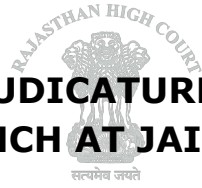




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 3647/2026

Karan Pratap Singh Rathore S/o Shri Mahendra Pratap Singh Rathore, Aged About 30 Years, Resident Of 98-B, Dhuleshwar Garden, C-Scheme, Ajmer Road, Jaipur-302001 (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Personnel, Government Secretariat, Jaipur
2. The Secretary, Animal Husbandry Department, Government Secretariat, Jaipur.
3. The Director, Animal Husbandry Department, Pashudhan Bhawan, Tonk Road, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Tanveer Ahamad, Adv. with Mr. S. Mohd. Umer Alam, Adv.

For Respondent(s) : Mr. Abhishek Sharma, Adv., Ms. Pooja Sharma, Adv. & Mr. Vishal Kumar, Adv. for Mr. Manoj Sharma, AAG

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

15/05/2026

1. This writ petition has been filed by the petitioner with following prayers:-

"It is, therefore humbly prayed that Your Lordship may graciously be pleased to accept and allow this writ petition and by an appropriate writ, order or direction:-

1. The respondents may be directed to consider candidature of the humble petitioner on compassionate grounds as per the notification dated 26.04.2023 with all consequential benefits in the interest of justice.





2. The impugned order dated 14.05.2025 (Annexure-9), may kindly be quashed and set aside in the interest of justice.

3. Any other appropriate order, which may be found just and proper in the facts and circumstances of the case, be passed in favour of the petitioner."

2. It is stated that father of the petitioner, Shri Mahendra Pratap Singh Rathore, was holding the post of Assistant Administrative Officer in Animal Husbandry Department, who met with an accident on 01.07.2021. Consequent upon the said accident, father of the petitioner became permanently disabled and has been confined to bed as well as also in coma. Learned counsel submits that the Competent Medical Officers have also certified that the vegetative condition of father of the petitioner is non progressive and not likely to improve. They have also assessed the percentage of permanent disability as 85% and accordingly Unique Disability ID has also been issued by CMHO, Jaipur. Learned counsel submits that under these circumstances, where on account of permanent disability, father of the petitioner was not in a position to continue in Government Service, as per the provisions of The Rajasthan Compassionate Appointment of Dependents of Permanent Total Disabled Government Servants Rules, 2023 (for short 'the Rules of 2023'), the petitioner submitted an application for seeking compassionate appointment in place of his permanently disabled father. However, the application filed by the petitioner has been rejected by the Director, Animal Husbandry vide order dated 14.05.2025 solely on the ground that accident of father of the petitioner had taken place prior to enforcement of Rules of 2023, therefore, petitioner





could not be considered under the Rules of 2023 for grant of compassionate appointment.

3. Learned counsel for the petitioner submits that the reasons assigned by the respondents in letter/order dated 14.05.2025 for rejecting the application for compassionate appointment submitted by the petitioner, are wholly irrational and illogical. Learned counsel submits that date of accident is entirely irrelevant and has got no co-relation with the definition of 'Permanent Total Disabled Government Servants' as contemplated under the Rules of 2023. Learned counsel submits that it is an admitted fact that on the date of enforcement of Rules of 2023, father of the petitioner was a permanently disabled person. Hence, it cannot be said that merely because the Rules of 2023 came into force on 26.04.2023 i.e. after the date of accident of father of the petitioner, the said Rules would not be applicable for the purpose of grant of compassionate appointment.

4. Learned counsel for the respondents, on the contrary, submitted that letter/order dated 14.05.2025 has been issued by the Director strictly in accordance with Rules of 2023. He further submits that Rules have come into force on 26.04.2023 and, therefore, would be applicable only in the cases where permanent disability has occurred after enforcement of the Rules of 2023. Learned counsel submits that in the instant case, guidelines were also sought by Animal Husbandry Department from the Department of Personnel, who also concurred the opinion of Animal Husbandry Department that rules are not applicable in respect of the petitioner. Learned counsel further submits that the Rules of 2023 are not retrospective in nature so as to cover all the





accidents or instances of permanent disability which have occurred prior to enforcement of the Rules.

5. Heard learned counsel for the parties and perused the material on record.

6. As the controversy involved in the instant writ petition revolves around the provisions of Rules of 2023, it would be relevant to refer following provisions of the Rules:-

"2. Definition.-In these rules unless the context otherwise requires,-

(a) xxx

(b) "Permanent Total Disabled Government Servant" means a person who was employed in connection with the affairs of the State including a member of All India Services of Rajasthan State Cadre and who has suffered permanent total disability due to an accident while on duty and who was holding a permanent or temporary post after appointment on regular basis including a probationer trainee;

(c) xxx

(d) xxx

(e) xxx

(f) "Permanent Total Disability" means a Government servant who has suffered permanent total disablement solely and directly due to an accident while on duty of the nature specified in the table given below:-

Table

S.No.	Description of Injury
1	2
1.	Loss of both hands or amputation at higher sites
2.	Loss of a hand and a foot
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential
5.	Very severe facial disfigurement
6.	Absolute deafness
7.	Mental Infirmary which permanently incapacitates him for the service.





