



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

CWP-5345-2026 (O&M)

Date of decision: 17.07.2026

Saksham Rathore

...Petitioner(s)

Vs.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Roopan Atwal, Advocate
for the petitioner.

Mr. Suneel Ranga, D.A.G., Haryana,

NIDHI GUPTA, J.

Present Civil Writ Petition under Article 226 of the Constitution of India has been filed by the petitioner for the issuance of a writ in the nature of Mandamus directing the respondents to consider the petitioner, the son of a "Battle Casualty" Army Officer who died during "Operation Snow Leopard" (Galwan Operation with China), eligible under the policy of State of Haryana for compassionate appointment to family members of battle casualty personnel as per the Policies dated 28.09.2018 and 14.08.2023 (Annexures P-6 & P-7), by quashing the rejection letters dated 16.02.2024, 24.05.2024 and 04.12.2025 (Annexures P-10, P-11 and P-13) being non-speaking, factually and legally incorrect, and being against the policy of the State and applicable Rules, and the action being against the harmonious interpretation of the said Policy and also against the dicta of Hon'ble Constitutional Courts in similar propositions.



2. It is *inter alia* submitted by learned counsel for the petitioner that the Petitioner is a graduate in Bachelors of Commerce and an MBA degree holder. The petitioner is the son of IC-515111M Late Brigadier Abhimanyu Singh Rathore who was a serving Officer of the Indian Army. Unfortunately, on 30.07.2023, the father of the Petitioner laid down his life while serving in "Operation Snow Leopard" (Galwan incident) and his death was duly declared as a "Battle Casualty" by the Military Authorities vide Battle Casualty Certificate dated 10.01.2024 (Annexure P-1), in terms of the applicable policy, that is, Army Order 05/2020 (Annexure P-2). The father of the Petitioner passed away due to extreme operational climatic conditions in Leh as part of "Operation Snow Leopard", an operation launched by the Indian Army to counter Chinese aggression and halt the advancing Chinese forces gaining territory in India.

3. Learned counsel for the petitioner submits that the petitioner being dependent of "Battle Casualty" is eligible for compassionate appointment in terms of Policy letter dated 28.09.2018 (Annexure P-6) issued by the respondent-State. It is submitted that the aforesaid Policy was further formalized by the Govt. of Haryana vide Gazette Notification dated 14.08.2023 (Annexure P-7). Hence, as the petitioner was entitled to be considered for compassionate appointment under the above said Policy (Annexure P-6), being son of the Battle Casualty Class 1 Officer. Accordingly, petitioner had submitted his application which was forwarded by the Army Authorities vide letter dated 24.01.2024 (Annexure P-9). However, the same was rejected by the respondent No.2



by passing a completely non-speaking order dated 16.02.2024 (Annexure P-10). The petitioner was also verbally informed that although the case of the petitioner was covered under the Policy of 14.08.2023 (Annexure P-7), but the said Policy did not have retrospective application. When the petitioner pointed out that in any case, the case of the petitioner is covered under the previous Policy dated 28.09.2018 (Annexure P-6), the respondent passed another non-speaking order dated 24.05.2024 (Annexure P-11) now rejecting the claim of the petitioner on the ground that he is not covered under the previous Policy dated 30.05.2014 (Annexure P-3) and even under Policy dated 28.09.2018 (Annexure P-6).

Learned counsel contends that the said rejection by the respondent is based on an incorrect interpretation of policies. It is submitted that in actual fact, the case of the petitioner is covered in all policies. The policies explicitly governing the case of the petitioner is 28.09.2018 (Annexure P-6) and the Policy dated 14.08.2023 (Annexure P-7) both of which stipulate providing compassionate appointment to the dependents of the Battle Casualty. Thus, case of the petitioner has been wrongly rejected. It is submitted that this rejection by the respondents is arbitrary and illegal. In fact, respondents ought to have given more liberal interpretation to the Policy as it is not disputed that father of the petitioner had died in the service of the nation. It is accordingly prayed that the present Petition be allowed; and a writ in the nature of Mandamus be issued, directing the respondents to consider the petitioner, the son of a "Battle Casualty" Army Officer, eligible under the



Policy of State of Haryana for compassionate appointment to family members of Battle Casualty personnel as per the Policies dated 28.09.2018 and 14.08.2023 (Annexures P-6 and P-7) by quashing rejection letters dated 16.02.2024, 24.05.2024 and 04.12.2025 (Annexures P-10, P-11 and P-13).

