

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

..Appellant

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

extension in service from 58 years to 60 years granted to blind

Signature Not Verified

Digitally signed by
Parveen Kumar Chawla

or visually impaired employees of the State Government, should

Date: 2014.09.18

16:51:38 IST

Reason:

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

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)

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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

(Phoolan Wati Arora)
Assistant Registrar

[signed order is placed on the file]