No.11/58/2023-1FR/17866
HARYANA GOVERNMENT
Finance Department
(Finance Regulation Branch)

Dated : 04.11.2026

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 retirement on attaining the age of superannuation by disabled Government employees under Rule 143 of HCS (General) Rules, 2016.

*****

Sir/Madam,

Reference FD's earlier instructions bearing No.11/58/2023-1FR/2714 dated 03.02.2026 & Notification No.11/58/2023-1FR/27758 dated 03.02.2026 regarding the subject noted above whereby in the Haryana Civil Services (General) Rules, 2016, Rule 143, in sub-rule (1) clause (i), clause (ii), Note 1 and Note 3, were omitted. Detailed instructions were also issued by the Finance Department vide No.11/58/2023-1FR/1077 dated 26.06.2026.

2. In para 4 of aforesaid instructions dated 26.06.2026, it was informed about Judgement dated 10.03.2026 passed by the Hon'ble Division Bench of Punjab and Haryana High Court in CWP No.5224 of 2026- Rajnish Kumar & others Vs. SoH & others regarding discontinuation of the services of physically challenged/disabled Government employees who are continuing to work, even after coming into force of the Notification No.11/58/2023-1FR/27758 dated 03.02.2026.

3. It has been brought to the notice of the Finance Department that against aforesaid judgement dated 10.03.2026, Special Leave Petition (Civil) Diary No.25541/2026 – Bhoj Dev & Others Vs. State of Haryana & others has been filed in the Hon'ble Supreme Court of India. Legal opinion was sought by the Finance Department from Ld. Advocate General, Haryana. While tendering legal opinion by Ld. Advocate General on 14/15.09.2026, reference of some other orders, passed by Hon'ble Supreme Court of India in SLP (C) Diary No.48835/2026 – Jagvir Singh & Ors. Vs. State of Haryana & Ors (arising out of the judgement dated 15.07.2026 in CWP No.35240/2025 of the High Court of Punjab & Haryana) read with the connected SLP (C) No.27980/2026 & No.026032/2026 & other connected matters, were also given.

4. Copies of legal opinion dated 31.08.2026 given by Ld. Advocate General, Haryana to Transport Department in COCP No.3004 of 2026 in CWP No.11864 of 2026 – Om Singh Vs. State of Haryana & others and legal opinion dated 14/15.09.2026 given by Ld. Advocate General, Haryana to Finance Department in SLP (C) Diary No.(S) 25541 of 2026 titled as Bhoj Dev and other Vs. State of Haryana & others, are attached.

5. It is further apprised that against judgment/order dated 19-05-2026 passed by the High Court of Punjab & Haryana in LPA No.1456/2026 in CWP No.5224/2026 – Rajnish

Kumar & others and judgment/order dated 15-07-2026 passed in CWP No. 5123/2026 (total 32 CWPs), various Special Leave Petitions (Civil) have been filed in the Hon'ble Supreme Court of India. List of such SLPs are attached at Annexure-A for ready reference.

6. It is pertinent to mention here that Hon'ble Supreme Court of India vide judgement dated 14.10.2025 (may be downloaded from website) had passed orders in SLP (C) No.24294 of 2025 – Harpreet Singh, Director, Haryana State Co-operative Apex Bank Ltd., Chandigarh Vs. Om Parkash Rana & Ors that 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.

7. It has been decided by the competent authority that legal opinions tendered by Ld. Advocate General, Haryana on 31.08.2026 and 14/15.09.2026 (refer to para 4 on prepage) be circulated to all ADs/HoDs for kind perusal and for taking further action immediately whereby ADs/HoDs will not allow to rejoin the employee who has already been relieved from service in view of FD's notification dated 03.02.2026. Further, All ADs/HoDs will take up the matter with Ld. Advocate General, Haryana to file reply and application to vacate the stay/interim orders at the earliest whereby it has been directed by the Hon'ble Supreme Court of India/High Court through interim orders that the petitioners shall not be relieved or disturbed and respondent(s) will continue to pay the salary for which the present petitioners are entitled to.

6. Accordingly, all ADs/HoDs are hereby requested to act accordingly.

7. Copy of this order is available on the official website of the Finance Department i.e. *finhry.gov.in* for kind information and strict compliance.

