

2026:PHHC:047208



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

126

CWP-7117-2026

Date of decision: March 25, 2026

BALWANT SINGH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Himalya Makkad, Advocate
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the speaking order dated 09.01.2026, Annexure P-10, and the consequential relieving report dated 14.01.2026, whereby the petitioner has been relieved and retired from service without allowing him to continue working up to sixty years on account of being physically challenged. This was because his permanent disability was assessed to be twenty-five per cent as per medical examination report, dated 21/26.08.2025, issued by a Medical Board of Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences (PGIMS), Rohtak.

2. Pursuant to the last order, learned State counsel has received instructions from respondent no.2/Director General, Elementary Education, vide memo dated 24.03.2026, which is retained on the case file as Annexure 'A', along with the aforementioned medical examination report.

3. Learned counsel for the petitioner, however, contended that the petitioner has a valid disability certificate dated 18.04.2022, Annexure P-3, certifying his permanent disability to be fifty-two per cent, which has been issued by Civil Surgeon, Rewari, and should be considered valid for the purpose of allowing him to work in the Department till sixty years of age in terms of Rule 143 of the Haryana Civil Services (General) Rules, 2016, (for short, 'the 2016 Rules').

3.1 *Secondly*, it has been contended that the petitioner is still getting conveyance allowance from the Department which is apparent from his salary slip for the month of December, 2025, Annexure P-12. As per Rule 22 of the Haryana Civil Services (Allowances to Government Employees) Rules, 2016, such an allowance is admissible to orthopedically-handicapped employees with a minimum of forty per cent permanent disability of either upper or lower limbs. Once the petitioner has been considered to be suffering from forty per cent permanent disability for the purpose of granting conveyance allowance, he cannot be denied the benefit of two years' extended tenure in service.

3.2 *Thirdly*, it has been contended that assessment of the petitioner's disability by the Medical Board, dated 21/26.08.2025, was done during pendency of his case, i.e., CWP-6555-2024, with the Division Bench seeking extension in service, wherein he was granted interim order to continue working. It could not have been done without permission of the Court. The petition was finally decided along with CWP-2340-2023 titled *Jora Singh v. State of Haryana and others*, vide judgment dated 06.11.2025,

and he should have been allowed to continue in terms of the directions issued.

4. Considering the submissions, this Court is not inclined to entertain the petition for the reasons that in terms of Rule 143 of the 2016 Rules as interpreted in *Jora Singh* case *ibid.*, only the employees suffering from permanent disability of forty per cent or above are entitled to the extended tenure of two years. The permanent disability the petitioner is suffering from has recently been assessed by a competent Medical Board of PGI Rohtak to be twenty-five per cent vide its report dated 21/26.08.2025. Accordingly, he cannot be held entitled to the extended tenure and no exception can be taken to the order relieving him from service. Further, the conveyance allowance given to him under the Haryana Civil Services (Allowances to Government Employees) Rules, 2016, cannot in itself be a ground to doubt the aforementioned report of the Medical Board. As submitted by learned State counsel, the petitioner's disability was reviewed after the judgment in *Jora Singh* case, whereas the allowance had been given much earlier which could also be reviewed. Still further, the earlier disability certificate, dated 18.04.2022, issued to him can also not be a ground to claim any benefit under Rule 143 of the 2016 Rules at this stage, since the latest assessment of his disability by the competent authority disentitles him. Lastly, it could not be shown that there was any restrain on the Department to get the disability reassessed during pendency of the case before the Division Bench. It has already been done after the petitioner willingly appeared before the Medical Board. He cannot be allowed to dispute the

same only because the assessment disentitles him to the extended tenure, more so when no *mala fide* or wrong-doing has been alleged in carrying out the assessment.

5. In view thereof, there is no ground to entertain the petition and it stands dismissed.

March 25, 2026
Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*