

CWP-16959-2026

2026:PHHC:086229



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

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Date of Decision: **29.05.2026**

Joga Singh

....Petitioner

VERSUS

Punjab State Power Corporation Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. A.K. Walia, Advocate for the petitioner.

Mr. Ferry Sofat, Advocate for the respondents.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226 of the Constitution of India praying for issuance of a writ in the nature of *mandamus* directing the petitioner to be entitled for exemption from passing the computer literacy test in terms of the office order dated 12.02.2026 (Annexure P-8) and judgment dated 12.03.2026 of this Court passed in CWP-11732-2024. Further praying for issuance of a writ in the nature of *certiorari* for quashing the impugned action of respondents in refixing/reducing the pay of petitioner and effecting recovery of Rs.9,20,000/- from the pensionary benefits of petitioner for not having passed the computer literacy test. Further directing the respondents to restore the original pay of petitioner to refund the amount of Rs.9,20,000/- and

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arrears of revised pensionary benefits along with interest @ 12% per annum from the due date till the date of actual payment.

2. On 26.05.2026, the following order was passed by this Court:

“Learned counsel for the petitioner, inter alia, contends that the petitioner is a physically handicapped person, having suffered amputation of the fingers and thumb of his right hand during childhood, as is evident from the disability certificate placed on record as Annexure P-1. It is submitted that despite his disability, the petitioner was initially engaged as a daily wage worker on 26.10.1988 and, considering his long and satisfactory service, he was subsequently regularized as Bill Distributor on 07.07.1999 by counting his past service. The service book of the petitioner also records his status as a handicapped employee, as is discernible from Annexure P-2.

Learned counsel further submits that the petitioner was promoted to the post of Lower Division Clerk (LDC) vide order dated 23.07.2012, subject to the condition of passing the Computer Literacy Test within a period of one year. It is contended that keeping in view the disability suffered by the petitioner, he was granted exemption from the said requirement upon attaining the age of 50 years; however, the said exemption was arbitrarily withdrawn vide letter dated 21.06.2023 (Annexure P-3), without assigning any valid justification.

It is further submitted that vide office order dated 07.05.2021 (Annexure P-6), the age of retirement of the petitioner was enhanced from 58 years to 60 years by treating him as a handicapped employee in terms of the applicable



policy/instructions of the State Government. Thereafter, the petitioner retired from service on 31.12.2023. However, subsequent to his retirement, the respondents unilaterally withdrew the annual increments granted to him after his promotion and effected a recovery to the tune of Rs.9,20,000/- from his pensionary and retiral benefits, without issuance of any show cause notice or affording any opportunity of hearing, thereby violating the principles of natural justice.

*Learned counsel also submits that the respondents themselves issued office order dated 12.02.2026 (Annexure P-8), adopting the State Government instructions granting total exemption from passing the Computer Literacy Test to employees suffering from disabilities. It is vehemently argued that the controversy involved in the present writ petition is squarely covered by the judgment rendered by this Court in **CWP-11732-2024, Balour Singh Versus Punjab State Power Corporation Limited and others**, decided on 12.03.2026, wherein it has been conclusively held that an employee suffering from disability cannot be denied promotion or consequential service benefits merely on account of inability to pass the Computer Literacy Test or typing test owing to the physical disability suffered by such employee. It was further held therein that the benefit of exemption is liable to be extended uniformly to all similarly situated disabled employees of the respondent-Corporation.*

Upon request made by this Court, learned State Counsel undertakes to inform the competent authorities of respondents- Punjab State Power Corporation Limited for strict compliance and necessary information.

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Further, Ms. Karmjit Kaur, Nodal Officer of Punjab State Power Corporation Limited and learned counsel appearing for the respondents, who are present in Court, are directed to have complete instructions on the next date of hearing.

List on 29.05.2026.”

3. Learned counsel for the respondents, on instructions from Er. Rajesh Kumar, Addl. SE, PSPCL, City Division, Kapurthala, fairly submits that the impugned action challenged in the present writ petition has since been withdrawn. It is further submitted that the amount recovered from the petitioner has already been refunded and a sum of Rs.10,37,327/- has been credited to the bank account of the petitioner along with interest. Learned counsel further submits that the pension of the petitioner shall be re-fixed in accordance with law and all consequential arrears arising therefrom shall also be released within a period of three months.

4. In view of the statement made by learned counsel for the respondents and without expressing any opinion on the merits of the controversy, the present writ petition is disposed of with a direction to the respondents to complete the exercise of re-fixation of pension and release all consequential arrears, if any, within a period of three months from the date of receipt of a certified copy of this order.

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

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6. Before parting, this Court deems it appropriate to observe that the issue involved in the present case is no longer res integra in view of the judgment rendered by this Court in *Balour Singh (supra)*. Once exemption from passing the Computer Literacy Test/Typing Test is available to a disabled employee in accordance with the applicable instructions and policy decisions, denial of consequential service benefits or recovery from retirement dues on account of non-qualification of such test would be wholly impermissible. It is expected that the respondent-Corporation shall ensure due compliance with the aforesaid judgment and shall not compel similarly situated disabled employees to approach this Court for identical reliefs. Any future deviation from the settled legal position may invite appropriate orders, including imposition of exemplary costs.

(HARPREET SINGH BRAR)
JUDGE

29.05.2026*Puneet Chawla*

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