Sd/-
Superintendent (FR)
for Additional Chief Secretary to Govt. Haryana,
Finance Department

Endst.No.11/58/2023-1FR/17866 Dated: 04.11.2026

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

1. The Chief Secretary to Government Haryana, Human Resources Department (HR-I Branch).
2. The Administrative Secretary to Govt. Haryana, Law & Legislative Department, Haryana, Haryana Civil Secretariat, 9th Floor, Chandigarh.
3. The Advocate General, Haryana, Chandigarh w.r.t. legal opinions dated 14/15.09.2026.
4. The Principal Accountant General (A&E) and (Audit), Haryana, Chandigarh.
5. Incharge, Computer Cell (Finance Department) for uploading these instructions on the website of the Finance Department.

Sumit Kumar
Superintendent (FR)
for Additional Chief Secretary to Govt. Haryana,
Finance Department
04/11/26

Annexure-A

Sr. No.	Case No. / SLP (C) No. & year	Title	Interim order
i.	25541/2026 / SLP(C) No. 026032 - / 2026	BHOJ DEV vs. STATE OF HARYANA **(MAIN CASE)** Arising out of impugned final judgment and order dated 10-03-2026 in CWP No.5224/2026 passed by the High Court of Punjab & Haryana at Chandigarh.	**15.05.2026** At the request of learned counsel appearing for the petitioners, list after Partial Court Working Days (Summer Vacation, 2026). **27.07.2026** 1. Permission to file special leave petitions are granted. 2. Delay condoned. 3. Issue notice, returnable in four weeks. 4. There shall be stay of the operation of the impugned order/judgment, until further orders. **31.08.2026** 1. Applicants are seeking for the following reliefs: "a) Pass an ex-parte ad-interim order directing the Respondent Nos. 1 to 4 to withdraw the letters of retirement (Annexure P-2) issued to the applicants' b) Direct the Respondents Nos.1 to 4 to allow the applicants (original petitioners No.1 to 8) to continue to serve like other similarly situated persons; C) In the alternative direct Respondent Nos. 1 to 4 to treat the applicants as continuing in service till the age of 60 years and give all service benefits, emoluments and allowances, subject to the outcome of the present SLP. d) Pass such other order/orders as may be deemed fit and proper in the facts and circumstances of the case." 2. This Court by order dated 27.07.2026 had stayed the operation of the impugned judgment and order until further orders. It is the grievance of the applicants that eight of them have been relieved prior to the order passed by this Court and subsequent to the filing of the present Special Leave Petition. In view of the subsequent event having taken place, question of putting the clock back does not arise at this stage. Hence, question of considering their prayer for being reinstated into service at this stage would not be appropriate. The prayer sought for in the application stands rejected. However, we make it clear that in the event of these applicants succeeding in the present matter, they would be entitled for all the consequential reliefs.
ii.	42032/2026 / SLP(C) No. 024437 - / 2026	KATAR SINGH vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 19-05-2026 in LPA No.1456/2026	**28.07.2026** 1. Issue notice. 2. Post alongwith Diary No.25541/2026.

		passed by the High Court of Punjab & Haryana at Chandigarh.	
iii.	43552/2026 / SLP(C) No. 025424 - 025431 / 2026	DEVENDER KUMAR vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 15-07-2026 in CWP No. 5123/2026 15-07-2026 in CWP No. 5360/2026 15-07-2026 in CWP No. 6398/2026 15-07-2026 in CWP No. 5897/2026 15-07-2026 in CWP No. 5592/2026 15-07-2026 in CWP No. 5299/2026 15-07-2026 in CWP No. 6429/2026 15-07-2026 in CWP No. 5605/2026 passed by the High Court of Punjab & Haryana at Chandigarh	**30.07.2026** 1. Issue notice. 2. Tag the present matters along with SLP (C) Diary No. 25541/2026 and SLP(C) No. 024437/2026. 3. During the pendency of the present proceedings such of those petitioners, who have not already been relieved, shall not be relieved or disturbed and the respondent(s) shall continue to pay the salary to which they are entitled to.
iv.	38596/2026 / SLP(C) No. 026031 - / 2026	KRISHAN LAL GOYAL vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 10-03-2026 in CWP No. 5224/2026 passed by the High Court of Punjab & Haryana at Chandigarh.	**27.07.2026** 1. Permission to file special leave petitions are granted. 2. Delay condoned. 3. Issue notice, returnable in four weeks. 4. There shall be stay of the operation of the impugned order/judgment, until further orders.
v.	30121/2026 / SLP(C) No. 026033 - / 2026	RANJIT SINGH vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 10-03-2026 in CWP No.5224/2026 passed by the High Court of Punjab & Haryana at Chandigarh	**13.07.2026** List on 17.07.2026. **17.07.2026** Tag alongwith Diary No.25541/2026. At the request of learned counsel appearing for the respondent(s), list next week.
vi.	47584/2026 / SLP(C) No. 027980 - / 2026	GIRRAJ SINGH vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 15-07-2026 in CWP No. 35240/2025 passed by the High Court of Punjab & Haryana at	**20.08.2026** 1. Issue notice. 2. Tag the present matter(s) along with SLP(C) No. 026032/2026 and with other connected matters. 3. It is stated that the petitioner has already been relieved. Hence, question of granting any interim protection does not arise at this stage. The prayer(s) for interim relief stands rejected.

