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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 528/2026, CM APPL. 2646/2026, CM APPL. 2647/2026, CM APPL. 2648/2026, CM APPL. 2649/2026 and CM APPL. 2650/2026

TILAK RAJ SINGHPetitioner

Through: Mr. Tarveen Singh Nanda, Adv.
with Petitioner in-person.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Himanshu Pathak, SPC
with Mr. Chetan Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

15.01.2026

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1. Through the present Petition, the Petitioner assails the correctness of the orders dated 26.09.2025 and 06.11.2025 [hereinafter referred to as 'Impugned Orders'] passed by the Principal Bench, Central Administrative Tribunal [hereinafter referred to as 'CAT']. *Vide* Impugned Order dated 26.09.2025, O.A. No.4012/2023 filed by the Petitioner was dismissed, whereas, *vide* Impugned Order dated 06.11.2025, R.A No.170/2025 filed by the Petitioner was also dismissed.

2. The Petitioner herein claims to be a specially abled person and was appointed in the Income Tax Department under the Physically Handicap (PH) quota. The Petitioner was posted in a place where his office was on the second floor. The Petitioner had requested the administration to post him on the ground floor of the office, which could not be accepted.



3. Thereafter, the Petitioner sought voluntary retirement on 28.08.2013 and 24.04.2014, which was also not accepted by the Department.

4. On 11.11.2014, the Petitioner once again applied for voluntary retirement and the same was accepted by the Department and allowed the Petitioner to retire from Government service with effect from 11.11.2014 (forenoon) under FR 48-A of the CCS (Pension) Rules, 1972. Subsequently in the year 2023, the Petitioner filed an O.A. bearing No.4012/2023 before CAT claiming the relief of reinstatement and for any other relief. CAT, after noticing that the Petitioner himself sought voluntary retirement after serving the Department for nearly 21 years, dismissed the said OA.

5. Learned counsel representing the Petitioner, while referring to Section 47 of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 [hereinafter referred to as 'PWD Act'] and the judgment passed by the Supreme Court in ***Bhagwan Dass & Anr v. Punjab State Electricity Board***; AIR 2008 SC 990, submits that the Petitioner is entitled to reinstatement after taking voluntary retirement.

6. Section 47 of the PWD Act reads as under:

“47. Non-discrimination in Government Employment.- (1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service:

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(2) No promotion shall be denied to a person merely on the ground of his disability:



Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.”

7. On the perusal of the extract reproduced hereinabove, it becomes clear that Section 47 of the PWD Act debars the employer from discriminating an employee in Government service who suffer from disability. The judgment passed by the Supreme Court in the ***Bhagwan Dass (supra)*** is in the context of termination of service and not in the context of situation where the employee on his own sought and was granted voluntary retirement. Moreover, the Petitioner had repeatedly sought voluntary retirement.

8. Hence, this Court finds no reason to interfere with the Impugned Orders.

9. The present Petition is accordingly dismissed. All the pending applications stand closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 15, 2026

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