8.	Occupational accidents to workers viz., in Sewerage, Sanitization, Mining and Electricity
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NOTE: Assessment of permanent total disablement would be in accordance with the Manual for Doctors to Evaluate Permanent Physical Impairment (DGHS-WHO-AHMS New Delhi 1981) and certified by a Medical Board consisting of Head of Department of Orthopedics, Head of Department of Physical Medicine & Rehabilitation and Head of Department of Forensic Science of a Government Medical College in Rajasthan and an expert of concerned disability; and

Rule - 5. Appointment subject to certain conditions.-(1) When a Government servant who has suffered permanent total disability due to an accident while on duty and is declared permanently unfit for Government service by the Medical Board as per note below clause (f) of rule 2 and takes retirement on invalid pension under rule 35 of the Rajasthan Civil Services (Pension) Rules, 1996, one of his/her dependents may be considered for appointment in Government service. The appointment under these rules shall be given if,-

(i) permanent total disabled employee has not attained the age of 55 years on the date of suffering permanent total disability;

(ii) permanent total disabled employee applies for retirement on invalid pension under rule 35 of the Rajasthan Civil Services (Pension) Rules, 1996 within one year of his/her permanent total disability;"

7. Bare perusal of the aforesaid provisions would make it clear that although, the Rules have come into force on 26.04.2023, yet the very object of framing the Rules was to regulate the appointment of dependents of permanent total disabled Government servants on compassionate ground. Definition of 'Permanent Total Disabled Government Servants' as contemplated under the Rules is absolutely clear and it does not draw a line of distinction between the Government Servants who became permanently disabled prior to date of enforcement of the Rules or post enforcement of the Rules. Definition of 'permanent





total disability', as prescribed under Rule 2(f) would also make it clear that the disability as referred under the Rules is not correlated with the date of accident and it simply refers that on the date of accident the Government Servant must be in service of the Government/on duty.

8. Rule 5 deals with appointment subject to certain conditions and it also does not create any demarcation for consideration qua the date of accident whether prior to date of enforcement of the Rules or thereafter. It simply provides that in case, the Government Servant has suffered permanent total disability due to an accident while on duty and is declared permanently unfit for Government service by the Medical Board, the benefit under the Rules would be available.

9. In the instant case, it has not been disputed that father of the petitioner was on duty on the date of accident and has also been declared as permanently unfit for Government service by the Competent Medical Board. Under the aforesaid circumstances, this Court finds that the petitioner cannot be discriminated by the respondents by raising an artificial grounds which is not available under the Rules of 2023. The Rules nowhere specifically prohibits consideration of such cases where accident has taken place prior to date of enforcement of such Rules.

10. This Court is further of the considered view that the interpretation sought to be placed by the respondents defeats the very object and the purpose for which Rules of 2003 have been framed. Compassionate appointment under the Rules is intended to provide financial and social support to the family of the Government Servant who, on account of permanent total disability





suffered during service, becomes incapable of continuing in employment. Once the condition of permanent total disability exists on the date when the Rules came into force and the employee continues to remain in service but is medically declared unfit, denial of consideration merely on the basis that the accident occurred prior to enforcement of the Rules would amount to introducing a condition into the Rules, which the Rule making authority itself has consciously not provided. It is settled proposition of law that while interpreting beneficial and welfare legislation, the provisions are required to be construed liberally so as to advance the object of the Rules rather than frustrate it by adopting a hyper-technical approach. Therefore, in absence of any express exclusion under the Rules of 2023, the respondents could not have denied consideration of the petitioner's claim by creating an artificial classification based solely upon the date of accident.

11. For the reasons mentioned hereinabove, this Court finds that letter/order dated 14.05.2025 issued by the Director, Animal Husbandry is totally contrary to the Rules of 2023 and is not sustainable in the eye of law, hence, the writ petition filed by the petitioner is hereby allowed, order/letter dated 14.05.2025 is hereby quashed and set aside.

12. Respondents are directed to re-consider the application filed by the petitioner afresh without raising the objection as raised in letter/order dated 14.05.2025 and in case the petitioner is otherwise found eligible, appointment in accordance with Rules of 2023 be given to the petitioner on compassionate grounds within a period of 6 weeks from the date of receipt of certified copy of this order.





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

(ANAND SHARMA),J

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