copy of this order. The arrears shall be restricted to a period of 38 months prior to the filing of the writ petition.”

2. In that view of the matter, the present writ petition is allowed in terms of order passed in CWP-12356-2024 (supra).
3. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

07.04.2026
rajesh

1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No