4. *Per contra*, learned counsel for the State has strongly opposed submissions advanced on behalf of the petitioner and submitted that the policy is explicit in stipulating that only those persons can be considered for compassionate appointment who are dependents of 'martyrs', and not to 'battle casualty'. Moreover, father of the petitioner had not died in action, but had died due to disease. As such petitioner is not eligible for consideration under the policies. Learned State counsel has further referred to the averments made in written statement dated 01.04.2026 filed on behalf of the respondents; wherein it is stated as follows: -

"2. That the brief facts of the present case are that the petitioner is the son of IC-51511M Late Late Brigadier Abhimanyu Singh Rathore, who was a serving officer of the Indian Army and passed away on 30 Jul 2023 while undergoing treatment at Command Hospital, Chandigarh. Brigadier AS Rathore was declared as a Battle Casualty by the IHQ Ministry of Defence (Army) on 10 Jan 2024 considering the death due to CVT with Congestive Venopathy with Supretentorial and Infratentorial Venous Infarct with Dural Arteriovenous Fistula with onset at Leh, Ladakh on 01 Jan 2021 during 'Operation Snow Leopard'.



3. That it is pertinent to mention here that as per policies dated 30.05.2014, 27.08.2014 and 29.09.2018, the government has decided to grant the compassionate assistance by way of appointment on compassionate grounds in the feeder cadre in Class II, Class-III and IV posts to one eligible living spouse/dependent children of Martyr of Armed Forces Personnel/Para Military Forces Personnel, who was a domicile of Haryana and is killed in action in border skirmishes, terrorists attacks or in riots and is declared Martyr by Ministry of Defence, Govt. of India and Ministry of Home affairs, Govt. of India, as the case may be. The copy of the Policy is already annexed as Annexure P-6 with writ petition.

4. That it is also relevant to mention here that the case of the petitioner is neither covered under the policy No. 1/20/2013-1GS-II dated 30.05.2014, nor under the policies dated 27.08.2014 and 29.09.2018, as the provisions of the above said policies are applicable only to Martyr who are killed in action in border skirmishes, terrorists attacks or in riot and in the present case the father of the petitioner passed away due to above stated disease.

5. That the father of petitioner passed away on 30 Jul 2023 while undergoing treatment at Command Hospital, Chandigarh due to above stated disease. As the onset of the said medical condition occurred at Leh, Ladakh during 'Operation Snow Leopard', a Battle Casualty Certificate was issued by the IHQ MOD (Army) on 10 Jan 2024 in his favour.

6. That at the time of death of father of petitioner, instructions/policy bearing no. 1/20/2013-1GS-II dated 30.05.2014 and 5/7/2017-1GS-II dated 28.09.2018 respectively, were applicable. The definition of the 'Martyr' as



per clause 2 of the policy dated 30.05.2014, is reproduced as here under: -

"Martyr" means a person serving in Armed Forces (Army, Navy and Air Force) or in Para Military Forces (BSF, CRPF, CISF, ITBP, Assam Rifles, Rapid Action Force etc.) under the Home Ministry/Defence Ministry on permanent basis and killed in action in border skirmishes, terrorist attacks or riots and is declared Martyr by Ministry of Defence, Government of India and Ministry of Home Affairs, Government of India respectively.

7. That as per the Battle Casualty Certificate dated 10.01.2024, the father of the petitioner has attained martyrdom on 30.07.2023 due to above stated disease and was not killed in action in border skirmishes, terrorist attacks or riots. Therefore, his case is not covered under the definition of 'Martyr' as per applicable policy at the relevant point of time." (Emphasis added)

5. It is accordingly submitted that the petitioner is not eligible for compassionate appointment for the aforesaid reasons. Therefore, the present Writ Petition be dismissed being without merit.

6. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the respondent-State.

7. At the very outset, this Court is deeply anguished and appalled to note the typically unsympathetic and uncooperative stance of the respondent-State, to unnecessarily complicate and embroil Simple and clear Policy Instructions into semantics and legalese.



8. Admittedly, Father of the petitioner had expired on 30.7.2023, at which time he was a serving officer of the Indian Army. As such, Policy of 2018, further clarified by Instructions dated 14.8.2023 would apply to the case of the petitioner.

9. It is the first contention of the respondent that the policies of the State are applicable only to dependents of 'martyrs', and not to 'battle casualty'. It is incomprehensible to this Court as to on what basis has such a submission been made. To put in context, the State of Haryana had initially introduced a general scheme/ policy dated 30.05.2014 for providing compassionate appointment to an eligible dependent of "Martyrs" of Armed Forces Personnel / Paramilitary Forces Personnel of domicile of Haryana who were Killed-in-Action in border skirmishes, terrorist attacks or riots and declared a "Martyr" by the governing Ministries. However, there was an error apparent in the said policy as the term "Martyr" is not recognized by the Armed Forces. Instead, the term "Battle Casualty" is used to indicate that an Armed Forces personnel member was Killed-in-Action or died in an operational area. The term "Martyr" has political and religious connotations and is not considered proper for defense personnel who die in the *Line of Duty*.

10. Subsequently, the policy of 2014 was expanded to explicitly include "Battle Casualties" vide policy letter dated 28.09.2018 (Annexure P-6). A bare reading of the Policy dated 28.09.2018 (P-6) (at page 32 of the paper-book) shows that the same is clearly and unambiguously includes dependents of 'Battle Casualty', as under: -



"1. The matter of grant of Class II jobs to dependents/family members of deceased martyrs/battle casualty has been under consideration of Government.

2. Government has now decided to grant Class II jobs also to those dependents / family members of deceased martyrs/battle casualty only in such cases where martyrs/battle casualty was Class I or Class II officer."

11. Admittedly, father of the petitioner has been declared a 'battle casualty' by the Army authorities vide Battle Casualty Certificate dated 10.1.2024 (Annexure P-1) in terms of the applicable policy, that is, Army Order 05/2020 (Annexure P-2). Clearly, therefore, case of the petitioner is squarely covered under the Policy dated 28.09.2018 (Annexure P-6), being the son of a "Battle Casualty" Class I officer.

12. With a view to remove any ambiguity/anomaly with respect to the intent of the State, the respondent-State introduced a new Policy dated 14.08.2023 titled as Compassionate Appointment (for the Family Member of Armed Forces and Central Armed Forces killed in Battle Casualty) Policy, 2023, wherein the definition of 'battle casualty' is provided under clause 3 (d) which is reproduced here under:

"battle casualty' means various kinds of incidents declared as 'Battle Casualties" by the Defence Authorities/Ministry of Home Affairs, as the case may be, irrespective of any operation or any specified area of operation in which a member of Armed Forces or Central Armed Police Force is killed in harness, in the performance of bonafide official duties in War/IED Blast/terrorist or militant attacks/border



skirmishes and in United National Peace Keeping Force including death in M.T. accident, Cardiac arrest, Air crash accident and Natural calamities which demand exceptional courage and decisions towards performance of duties".

13. Thus, the objection of the respondents that petitioner cannot be offered compassionate appointment as he is not the dependent of a 'martyr', is contrary to the own stated policy of the respondent.

