

COURT CASE
(Next date is 30.10.2025)
DATE BOUND

No.11/84/2024-1FR/23442
HARYANA GOVERNMENT
Finance Department
(Finance Regulation Branch)

Dated : 24.10.2025

To

1. All the Administrative Secretaries to Government Haryana.
2. The Registrar General, Punjab and Haryana High Court Chandigarh.
3. All Head of Departments in Haryana.
4. All the Commissioners of Divisions, Ambala, Karnal, Faridabad, Gurugram, Hisar and Rohtak.
5. All Deputy Commissioner and Sub Divisional Officers (Civil) in Haryana.

Subject : Regarding Rule 143(1)(i) of HCS (General) Rules, 2016 for superannuation age of differently-abled employees – filing of Misc. Application to recall/set aside the interim orders passed in various CWPs in view of judgement dated 14.10.2025 given by the Hon'ble Supreme Court in SLP (Civil) No.24294 of 2025 – Harpreet Singh, Director, the Haryana State Co-operative Apex Bank Ltd., Chandigarh Vs. Om Parkash Rana & others.

Sir/Madam,

This is in continuation to FD's earlier instructions No.11/84/2024-1FR/17540 dated 28.08.2024, No.11/84/2024-1FR/25215 dated 13.11.2024 and No.11/84/2024-1FR/27162 dated 18.12.2024 on the subject noted above.

2. In this regard, it is apprised that following interim orders dated 23.05.2025 were passed by Hon'ble Punjab and Haryana High Court in CWP No.14988 of 2025 – Om Parkash Rana Vs. SoH & anothers:-

"Learned counsel for the petitioner submits that as per Disability Certificate dated 14.05.2025, the petitioner suffers from 45% disability. Learned counsel for the petitioner relies on the order dated 28.05.2024, passed by this Court in CWP-12856-2024, wherein this Court directed the respondents to permit the petitioner therein to continue to perform his duties in terms of the order passed in the case of Hardev Kaur Vs. State of Haryana and Others 2015 (3) S.C.T. 825. Notice of motion returnable for 28.07.2025. Tag along with CWP-12856-2024. In the meanwhile and till further orders, the petitioner shall be allowed to perform his duties till the age of 60 years."

3. SLP (Civil) No.24294 of 2025 – Harpreet Singh, Director, the Haryana State Co-operative Apex Bank Ltd., Chandigarh Vs. Om Parkash Rana & others was filed in the Hon'ble Supreme Court against said interim orders dated 23.05.2025 passed by Hon'ble Punjab and Haryana High Court in CWP No.14988 of 2025, which has been allowed by the Hon'ble Supreme Court vide following judgement dated 14.10.2025:-

"Heard learned counsel for the parties.

2. *Leave granted.*

3. *The present appeal has been filed against the interim order dated 23.05.2025 passed by the High Court of Punjab and Haryana at Chandigarh in CWP No. 14988 of 2025, whereby the appellant herein was directed to permit respondent no.1 to continue on his post in terms of the order passed in Hardev Kaur Vs. State of Haryana and Ors.1.*

Exn

4. The appellant is aggrieved by the said interim order, passed at the stage of admission of the Writ Petition, in which notice was issued. However, at the same time, the High Court allowed the respondents to continue in service beyond the age of superannuation, as applicable to the post on which they were working.

5. Learned counsel for the appellant submits that the applicable service rules permit the individuals to continue in service only up to the age of 58 years. However, the respondent no.1 in Writ Petition i.e., CWP No.14988 of 2025, is claiming the benefit of continuation in service till the age of 60 years, which has not been formally allowed by the appellant. It was further submitted that similar writ petitions are pending before the High Court, and in the Writ Petition before the High Court, although notice was issued, but simultaneous grant of interim relief allowing respondent no.1 to continue beyond the age of 58 years is against public policy and also against the settled legal principles in such matters.

