



Government of Haryana/हरियाणा सरकार
Directorate of Food, Civil Supplies & Consumer Affairs
खाद्य, नागरिक आपूर्ति तथा उपभोक्ता मामले निदेशालय

ORDER

Whereas Smt. Nirmala Devi Daughter of Sh. Rampal, Inspector Food and Supplies (6E4VVM) O/o District Food & Supplies Controller, Rohtak was due for retirement on superannuation on attaining the age of 58 years on 31.03.2024. The official has filed CWP No. 5970 of 2024 in the Hon'ble High Court of Punjab and Haryana for retainment in service beyond 58 years being disabled employee. The official was allowed to continue his service after 31.03.2024 vide Hon'ble High Court interim order dated 14.03.2024 in the CWP No. 5970 of 2024, which is as under:-

“Petitioner contends that fixing of a minimum degree of disability of 70% in amended Rule 143 of differently abled persons is arbitrary because the Provisions of the Rights of Persons with Disability Act, 2016 fix only a 40% disability as a bench-mark disability, that similar provision contained in the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation Act, 1995) was considered by learned Single Bench of this Court in Hardev Kaur Vs. State of Haryana and Others 2015 (3) S.C.T. 825 and it was held that similar policy of the State Government prescribing minimum degree of disability of 70%, was held to be illegal and was set aside. It is also brought to our notice that LPA No. 732 of 2017 filed against the said order was disposed of on 30.10.2019 on the ground that the respondent/writ petitioner was given the extension and the appeal was dismissed as infructuous, leaving the legal question raised open.

Counsel for the State however, refuted the said contentions and relied on the decision of the Himachal Pradesh High Court in (20221) 3 SCT 2016 and also the decision in V. Surendra Mohan Vs. State of Tamil Nadu and others (2019) 4 SCC 237 cited therein. Both these decisions are with reference to grant of reservation in direct recruitment and do not stand attracted to the instant case.

We are of the considered view, prima facie that if the policy similar to that contained in the amended Rule 143 had been previously set aside by this Court in Hardev Kaur's (supra), and that State had acquiesced in it and granted extension to Hardev Kaur in that case, it would amount to discrimination if the petitioner in the instant case is denied that said benefit.

Therefore, pending further orders, the respondents are directed to permit the petitioner to continue to perform her duties until further orders.

Tag along with CWP-2340-2023”

Whereas, the official was not retired on superannuation on 31.03.2024 and was allowed continue in service to comply with the above orders of Hon'ble Punjab and Haryana High Court.

Whereas, the case filed by the official was clubbed with main case CWP No. 2340 of 2023 titled as Jora Singh Vs State of Haryana and others. The Hon'ble High Court passed final order on 06.11.2025 in the CWP 2340 of 2023. The Operative part of the order dated 06.11.2025 in CWP No. 2340 of 2023 is as under:-

“In such circumstances, while deciding these matter(s), we deem it appropriate to clarify that it shall be open for the State of Haryana to take a conscious decision whether or not to allow the extended age of superannuation for persons suffering with disability, in light of the provisions contained in the Act of 1995 as also the Act of 2016.”

Whereas, in compliance of the above orders, Finance Department, Haryana has issued the notification dated 03.02.2026 and Letter No. 11/58/2023-1FR/2714 dated 03.02.2026 omitted the Sub-rule (1), clause (i), clause (ii), Note 1 and Note 3 of Rule 143 of Haryana Civil Services (General) Rules, 2016 which leads to disentitle the official to serve beyond the age of superannuation i.e 58 years. Therefore, the official was retired from Government Service on 17.02.2026 in terms of Haryana Civil Service (General Rule)-2016 Sub-Rule-143 as amended from time to time.

Whereas, Smt. Nirmala Devi, Inspector Food & Supplies filed a case CM-4653-CWP-2026 in CWP 6854 of 2026 against the orders issued on 17.02.2026. The Operative part of the order dated 27.03.2026 in CWP No. 6854 of 2026 is as under:-

“Adjourned to 02.04.2026.

In the meantime, the operation of order dated 12.02.2026 and 17.02.2026 (Annexures P-7 & P-8) shall remained stayed.

To be heard along with CWP-7391-2026.”

Whereas in CWP-7391-2026 titled as Sukanya Vs State of Haryana and Another the operative part of orders passed by Hon'ble High Court on 02.04.2026 is as under:-



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“Learned State Counsel seeks more time to file reply.

The State may file a written statement seven days prior to the next date of hearing, with an advance copy supplied to the learned counsel for the opposite party.

On request, hearing of the case is deferred to 21.05.2026.

A photocopy of this order be placed on the file(s) of connected case(s).”

Therefore, to comply with the order dated 27.03.2026 passed by the Hon’ble High Court in CM-4653-CWP-2026 in CWP 6854 of 2026 the order issued vide endst. No. 1E(1)-IFS-2026/2750-51, dated 17.02.2026 are hereby withdrawn and the official is allowed to continue be in the service, however, Smt. Nirmala Devi, Inspector Food & Supplies has completed the age of 60 years on 31.03.2026 and shall retire from government service on attaining the date of superannuation accordingly.

I, therefore, order accordingly.

Dated, Chandigarh, the
29.04.2026

RAJNARAYAN KAUSHIK, IAS
Director General, Food, Civil Supplies and
Consumer Affairs Department, Haryana.

Endst. No. 1E(I)-IFS-2026/ 6587

Dated, Chandigarh the 30.04.2026

A copy of the above is forwarded to the Principal Accountant General (A&E), Haryana, Chandigarh for information and necessary action.

Meghna
30/4/26
Additional Director(Admn.)
for Director General Food, Civil Supplies &
Consumer Affairs Department, Haryana.

Endst. No. 1E(I)-IFS-2026/ 6588

Dated, Chandigarh the 30.04.2026

A copy of the above is forwarded to the following for information necessary action:-

1. Advocate General, Haryana w.r.t. order dated 27.03.2026 passed by Hon’ble High Court in CM-4653-CWP-2026 in CWP 6854 of 2026.
2. Smt. Nirmala Devi D/o Sh. Rampal, Inspector Food & Supplies through District Food & Supplies Controller, Rohtak.
2. District Food and Supplies Controller, Rohtak.
3. Treasury Officer, Rohtak.
4. All District Food and Supplies Controllers in the State of Haryana.
5. All Officers at Hqrs.
6. PS/DGFCS&CA (for kind information of DGFCS&CA).
7. Additional Director, Pension Branch, Hqrs.
8. Joint Director, Estt-III Branch, Hqrs.
9. 2E(1) through Dy. Supdt. (Estt-I).
10. Smt. Shikha, Junior Programmer to upload the order on Departmental website.

Meghna
30/4/26
Additional Director(Admn.)
for Director General Food, Civil Supplies &
Consumer Affairs Department, Haryana.