		Chandigarh	**31.08.2026** 1. Await service of notice. 2. Counter-affidavit, if any, shall be filed four weeks from today. 2 3. Post alongwith SLP (C) No.26032/2026. 4. List after four weeks.
vii.	47170/2026 / SLP(C) No. 028279 - / 2026	PREM vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 15-07-2026 in CWP No.6552/2026 passed by the High Court of Punjab & Haryana at Chandigarh	**21.08.2026** 1. Issue notice. 2. Post alongwith SLP (C) Nos.25424-25431/2026. 3. The respondent(s) shall state as to whether pursuant to the order dated 17.02.2026, petitioner has been relieved from service or not and whether the petitioner has been continued in service by virtue of any interim order passed by the High Court. 4. List after four weeks.
viii.	48835/2026 / SLP(C) No. 030220 - / 2026	JAGVIR SINGH vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 15-07-2026 in CWP No. 35240/2025 passed by the High Court of Punjab & Haryana at Chandigarh.	**20.08.2026** 1. Permission to file special leave petition(s) is granted. 2. Issue notice. 3. Tag the present matter(s) along with SLP(C) No. 026032/2026 and with other connected matters. 4. During the pendency of the present proceedings the petitioner(s) who has not been relieved, shall not be relieved or disturbed and the respondent shall continue to pay the salary to which the petitioner(s) is entitled.
ix.	54368/2026 / SLP(C) No. 032591 - / 2026	SULTAN SINGH vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 15-07-2026 in CWP No. 6173/2026 passed by the High Court of Punjab & Haryana at Chandigarh	**21.09.2026** Issue notice. Tag with SLP (C) Diary No.25541/2026.
x.	53444/2026 / SLP(C) No. 033643 - / 2026	MADAN LAL vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 10-03-2026 in CWP No.5224/2026 passed by the High Court of Punjab & Haryana at Chandigarh	**18.09.2026** 1. Permission to file Special Leave Petitions is granted. 2. Delay condoned. 3. Issue notice. 4. Tag alongwith SLP (C) Diary No.25541/2026.
xi.	54060/2026 / SLP(C) No. 033645 - / 2026	BIMLA RANI vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 10-03-2026 in CWP No.5224/2026 passed by the High Court of Punjab & Haryana at	**18.09.2026** 1. Permission to file Special Leave Petitions is granted. 2. Delay condoned. 3. Issue notice. 4. Tag alongwith SLP (C) Diary No.25541/2026.

		Chandigarh	
xii.	53700/2026 / SLP(C) No. 033646 - / 2026	SANJEEV KUMAR LAMBA vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 10-03-2026 in CWP No.5224/2026 passed by the High Court of Punjab & Haryana at Chandigarh	**18.09.2026** 1. Permission to file Special Leave Petitions is granted. 2. Delay condoned. 3. Issue notice. 4. Tag alongwith SLP (C) Diary No.25541/2026.
xiii.	55670/2026 / SLP(C) No. 034470 - / 2026	HANSRAJ vs. STATE OF HARYANA Arising out of impugned final judgment and order dated 15-07-2026 in CWP No. 35240/2025 passed by the High Court of Punjab & Haryana at Chandigarh	**25.09.2026** 1. Permission to file the petition is granted. 2. Issue notice. 3. Tag with SLP(C) Diary No.25541/2026 and SLP (C) No.24437/2026. 4. Learned counsel for the petitioners submits that petitioners are not relieved from the services and taking into consideration the order passed by this court on 30.07.2026 in SLP (C) Nos.25424-25431/2026 that similarly placed petitioners have been protected from being relieved, we direct that the petitioners shall not be relieved or disturbed and respondent(s) shall continue to pay the salary for which the present petitioners are entitled to.