14. It has next been contended on behalf of the respondents that father of the petitioner had not died in action, and had died due to 'disease', and therefore petitioner is not eligible to be considered for compassionate appointment. It is admitted by the respondent-State that the father of the petitioner had laid down his life while serving in "Operation Snow Leopard" (Galwan incident with China). His death had occurred due to CVT which he had experienced due to serving in high altitude. Death of the father of the petitioner had taken place while he was in active service during battle at a time when India was involved in war with the neighbouring country. In this circumstance, for the respondent to state that father of the petitioner had died due to disease and not killed in action, is preposterous. If father of the petitioner had not been posted in high altitude, there is every likelihood that he would not have suffered CVT (Cerebral Venous Thrombosis), which occurs when blood clot forms in a vein in the brain. It is a known medical phenomenon that incidence and risk of brain clots is exacerbated when travelling to higher altitudes. As availability of oxygen at high altitudes is less, this



triggers hypoxia and dehydration, which in turn causes the blood to thicken, thereby activating hyper-coagulation and thrombosis. In this circumstance, it is crass and ignorant for the respondents to state that father of the petitioner had died due to 'disease'. If anything, it was a 'disease' suffered by a soldier while in Service at an active battlefield. In this circumstance, stand of the respondents that father of the petitioner had not died in service and was not a 'Martyr' and not covered under the Policy, is unacceptable.

15. Thus, the said rejection is not only factually erroneous; but also bad in law in view of the law laid down by this Court in similar circumstances while adjudicating the benefits from the State of Haryana arising from the concept of "Battle Casualty". In **CWP-15796-2024** titled as **Jai Dev vs. State of Haryana and others, 2025 SCC OnLine P&H 5438, decided on 28.02.2025**, this Court has held as under: -

"6. The relevant portion, vide which, a person who was held to be eligible for the reward money, and ex-gratia grant, as per Annexure-B (supra), is extracted hereinunder:-

"THOSE WHE ARE ELIGIBLE FOR THE REWARD MONEY OF RS 10 LACS.

Families of Defence Forces Personnel belonging to Haryana who are killed in an enemy action in an International War or War like engagements which are specifically, notified by the Ministry of Defence, Govt. of India.

THOSE WHO ARE ELIGIBLE FOR EX-GRATIA GRANT

Families of Defence Forces Personnel belonging to Haryana and killed and notified as Battle Casualties/Battle accidents by Defence authorities when the death is due to:-



a) Militant/terrorist encounter in operational areas or due to Border Skirmishes.

b) I.E.D. blast."

7. The aforesaid policy was further modified, and the area of applicability of policy was enhanced by the policy flouted on dated 6.3.2017, and 8.11.2021 respectively. As per the policy of 2001, the families of Defence Forces Personnel belonging to Haryana who were killed during an enemy action, either in international war, or War like engagements, which are specifically notified by the Ministry of Defence, Government of India, are held to be eligible. In the instant case, "Battle Casualty" certificate has been issued to the petitioner, only after fighting a long legal battle with the Central Government, i.e. on dated 9.10.2022, Annexure P/1. Further, as per the notification, Government of India, the war like situation has been described wherethrough, in case of death occurred during battle inoculation training exercises, or demonstration with live ammunition, will be considered as death in war like situation. The relevant extract is reproduced as under:-

"Category E

Death or disability arising as a result of:

- a. enemy action in international war.*
- b. action during deployment with a peace keeping mission abroad.*
- c. border skirmishes.*
- d. during laying or clearance of mines including enemy mines as also minesweeping operation.*
- e. on account of accidental explosions of mines while laying operationally oriented mine-field or lifting or negotiating minefield laid by enemy or own forces in*



operational areas near international borders or the Line of Control.

f. War like situations, including cases which are attributable to/aggravated by:

i. extremist acts, exploding mines etc. while on way to on way to an operational area.

ii. battle inoculation training exercises or demonstration with live ammunition.

iii. kidnapping by extremists while on operational duty."

8. In view of the aforesaid facts and circumstances, and the policy (supra), discussed by this Court, prima facie, made the petitioner, entitled for the asked for relief, therefore, the instant petition is allowed.

9. Therefore, this Court deems apt to pass a mandamus upon the respondents concerned, to forthwith consider the case of the petitioner, In view of the above observation, and thereupon, consider the case of the petitioner, as per any of the policy, which is applicable to the case of the petitioner, and grant the relief of ex-gratia grant, and reward money. The above exercise shall be carried out within a period of two months from the date of receipt of certified copy of this order."

