

CWP-11984-2026 (O&M)**-1-**

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

**CWP-11984-2026 (O&M)
Date of order 22.04.2026**

Madan Kumar

...Petitioner

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Keshav Gupta, Advocate
For the petitioner.

Mr. Pankaj Middha, Addl. A.G. Haryana.

ROHIT KAPOOR, J. (Oral)

The petitioner who is suffering from a specified disability of bipolar affective disorder to the extent of 50%, is serving with the department of Elementary Education, Haryana. He has laid challenge to the notification dated 03.02.2026 (Annexure P-4) insofar as it omits clause (i) and Note 3 from sub-rule (1) of Rule 143 of the Haryana Civil Services (General) Rules, 2016 (hereinafter referred to as '2016 Rules'). Further prayer has been made to command the respondents to extend the service of the petitioner till the age of 60 years and grant all consequential benefits including pay, allowances, continuity of service, and pensionary benefits, keeping in view the provisions of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as 'the RPwD Act') and the binding judgment of this Court in CWP-2340-2023 titled as '*Jora Singh vs. State of Haryana and others*' and other connected matters, decided on 06.11.2025.

CWP-11984-2026 (O&M)

-2-

2. At the very outset, learned counsel for the petitioner was informed that the challenge to the impugned notification has already been rejected by this Court in CWP-4788-2026 titled as '*Surender Singh and another vs. State of Haryana and others*', dismissed on 17.02.2026, and in CWP-5224-2026 titled as '*Rajnish Kumar and others vs. State of Haryana and others*', dismissed on 10.03.2026.

3. Learned counsel for the petitioner informs the Court that he is aware of the aforementioned judgments passed by this Court and has gone through the same. It is however urged that a very crucial factor pertaining to the rights of persons with disabilities as guaranteed under the RPwD Act and the violation of Articles 14, 16, 19(1)(g), and 21 of the Constitution of India, was not agitated in the said matters. He has drawn the attention of this Court to the unamended Rule 143(1) of the 2016 Rules, as existed prior to the amendment carried out vide the impugned notification dated 03.02.2026, which read as under:-

"143.Retirement on superannuation-

1) Except as otherwise provided in these rules, every Government employee shall retire from service on afternoon of the last day of the month in which he attains the age of retirement prescribed for him or for the post held by him in substantive or officiating capacity, as the case may be. However, a Government employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the prescribed age. The age of retirement on superannuation is fifty eight years for all groups of employees except the following for whom the same is sixty years:-

- (i) Differently-abled employees having minimum degree of disability of 70% and above;*
- (ii) Blind employees;*
- (iii) Group 'D' employees; and*
- (iv) Judicial Officers.*



No Government employee shall be retained in service after attaining the age of superannuation, except in public interest and in exceptional circumstances, without the approval of Council of Ministers.

Note 1. *One eyed employee shall not be treated as blind or differently-abled person for the purpose of this rule.*

Note 2- *When a Government employee is due to retire on superannuation from service an office order shall be issued on 7th of the month in which he is going to be retired and a copy of every such order shall be forwarded immediately to the Principal Accountant General, Haryana. There is no need to re-instate a Government employee who is under suspension at that time.*

Note 3.- *A Government employee who becomes disabled while in service shall bring to the notice of his Head of Department minimum three months before attaining the age of 58 years. He shall be got examined from a Medical Board of the Post Graduate Institute of Medical and Science, Rohtak to be headed by its Director or from a Medical Board of the Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh constituted by its Director. On receipt of medical report from the Board, the appointing authority or the Head of Department, whichever is higher, shall take a final decision to grant or not to grant the extension in service to such physically disabled employee."*

4. Clauses (i), (ii) and Note 1 and 3 stand omitted vide the impugned notification. Learned counsel for the petitioner has argued that while omitting clause (i) and Note 3 from the aforementioned Rule 143, the State of Haryana has not taken into consideration that the benefit of extended age of retirement on superannuation till 60 years was available to the four categories as specified in clause (i) to (iv), as an exception, while the age of retirement for all other employees was 58 years. Contention is that despite omission of clause (i) and (ii), the benefit of extended age of superannuation continues to be available to Group 'D' employees and Judicial Officers. This according to the petitioner would lead to a situation where the differently-abled employees who are employed on Group



CWP-11984-2026 (O&M)

