

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.4223 of 2020****Date of Decision: 25.11.2025****Vidya Sagar Bhardwaj****.....Petitioner****Versus****HPSEBL & Anr.****.....Respondents****Coram****Hon'ble Mr. Justice Sandeep Sharma, Judge.****Whether approved for reporting?****For the Petitioner:** Mr. Raman Prashar, Advocate.**For the respondents:** Mr. Ravinder Thakur, Advocate.**Sandeep Sharma, J. (Oral)**

Learned counsel for the parties are *ad idem* that issue raised in the instant proceedings is no more *res integra*, rather stands adjudicated by Hon'ble Apex Court in SLP(C) Nos.1091-1092 of 2023, titled as ***Kashmiri Lal Sharma Vs. Himachal Pradesh State Electricity Board Ltd. & Anr.***, wherein it came to be ruled that persons suffering from other specified disabilities could not have been denied the benefit of Office Memorandum dated 29.03.2013, whereby retirement age of physically handicapped (visually impaired) employees was extended from 58 to 60 years.

2. It is not in dispute that petitioner herein was suffering from permanent disability (hearing) to the extent of 40% at the time of appointment, which subsequently came to be enhanced to 100% on 01.07.2016 due to breakdown of extra heavy voltage 220 KV



Transmission line system feeding to M/s Ambuja Cement Ltd., Darlaghat as is evident from the Medical Certificate issued by the Medical Board (**Annexure P-4**). It is also not in dispute that Government of Himachal Pradesh, vide Office Memorandum dated 29.03.2013, notified that retirement age of physically handicapped (visually impaired) employees shall be extended from 58 to 60 years.

3. Though by virtue of afore memorandum, the benefit of extension of age in superannuation from 58 to 60 years was applicable only to visually impaired Government employees, but subsequently Hon'ble Apex Court in **Kashmiri Lal Sharma** (supra) held that persons suffering from other specified physical disabilities could not have been denied the benefit of Office Memorandum dated 29.03.2013. Hon'ble Apex Court further held that till the date afore Office Memorandum remained operative, the appellant in that case was entitled to its benefit. Since it is not in dispute that the petitioner falls within the category of employees suffering from a disability specified under the benefit of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and the subsequent enactment i.e. The Rights of Persons with Disabilities Act, 2016, he is also entitled to be granted the benefit in terms of the judgment rendered in **Kashmiri Lal Sharma** (supra).



4. Having carefully perused averments contained in the petition, especially relief clause vis-à-vis judgment sought to be relied upon, this Court finds that learned counsel for the parties are in agreement that issue raised in the instant proceedings already stands adjudicated in afore judgment, as such, no prejudice shall be caused to either of the parties in case respondents are directed to decide the case of the petitioner in light of the aforesaid judgment rendered by Hon'ble Apex Court Court.

3. Consequently, in view of the above, the directions contained in the aforesaid judgment rendered by Hon'ble Apex Court in ***Kashmiri Lal Sharma*** (supra) are ordered to be made mutatis mutandis applicable in the present case for all intents and purposes.

In the aforesaid terms, present petition is disposed of alongwith pending application(s), if any.

November 25, 2025
(sunil)

(Sandeep Sharma),
Judge