****

LEGAL OPINION

Subject:- COCP No. 3004 of 2026 in CWP No. 11864 of 2026
Om Singh Vs. State of Haryana and others

The brief facts of the case are that the petitioner, Om Singh, filed CWP-11864-2026 before the Hon'ble High Court of Punjab & Haryana at Chandigarh, impugning the orders dated 03.04.2026 (Annexure P-9) and 06.04.2026 (Annexure P-10). Vide interim order dated 21.04.2026, the Hon'ble High Court, while issuing notice of motion and permitting the Respondent-State to file reply, directed that the operation of the impugned orders dated 03.04.2026 and 06.04.2026 shall remain stayed. The matter was ordered to be heard along with the connected matter CWP-7391-2026 and was adjourned to 21.05.2026.

As per the departmental noting, the case has since been listed and re-listed, with connected proceedings COCP-3004-2026, CM-8031-CWP-2026 and CM-8032-CWP-2026 arising in the same writ petition, and the next date of hearing before the Hon'ble High Court is presently fixed for 01.09.2026.

It is recorded in the departmental file that the Finance Department, on an earlier reference, had advised the Administrative Department to examine the matter in light of the order dated 27.07.2026 of the Hon'ble Supreme Court in Bhoj Dev & Others Vs. State of Haryana & Others, whereby a judgment of the Hon'ble High Court on a connected/identical issue was stayed, and to obtain the comments/opinion of this office with reference to the High Court judgment rendered in favour of the State in CWP No. 5224 of 2026, before referring the matter further to the Finance Department.

It is further stated by the Department that an application for vacation of the interim stay dated 21.04.2026, and for preponement of the hearing, had earlier been moved on behalf of the State before the Hon'ble High Court, but the same was not pressed at the relevant time.

Subsequently, the Hon'ble Supreme Court of India, vide order dated 20.08.2026 passed in SLP(C) Diary No. 48835/2026 Jagvir Singh & Ors. Vs. State of Haryana & Ors. (arising out of the judgment dated 15.07.2026 in CWP No. 35240/2025 of the High Court of Punjab & Haryana), read with the connected SLP(C) No. 27980/2026, while granting permission to file the special leave petition(s), issuing notice, and tagging the matters with SLP(C) No. 026032/2026 and other connected matters, has passed the following operative directions:

> *"During the pendency of the present proceedings the petitioner(s) who has not been relieved, shall not be relieved or disturbed and the respondent shall continue to pay the salary to which the petitioner(s) is entitled."*

"It is stated that the petitioner has already been relieved. Hence, question of granting any interim protection does not arise at this stage. The prayer(s) for interim relief stands rejected." (SLP(C) No. 27980/2026)

In my view, the order dated 20.08.2026 of the Hon'ble Supreme Court draws a clear distinction between two categories of similarly placed persons: (a) those who have not yet been relieved/disturbed pursuant to the impugned action, in whose favour continuing interim protection has been granted; and (b) those who have already been relieved, in respect of whom the Hon'ble Supreme Court has expressly held that "the question of granting any interim protection does not arise" and has rejected the prayer for interim relief.

This distinction is material to the present matter. If, on facts, the petitioner Om Singh (or the class of persons covered by the impugned orders dated 03.04.2026 and 06.04.2026) falls in the second category – i.e., action pursuant to the impugned orders had already been given effect to, or is otherwise not one where a continuing status quo is required to be preserved – the rationale of the Hon'ble Supreme Court's order dated 20.08.2026 supports the State's case that the blanket stay of 21.04.2026 is no longer warranted and is liable to be vacated or suitably moulded by moving application.