-4-

‘D’ posts or are Judicial Officers, would get the benefit of extended age of retirement and all other differently-abled employees working under the Government of Haryana, would be compelled to retire at the age of 58 years, which would be hit by the vice of discrimination as prohibited under the provisions of the RPwD Act. Submission is that such classification between disabled persons, who constitute a homogenous class, is impermissible as held by this Court in the case of **Jora Singh** (supra). It is further contended that in the case of **Jora Singh** (supra), the selective grant of benefit of extended age of superannuation only to those who were suffering from disability of 70% or more or to the visually impaired employees, was found to be in contravention of Article 14 of the Constitution of India, especially since persons with disability of 40% or above were held to be constituting a homogenous class in themselves. It is argued that the State, rather than extending the benefit to all eligible differently-abled employees, misinterpreted the observations of this Court in the case of **Jora Singh** (supra) and withdrew the benefits which are to be extended to the differently-abled employees in pursuance to their rights under the RPwD Act.

5. Learned State counsel, while controverting the arguments raised on behalf of the petitioner, contends that the decision to omit the aforementioned clauses and notes from Rule 143(1) of the 2016 Rules, has been taken with the intent to eliminate discrimination and with a view to ensure uniformity in the matter of age of retirement for all similarly situated employees. It is contended that while testing the action of the State in the case of **Rajnish Kumar** (supra), this Court after examining the original records, has found that the decision was taken after proper deliberation and due application of mind, and it was held that such action does not suffer from the vice of arbitrariness. It is urged that the State



is well within its rights to prescribe different age of retirement for various categories of employees, who are performing different nature of work. Till such time such variance in the service conditions does not result in discrimination between persons with disabilities and their '*similarly situated*' counterparts, it cannot be said that the same would *ipso facto* be in violation of the provisions of the RPwD Act or the rights guaranteed under the Constitution of India.

6. Having heard the learned counsels of the parties and perusing the material placed on record, we are of the considered opinion that the arguments raised by the petitioner cannot be countenanced. The reasons for the same are simple. What is prohibited under the RPwD Act under Section 3 read with section 20 is that no Government establishment shall discriminate against any person with disability in matters of employment. It is further mandated that the Government establishments are required to provide reasonable accommodation and appropriate barrier free environment to employees with disabilities. We have already examined in great detail the true import of the word '*discrimination*' and phrase '*reasonable accommodation*' in the context of the provisions of RPwD Act in the judgment of **Rajnish Kumar** (supra). There is no quarrel with the legal proposition laid down in the judgments of **Kashmiri Lal Sharma vs. Himachal Pradesh State Electricity Board Limited, 2025 SCC Online SC 1355** and **Jora Singh** (supra) that all differently-abled employees would constitute a homogenous class in consonance with the provisions of the RPwD Act. However, what is prohibited is discrimination between disabled employees and their '*similarly situated*' able-bodied counterparts performing the same nature of work and employed on the same posts.



7. Challenge to the impugned notification on the premise that it would result in illegal classification/discrimination amongst differently-abled employees working on Group 'D' posts and as Judicial Officers, vis-à-vis the other disabled Government employees, is fundamentally flawed. It is well settled that the employer is well within its rights to fix different age of retirement for different categories of employees, keeping in view the nature of work and exigencies of public service. The State of Haryana, keeping in view such exigencies, had carved out an exception with regard to the Group 'D' employees and Judicial Officers. The provisions of the RPwD Act would stand violated, had the State discriminated with the differently-abled employees working on such posts and would have fixed a different age of retirement qua them, while granting the benefit of extended age of superannuation only to able-bodied employees. This is not the course adopted. The State Government has taken a conscious decision to keep a uniform age of retirement for all employees, except Group 'D' employees and Judicial Officers, and have not discriminated amongst '*similarly situated*' employees. Fixing different age of retirement for different categories of employees cannot be faulted if the same is based on intelligible differentia. We, therefore, find no merit in the argument that the impugned notification has led to discrimination or creation of a class between a homogenous group.

8. As regards the plea that the withdrawal of the reasonable accommodation of a benefit of extended age in superannuation, is arbitrary and contrary to the provisions of the RPwD Act, it would be suffice to observe that we have already dealt with such submissions in the case of **Rajnish Kumar** (supra), and after taking into consideration various judicial pronouncements including **Bishnu Narain Misra vs. State of Uttar Pradesh and others, AIR 1965**



CWP-11984-2026 (O&M)

-7-

SC 1567 and **Kashmiri Lal** (supra), have come to a conclusion that the decision of the State Government does not violate any vested rights of the affected employees, either under the RPwD Act or under the Constitution of India.

9. As a sequel to the aforesaid discussion, we do not find any merit in the instant writ petition, which is **dismissed**.

10. Pending applications, if any, shall stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

22.04.2026

Mohit goyal

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