6. Per contra, learned counsel for the respondents submitted that the High Court relied upon the interim orders of the Co-ordinate Division Bench dated 27.02.2023, 31.05.2024 and 01.05.2024, passed in CWP No.2340/2023, CWP No.13734/2024 and CWP No.9857/2024 (O&M) respectively, wherein similarly situated persons were allowed to continue in service, till the disposal of their writ petitions.

7. Having considered the matter, we find substance in the submissions of the learned counsel for the appellant.

8. **It is a well-settled principle of law, which we reiterate, that in cases where a person has attained the age of superannuation as prescribed under the applicable rules, no interim order should be passed permitting continuation in service beyond that age. Such orders are not only contrary to public policy but also against the well-settled canons of law.**

9. The reason is that if the respondent no.1 ultimately succeed in his writ petition, he would be entitled to all consequential monetary benefits for the period in dispute, even without having actually worked during that time.

10. However, in the contrary, if the writ petition fails, there cannot be any turning back of the clock for the period during which the respondent no.1 would have continued in service without legal sanction. Moreover, all decisions taken during that period may also become the subject matter of further dispute.

11. Thus, applying the settled principles under Civil Law governing the grant of injunction, the tests for the same are-prima facie case, balance of convenience and irreparable loss. In the present case, we find that there is no irreparable loss to the respondents, as they can be adequately and fully compensated by way of monetary benefits, if their writ petition ultimately succeeds. On the other hand, if the writ petition fails, there will be irreparable harm to the interest of the appellant.

12. **For the reasons aforesaid, the appeal succeeds and is, accordingly, allowed. The interim order passed in the Writ Petition i.e., CWP No.14988/2025, permitting respondent no.1 to continue in service beyond the age of 58 years, stands set aside.**

13. We hasten to add that we have not expressed any opinion on the merits of the matter, which is left to be decided by the High Court in accordance with law.

14. Pending application(s), if any, shall stand disposed of."

4. It is hereby advised to apprise the Hon'ble Punjab and Haryana High Court about said judgement dated 14.10.2025 given by the Hon'ble Supreme Court in SLP (Civil) No.24294 of 2025 to recall/set aside the similar interim orders passed in CWPs by filing Misc. Application before 30.10.2025.

5. Copy of this order is available on the official website of the Finance Department i.e. finhry.gov.in.


Chief Accounts Officer
for Additional Chief Secretary to Govt. Haryana,

Endst. No.11/84/2024-1FR/23442

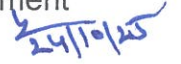
Dated: 24.10.2025

A copy is forwarded to the Chief Secretary to Government Haryana, Human Resources Department (HR-I) for information and necessary action with the request to include the contents of said judgement dated 14.10.2025 while filing the affidavit before 30.10.2025.



Chief Accounts Officer

for Additional Chief Secretary to Govt. Haryana,
Finance Department



Endst. No.11/84/2024-1FR/23442

Dated: 24.10.2025

A copy is forwarded to the Additional Chief Secretary to Government Haryana, Revenue & Disaster Management Department for information and necessary action with the request to apprise the Hon'ble Punjab and Haryana High Court about said judgement dated 14.10.2025 given by the Hon'ble Supreme Court in SLP (Civil) No.24294 of 2025 to recall/set aside the similar interim orders passed in main case (CWP No.2340/2023-Jora Singh Vs. SoH & others) **by filing Misc. Application** before 30.10.2025.



Chief Accounts Officer

for Additional Chief Secretary to Govt. Haryana,
Finance Department



Endst. No.11/84/2024-1FR/23442

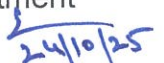
Dated: 24.10.2025

A copy is forwarded to the Advocate General, Haryana, Chandigarh for information and necessary action with the request to take a collective step in all pending cases for recalling/set aside similar interim orders (to continue in service for 2 years i.e. beyond the age of superannuation) in view of judgement dated 14.10.2025 given by the Hon'ble Supreme Court in SLP (Civil) No.24294 of 2025.



Chief Accounts Officer

for Additional Chief Secretary to Govt. Haryana,
Finance Department



Internal Distribution

The Incharge, Computer Cell (Finance Department) for uploading these instructions on the website of the Finance Department.