The stay dated 21.04.2026 was granted at the notice stage, without adjudication on merits. The fact that an earlier application for vacation of stay and preponement was not pressed does not, in law, bar the filing of a fresh application. Non-pressing of an application does not amount to an adjudication on merits or a waiver of the State's right to seek vacation of stay on a subsequent cause of action here, the intervening order dated 20.08.2026 of the Hon'ble Supreme Court, which constitutes a fresh and substantive development not available to the State when the earlier application was moved. It would, however, be prudent for the fresh application to briefly explain that the earlier application was not pressed at that stage and to place the subsequent development on record, so as to justify any technical objection on that count.

The pendency of connected proceedings (COCP-3004-2026, CM-8031-CWP-2026, CM-8032-CWP-2026, and the tagged matter CWP-7391-2026), and the departmental reference to the order dated 27.07.2026 in Bhoj Dev & Others Vs. State of Haryana & Others together with the High Court judgment in CWP No. 5224 of 2026, should also be placed before the Hon'ble High Court, as these bear on the correctness of the view taken in the impugned orders and reinforce the State's case for vacation of stay.

As the contempt matter is presently listed on 01.09.2026, and considering the urgency indicated in the departmental file, an application for preponement of the hearing in writ is required so that the vacation application can be heard at the earliest, as the next date of hearing is 22.2.2027 in writ petition.

In view of the foregoing, it is opined that the Administrative Department be advised to

-56-

(Annexure P-10), placing on record the subsequent order dated 20.08.2026 of the Hon'ble Supreme Court in SLP(C) Diary No. 48835/2026 and SLP(C) No. 27980/2026 as the intervening development justifying the fresh application. The application should candidly state that an earlier application for vacation of stay/preponement was moved but not pressed, and explain briefly the reason and the changed circumstances warranting the present application, to avoid any objection as to maintainability.

(DEEPAK BALYAN)
Additional Advocate General, Haryana
31/8/26

Ld. AG
31/8/26

Advocate General Haryana
CFMS No. 10706
Dated 31-8-2026

हरियाणा, हरियाणा

Commissioner & Secretary Transport
Diary/File No. 10508
Date 01-09-2026

Dispatch No. Haryana, 10508
Dated 31-8-2026
Advocate General Haryana

CS, Transport 31/8/26

Pl. ensure the advise as proposed above in a time bound manner.

DST

JDST-I

SETI

EA6

2/9/2026

2/9

2/9/2026

LEGAL OPINION

Subject:- SLP(C) Diary No. (S) 25541 of 2026 titled as Bhoj Dev and others Vs. State of Haryana and others.

.....

The present file is put up before me for legal opinion in view of the order passed by the Hon'ble Supreme Court in the above stated case of Bhoj Dev and others Vs. State of Haryana. In the background of this case, it is submitted that the above mentioned SLP has been filed against the order dated 10.03.2026 passed by the Hon'ble High Court in CWP No. 5224 of 2026. The writ petition was filed by visually impaired (blind) employees working with various departments of Govt. Of Haryana challenging the notification dated 03.02.2026 whereby clauses (i) & (ii) and notes 1 & 3 of sub-rule 1 of rule 143 of the Haryana Civil Services (General) Rules, 2016. The Hon'ble High Court vide order dated 10.03.2026 dismissed the petition.

The said order dated 10.03.2026 has been challenged by the employees before the Hon'ble Apex Court by filing an SLP (C) – Diary No. 25541 of 2026. The Apex Court while hearing the aforesaid petition on 27.07.2026 issued notice, returnable in four weeks and further directed that there shall be stay of the operation of the impugned order dated 10.03.2026 till further orders.

Subsequently, the Hon'ble Supreme Court of India, vide order dated 20.08.2026 passed in SLP(C) Diary No. 48835/2026 Jagvir Singh & Ors. Vs. State of Haryana & Ors. (arising out of the judgment dated 15.07.2026 in CWP No. 35240/2025 of the High Court of Punjab & Haryana), read with the connected SLP(C) No. 27980/2026, while granting permission to file the special leave petition(s), issuing notice, and tagging the matters with SLP(C) No. 026032/2026 and other connected matters, has passed the following operative directions:

> *"During the pendency of the present proceedings the petitioner(s) who has not been relieved, shall not be relieved or disturbed and the respondent shall continue to pay the salary to which the petitioner(s) is entitled."*
>
> *"It is stated that the petitioner has already been relieved. Hence, question of granting any interim protection does not arise at this stage. The prayer(s) for interim relief stands rejected."*

In my view, the order dated 20.08.2026 of the Hon'ble Supreme Court draws a clear distinction between two categories of similarly placed persons: (a) those who have not yet been relieved/disturbed pursuant to the impugned action, in whose favour continuing interim protection has been granted; and (b) those who have already been relieved, in respect of whom the Hon'ble Supreme Court has expressly held that "the question of granting any interim protection does not arise" and has rejected the prayer for interim relief. This distinction is material to the present matter.

