

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8855 OF 2014

(Arising from SLP(C) No.10610/2013)

State of Punjab and others

..Appellants

versus

Bhupinder Singh

..Respondent

WITH

CIVIL APPEAL NO. 8856 OF 2014

(Arising from SLP(C) No.21499/2013)

CIVIL APPEAL NO. 8857 OF 2014

(Arising from SLP(C) No.21599/2013)

CIVIL APPEAL NO. 8858 OF 2014

(Arising from SLP(C) No.25655/2013)

CIVIL APPEAL NO. 8859 OF 2014

(Arising from SLP(C) No.26697/2013)

CIVIL APPEAL NO. 8861 OF 2014

(Arising from SLP(C) No.26698/2013)

CIVIL APPEAL NO. 8862 OF 2014

(Arising from SLP(C) No.32861/2013)

CIVIL APPEAL NO. 8865 OF 2014

(Arising from SLP(C) No.33205/2013)

CIVIL APPEAL NOS. 8866-8867 OF 2014

(Arising from SLP(C) No.10638-10639/2014)

CIVIL APPEAL NO. 8868 OF 2014

(Arising from SLP(C) No.19320/2014)

CIVIL APPEAL NO. 8869 OF 2014

(Arising from SLP(C) No.19324/2014)

O R D E R

Leave granted.

The issue, which arises for consideration in this batch of cases, pertains to the question, whether the benefit of extension in service from 58 years to 60 years granted to blind or visually impaired employees of the State Government, should be extended to persons suffering from other disabilities mentioned under the Persons with Disabilities (Equal

Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as the 'Disabilities Act').

The aforesaid issue has been answered by a Division Bench of the Punjab and Haryana High Court in the affirmative. We fully endorse the aforesaid determination rendered by the High Court, and also affirm the reasons recorded in arriving at the aforesaid determination. All the same, we would record our restriction/limitation to the determination rendered by the High Court. On the issue of employment, the Disabilities Act contemplates reservation through Section 33 for three types of disabilities. Firstly, persons suffering from blindness or low vision. Secondly, persons suffering from hearing impairment. And thirdly, persons suffering from locomotor disability or cerebral palsy. For equal opportunity and protection of rights in employment, only the above three categories of disabilities have been recognised by the Disabilities Act. On a reference to the provisions of the Disabilities Act, therefore, equality is sustainable only in respect of the three categories specified in Section 33 of the Disabilities Act. In fact, learned counsel for the respondents also endorse the above position.

In order to dissuade this Court from accepting the reasoning expressed in the impugned orders, learned counsel for the appellants invited our attention to a decision rendered by this Court in *Union of India vs. Devendra Kumar Pant and others*, (2009) 14 SCC 546. The question that arose for consideration in the aforesaid judgment pertains to promotion. That is not the

case here. The benefit granted by the High Court pertains to the respective employment in which a disabled employee has been engaged. In that view of the matter, the judgment relied upon by the learned counsel for the appellants is not applicable to the facts and circumstances of this case. Our above view is based on the fact, that the issue of discrimination adjudicated upon by the High Court, relates to employees who were already engaged in government service. There is no dispute about their ability to discharge their duties, against the posts on which they were employed. The benefit if extended to the categories of disabilities for which reservation in employment has been contemplated under the Disabilities Act would not cause any administrative inconvenience to the appellants.

For the reasons recorded hereinabove, the instant appeals are disposed of in the above terms, with no order as to costs.

.....J.  
[JAGDISH SINGH KHEHAR]

NEW DELHI;  
SEPTEMBER 16, 2014.

.....J.  
[ARUN MISHRA]

ITEM NO.2

COURT NO.7

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 8855/2014 @ SLP(C) No. 10610/2013

STATE OF PUNJAB &amp; ORS.

Appellant(s)

VERSUS

BHUPINDER SINGH

Respondent(s)

(with appln. (s) for permission to file additional documents and interim relief and office report)

WITH

C.A. No. 8856/2014 @ SLP(C) No.21499/2013 (With Office Report)  
 C.A. No. 8857/2014 @ SLP(C) No.21599/2013 (With Office Report)  
 C.A. No. 8858/2014 @ SLP(C) No.25655/2013 (With Office Report)  
 C.A. No. 8859/2014 @ SLP(C) No.26697/2013 (With Office Report)  
 C.A. No. 8861/2014 @ SLP(C) No.26698/2013 (With Office Report)  
 C.A. No. 8862/2014 @ SLP(C) No.32861/2013 (With Office Report)  
 C.A. No. 8865/2014 @ SLP(C) No.33205/2013 (With Office Report)  
 C.A. No. 8866-8867/2014 @ 10638-10639/2014 (With Office Report)  
 C.A. No. 8868/2014 @ SLP(C) No.19320/2014 (With Office Report)  
 C.A. No. 8869/2014 @ SLP(C) No.19324/2014 (With Office Report)

Date : 16/09/2014 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR  
 HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Nikhil Nayyar, AAG  
 Ms. Aakansha, Adv.  
 for Mr. Kuldip Singh, AOR(NP)  
 for Mr. Jagjit Singh Chhabra, AOR(NP)

For Appellant(s) Mr. Sangram S. Saron, Adv.  
 In CA 8866-8867 for Mr. Shree Pal Singh, AOR(NP)  
 of 2014

For Respondent(s) Mr. A.K. Panda, Sr. Adv.  
 In CA 8855, 8866- Ms. Niranjana Singh, Adv.  
 67 and 8868/2014 for Ms. Madhu Moolchandani, AOR(NP)

In CA 8861/2014 Mr. A. Tewari, Adv.  
 Ms. Eliza, Adv.  
 For Mr. Shree Pal Singh, AOR(NP)

Mr. Balbir Singh Gupta, AOR (NP)

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are disposed of in terms of the signed  
order.

(Parveen Kr. Chawla)

Court Master

[signed order is placed on the file]

(Phoolan Wati Arora)

Assistant Registrar