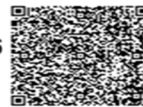


CWP-9889-2026 & CWP-9882-2026

2026:PHHC:067666



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

CWP-9889-2026

1)

Tarsem Singh

...Petitioner

VERSUS

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

2)

CWP-9882-2026

Satpal Singh

...Petitioner

VERSUS

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

Reserved on: 02.04.2026
Pronounced on:01.05.2026
Uploaded on:01.05.2026

Whether only the operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas Chatrath, Sr. Advocate with Ms. Yashica, Advocate
for the petitioner in CWP-9889-2026.

Mr. Yesh Paul Malik, Advocate for the petitioner in CWP-
9882-2026.

Mr. Prince Singh, Advocate for the respondents in both cases.

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HARPREET SINGH BRAR, J.

1. This common order shall dispose of both the aforementioned writ petitions as they arise from a similar factual matrix and pose identical questions of law. However, for the sake of brevity, the facts are taken from CWP-9889-2026.

2. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Mandamus* directing the respondents to allow the petitioner to continue in service till the age of 60 years in view of his disability. Further, for issuance of a writ in the nature of *Certiorari* for quashing the order dated 18.03.2026 (Annexure P-7) whereby the petitioner was retired from service at the age of 58 years.

CONTENTIONS

3. Learned Senior counsel for the petitioner submits that the petitioner has a locomotor disability of 75%, as evidenced by the disability certificate dated 19.02.2026 (Annexure P-1) issued to him by the Civil Surgeon, Kaithal. On 25.09.1989, the petitioner joined the services of the respondent-UHBVNL, with his disability, as a Junior Engineer. Eventually, he was promoted to the post of Assistant Engineer on 03.09.2009. The services of the petitioner are governed by the Haryana Civil Services (General) Rules, 2016 (hereinafter 'HCSR') which came into force w.e.f. 19.07.2016. Rule 143(1), HCSR provides that the age of superannuation for employees with a disability of 70% or higher shall be 60 years as against the

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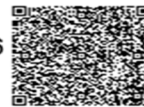


general rule whereby employees retire at 58 years of age. The Government of Haryana had also issued instructions dated 31.01.2006 (Annexure P-2) enhancing the age of superannuation for employees with disabilities to the extent of 70% or more from 58 years to 60 years. The instructions (Annexure P-2) were challenged before this Court in ***CWP No.3919 of 2015*** titled as ***Hardev Kaur vs. State of Haryana and others*** and vide order dated 04.03.2015 (Annexure P-3) it was held that the condition of 70% or higher disability is violative of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

4. Learned Senior counsel further submits that the *vires* of Rule 143, HCSR were challenged before this Court in ***CWP No.2340 of 2023*** titled as ***Jora Singh vs. State of Haryana and others*** and vide order dated 06.11.2025, it was held that the Right of Persons with Disabilities Act, 2016 provides that the standard for considering a person to have a benchmark disability shall be 40%; therefore, the condition of 70% or higher disability is unsustainable. However, subsequent to the pronouncement in ***Jora Singh (supra)***, the Government of Haryana issued a notification dated 03.02.2026 whereby Rule 143, HCSR was amended and persons with disabilities were removed from its purview as a whole. Learned Senior counsel contends that the notification (*supra*) has been introduced with malice, to negate the effects of ***Jora Singh (supra)***. Further still, the notification (*supra*) had a prospective nature, however, it has been applied retrospectively to deprive the petitioner and other similarly situated employees of their vested/accrued rights, which is forbidden in law. Moreover, the General Clauses Act, 1897

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mandates that a repeal or an omission shall not affect rights and privileges already crystallized unless a contrary intention appears. As such the impugned order (Annexure P-7) is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution and thus, deserves to be set aside. Reliance in this regard is also placed on *Punjab State Cooperative Agricultural Development Bank Ltd. vs. Registrar, Cooperative Societies and others* (2022) 4 SCC 363 and *U. Raghavendra Acharya vs. State of Karnataka* (2006) 9 SCC 630.

5. *Per contra*, learned counsel for the respondent-UHBVNL submits that the Division Bench of this Court in *CWP-5224-2026* titled as *Rajnish Kumar and others vs. State of Haryana and others* decided on 10.03.2026 has categorically held that in view of the amendment to Rule 143 of the HCSR, which came into force on 03.02.2026, no existing employee with disabilities can claim an extension of service to the age of 60 years. As such, the present writ petition(s) are squarely covered by *Rajnish Kumar(supra)* and thus, do not merit interference by this Court.

OBSERVATIONS AND ANALYSIS

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that Rule 143 of the HCSR provides for extension of service tenure for an additional 02 years i.e. up to the age of 60 years. This benefit was previously available to persons with disabilities to the extent of 70% or more, blind employees, Group D employees and Judicial Officers. However, a Division Bench of this Court in *Jora Singh*



(*supra*) declared the same as *ultra vires* as it sought to create classification within the homogenous class of persons with benchmark disabilities i.e. persons with a disability to the extent of 40% or more, as defined in the Act of 2016. Accordingly, the Government of Haryana issued notification dated 03.02.2026 whereby Rule 143, HCSR was amended to omit persons with disabilities as a whole from its purview. Thereafter, the said amendment was challenged in ***Rajnish Kumar (supra)***, being violative of the Act of 2016 and Article 14 of the Constitution of India. However, the same was also dismissed vide order dated 10.03.2026.

7. Notably, a particular question was framed by the Division Bench in ***Rajnish Kumar (supra)*** in this regard and answered it in the affirmative. The same relevant extract of the said judgment is reproduced below:

“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?

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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 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.”

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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 force on 03.02.2026, no existing employee can claim to continue till the age of 60 years.” (emphasis added)

8. Since a categorical finding has been returned by the Division Bench in *Rajnish Kumar (supra)* that the amendment to Rule 143, HCSR shall also apply to the existing employee, judicial propriety demands that the conclusion arrived at therein be uniformly applied. As such, it would be unsuitable for this Court to delve into the issues raised by learned counsel for the petitioner(s).

CONCLUSION

9. In view of the discussion above, both the aforementioned writ petitions are hereby dismissed.

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

11. Photocopy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

01.05.2026

Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No