16. The above said ruling was challenged by the State of Haryana by way of **LPA-2452-2025** titled as **State of Haryana and others vs. Jai Dev**, **Neutral Citation No. 2025: PHHC: 111320-DB**, decided on **22.08.2025**. The relevant paras of the said judgment are as under: -

"4. A bare perusal of paragraph-6 of the judgment of the learned Single judgment dated 28.02.2025, wherein the relevant policy has been reproduced clearly shows that the



eligibility for ex-gratia grant is admissible to the families of Defence Forces personnel belonging to State of Haryana and killed and notified as Battle casualties/Battle accidents by Defence authorities.

5. It may be noticed that the death of son of the respondent has been treated as battle causality. Once, the Union of India has given a certificate that death of the son of the respondent is a battle causality, the same cannot be disputed by the State for the grant of benefit admissible by not treating the same as battle causality.

XX XX XX

7. The judgment of the learned Single Judge can only be interfered with in case the same is perverse to the facts or the settled principle of law. In the absence of any perversity being pointed out by the learned counsel for the appellant-State in the judgment of the leaned Single Bench dated 28.02.2025, no ground for interference by this Court is made out and the present appeal is accordingly dismissed."

17. In **CWP-22275-2014** titled as **Rita Saikia vs. State of Haryana and others, decided on 02.06.2017**, this Court has held as under: -

"2. The petitioner claims that the State of Haryana as per policy dated June 17, 1999 had announced the ex-gratia grant of Rs. 1 lac for the personnel who died during various operations vide annexure P-4. The said amount was later on increased to Rs. 10 lacs vide an amended policy dated September 30, 1999. Copy of the policy has been appended with the petition as annexure P-5. Government of Haryana vide clarification dated November 7, 2011 has further clarified the policy dated September 30, 1999 and the rules were relaxed to provide ex-gratia grant to the casualty taking



placed in operational area which were declared as Battle casualty and Battle accident. Copy of the clarification issued by Government of Haryana has been appended with the petition as annexure P-6. Petitioner claims that the death of the husband of the petitioner was declared as battle casualty as such she made a representation to respondent No. 2 for release of ex-gratia grant, annexure P-7.....”

18. The above view has been reiterated in **CWP 19786/2009 Major Arvind Kumar Suhag Vs State of Haryana and others** decided on 24.05.2010; and **Pushplata Vs State of Haryana 2024 SCC OnLine P&H 8773**. Thus, the ground that the appointment or welfare or ex-gratia policies of the State of Haryana can only extend to deaths in proper wars, counter-insurgency, riots etc. (as stated in Written Statement filed by the Respondents) has already been dispelled by this Court in the cases of **Jaidev, Arvind Kumar Suhag, Pushplata and Rita Saikia (supra)** wherein it has been held that once the death has been treated as a “Battle Casualty” by the Defence authorities, it does not lie in the mouth of the State to contend otherwise. It has also been held in the said judgments that the policy needs to be interpreted liberally and a “Battle Casualty” need not be a death arising out of active hostilities or bomb-blasts etc.

19. Needless to say, the policies governing the subject fully cover the case of the Petitioner since the death of his father was declared a “Battle Casualty” by the Government of India vide Battle Casualty Certificate dated 10.01.2024 (**Annexure P-1**). Both policies dated 28.09.2018 (**Annexure P-6**) and 14.08.2023 cover cases of Battle Casualties



and it is totally illogical for the Respondents to state otherwise. Even if there had been any grey area *qua* the interpretation of the subject, the Respondents should have taken a beneficial and liberal view, as held by the Courts.

20. Keeping in view the above, present Civil Writ Petition is **allowed**; and the rejection letters dated 16.02.2024, 24.05.2024 and 04.12.2025 (Annexures P-10, P-11 and P-13) are quashed; with a further direction to the respondents to consider the petitioner, the son of a “Battle Casualty” Army Officer, eligible under the Policies of State of Haryana and grant compassionate appointment to the petitioner.

21. Needful be done within a period of 4 months from the date of receipt of certified copy of this order.

22. Pending application(s) if any also stand(s) disposed of.

17.07.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No