



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

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LPA No.1889 of 2018 (O&M)

DATE OF DECISION : 23rd APRIL, 2026

**The Rohtak Central Cooperative Bank Ltd, Head Office Delhi Road,
Rohtak through General Manager & another**

.... Appellants

Versus

Satpal Singh & others

.... Respondents

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

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Present : Mr. Kuldip Singh, Advocate for the appellants.

Mr. S. P. Chahar, Advocate for respondent No.1.

Mr. Nitin Kaushal, Addl. A.G., Haryana
for respondents No.2 & 3.

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ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal is by the employer-the Rohtak Central Cooperative Bank Limited assailing the judgment of the learned Single Judge dated 26.07.2018 passed in CWP No.7738 of 2015, whereby a direction has been issued in favour of the respondent-petitioner to be continued in service up till the age of 60 years, and to pay the arrears for such period along with 6% interest.

2. Undisputedly, the respondent-petitioner was employed by the appellant-Bank. While in service he suffered disability on account of a paralytic attack in the year 2009. He was to retire on 30.04.2013. An application was submitted by the respondent-petitioner on 20.04.2013 (Annexure P-1) for being permitted to continue in service till the age of



60 years. Along with this application the respondent-petitioner had annexed a certificate issued by Pt. B.D. Sharma PGIMS at Rohtak, wherein his disability was quantified at 75%. It is also not in issue that the Registrar, Cooperative Societies Haryana had already issued a circular on 26.05.2006 (Annexure P-9) permitting Class-III employees of the Society to continue in service till the age of 60 years if they suffered minimum degree of disability of 70%. However, prayer made by the respondent-petitioner for being allowed to continue as such, was not considered. The respondent-petitioner also obtained a certificate of disability dated 01.05.2013 from the Civil Surgeon, Rohtak (Annexure P-2), which was just a day after attaining the age of superannuation. These applications were kept pending without passing any order on them. The records will indicate that it is only on 13.08.2014 vide communication (Annexure P-6) that the appellant-Bank informed the respondent-petitioner that his disability, being neurological, cannot be treated to be a physical disability and consequently he could not be allowed to continue. This communication, however, also contained a stipulation that the case of the respondent would be put up before the Board of Directors of the Bank for reconsideration. Despite such communication, no further decision of the Board was intimated to the respondent, whereafter he filed the writ petition. The writ petition has been allowed by the learned Single Judge noticing that the binding direction of the Registrar permitted the respondent-petitioner to continue in service till the age of 60 years and since, despite such claim being raised by him, he was not permitted



to do so, the employer cannot be permitted to deny him salary for such period. Thus feeling aggrieved, the employer is before us.

3. Learned counsel for the appellants-employer states that under binding instructions, an application for continuance in service till the age of 60 years, was required to be moved at least three months prior to attaining the age of 58 years and since this was not done in the present case, as such, the respondent-petitioner cannot be held entitled to salary for the two years. It is also the case of the appellant-employer that had a timely approach been taken, the matter could have been examined by the Board of Directors of the Bank.

4. Learned counsel for the appellants-Bank has invited our attention to a communication received from the Registrar whereby certain comments were called in the matter. Our attention has also been invited to a communication sent by Chief Executive Officer dated 13.08.2014 (Annexure P-6) as per which the disability being neurological, his claim was not liable to be considered.

5. It is not in issue that physical disability has to be determined in accordance with the provisions of the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, (in short, the Act of 1995) the neurological disorder is one of the disabilities recognized under Section 2(h)(vii), which clearly includes 'mental illness' as one of the disabilities under the Act of 1995. The certificate of disability, issued in favour of the respondent-petitioner, acknowledges disability to be above 70%, is otherwise not disputed. Otherwise also the



appellants were not justified in rejecting the claim of the respondent-petitioner, only on the ground that the disability is neurological rather than physical. The understanding of the employer was clearly flawed and contrary to the specific provisions contained in the Act of 1995. We are otherwise satisfied that the respondent-petitioner had raised the claim while in service for being allowed to continue till the age of 60 years, on account of his disability. It was the employer who kept the matter pending on one pretext or the other. The respondent-petitioner continued to press the claim for being allowed to stay in service till the age of 60 years. The appellant, therefore, cannot take advantage of their own default in not processing the claim of the respondent-petitioner within a reasonable time. We also cannot approve of the stand of the employer that such a claim of continuance in service could be considered, only if it was made three months prior to the age of superannuation. Though, the executive instructions may require an application to be moved three months in advance, but merely for non-compliance of such condition, the claim of the respondent-petitioner could not have been rejected, as has been done in the present case. Even otherwise, the rejection is not on the ground of delay but is on the ground that the disability is not physical. Learned Single Judge, therefore, has rightly interfered in the matter and allowed the claim of the respondent-petitioner.

6. In such circumstances, we find no occasion to interfere with the decision of the learned Single Judge, in the appeal of the employer, which consequently fails and is dismissed.



7. All pending application(s), if any, shall stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

23rd April, 2026
'raj'

(ROHIT KAPOOR)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>