In view of the foregoing, it is expressly cleared by the Hon'ble Supreme Court in the order dated 20.08.2026 regarding the re-joining of an employee who already relieved from service in view of the notification dated 03.02.2026. In my legal opinion, once the Hon'ble Supreme Court vide order dated 20.08.2026 passed in SLP(C) Diary No. 48835/2026 and SLP(C) No. 27980/2026, has clarified the position regarding the re-joining and the status of the interim order passed, the Administrative Department be advised to take note of the order passed by the Hon'ble Supreme Court clarifying the issue vide order dated 20.08.2026. In view of the clarification there is no question of rejoining the employee who has already been relieved from service after attaining the age of superannuation i.e. 58 years.

Dispatch No. AG/Secy....130
Dated....16-9-26....
Advocate General, Haryana

Advocate General Haryana
CFMS No. 118
Dated 16-9-26

14/9/26
(Deepak Balyan)
Additional Advocate General, Haryana

Ld. AG Haryana

16/9/26

महाधिवक्ता, हरियाणा

ACS, F&P

SPR 16/9/26

UFR

CFMS (HD)
Diary No. 17866
Date 16/9/26

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2025
(@ SPECIAL LEAVE PETITION (CIVIL) NO.24294 OF 2025)

HARPREET SINGH, APPELLANT(S)
DIRECTOR, THE HARYANA STATE CO-OPERATIVE APEX BANK LTD. CHANDIGARH

VERSUS

OM PARKASH RANA & ORS. RESPONDENT(S)

R1: OM PARKASH RANA
R2: THE STATE OF HARYANA
R3: THE MANAGING DIRECTOR
R4: THE REGISTRAR, COOPERATIVE SOCIETIES, HARYANA
R5: THE DEPUTY REGISTRAR, COOPERATIVE SOCIETIES
R6: THE KARNAL CENTRAL COOPERATIVE BANK LIMITED

O R D E R

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].

Signature Not Verified
Digitally signed by VARSHA MEHROTRA
Date: 2025.10.17 11:52:08 IST
Reason:

The appellant is aggrieved by the said interim order, passed at the stage of admission of the Writ Petition, in which notice was

1 (2015) (3) S.C.T. 825.

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.

.....J.
(AHSANUDDIN AMANULLAH)

.....J.
(PRASHANT KUMAR MISHRA)

NEW DELHI
14th OCTOBER, 2025

ITEM NO.15 COURT NO.14 SECTION IV-D

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 24294/2025

[Arising out of impugned final judgment and order dated 23-05-2025 in CWP No. 14988/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

HARPREET SINGH,
DIRECTOR, THE HARYANA STATE CO-OPERATIVE APEX BANK LTD. CHANDIGARH PETITIONER(S)

VERSUS

OM PARKASH RANA & ORS. RESPONDENT(S)

IA No. 188254/2025 - AMENDMENT IN CAUSE TITLE; IA No. 172098/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS;IA No. 172093/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 172089/2025 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Date : 14-10-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Shish Pal Laler, Adv.
Mr. Hitesh Kumar, Adv.
Mr. Vedant Pradhan, AOR
Mr. Hardik Giri, Adv.
Mr. Pranav Singh Gautam, Adv.

For Respondent(s) Mr. Akshay Saxena, AOR
Mr. Anurag Soan, Adv.
Mr. Prakash Gautam, Adv.
Mr. Kuldeep Gupta, Adv.

Mr. Lokesh Sinhal, Sr. AAG
Mr. Akshay Amritanshu, AOR (Resp.No.2)
Ms. Aakanksha, Adv.
Ms. Kirti Panchal, Adv.
Ms. Ishika Gupta, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

2. The appeal is allowed in terms of the signed order.

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

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)

(Signed order is placed on the file)