



RAJASTHAN HIGH COURT

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

सत्यमेव जयते

D.B. Civil Writ Petition No. 3045/2025
CNR: RJHC020170122025 | URN: CW / 8148U / 2025

Public Against Corruption

-----Petitioner

Versus

State of Rajasthan & Ors.

-----Respondents



For Petitioner(s) : Mr. Shivang Khandelwal, Adv. with
Mr. Vijendra Pareek, Adv. &
Ms. Pratibha Baresa, Adv.

For Respondent(s) : Mr. Shobhit Tiwari, Adv.
Mr. Pushpendra Singh
Tanwar, Adv.
Mr. Harendra Neel, Adv. with
Mr. Amogh Gupta, Adv.
Mr. Abhishek Sharma, Adv.,
Ms. Pooja Sharma, AAAG &
Mr. Vishal Kumar, Adv.
Mr. Samee Khan

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BHUWAN GOYAL**

Order

30/07/2026

1. The petitioner Society by name of Public Against Corruption has preferred this writ petition alleging corruption in absorbing employees who were working in Private JVVNL Corporations as an appointing them as government servants.
2. The notices were issued whereafter reply was filed by the State stating that the decision to absorb them was taken as per Rule 33 of the Rajasthan Civil Services (Pension) Rules, 1996. This Court having noticed the provisions of Rule 33 of the Rajasthan Civil Services (Pension) Rules, 1996 as the decision under the said Rule 33 of Rajasthan Civil Services (Pension) Rules, 1996 found



that it was having no application for the purpose of absorption and the same is only for the purpose of deciding how service shall be governed of an employee who has already been absorbed from in a Corporation or a Company which is wholly or substantially controlled by the Government by transfer.

3. Rule 33 of the Rajasthan Civil Services (Pension) Rules, 1996 which reads as under:-

"33. Pension on absorption in or under a corporation, company or body

A Government servant who has been permitted to be absorbed in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government shall, if such absorption is declared by the Government to be in the public interest, be deemed to have retired from service from the date of such absorption and shall be eligible to receive retirement benefits which he may have elected or deemed to have elected, and from such date as may be determined, in accordance with the orders of the Government applicable to him."

4. The provision nowhere allows transfer of an employee working with a Company to be transferred to a Department and absorbed therein.

5. In view thereto, we had asked the Secretary, UDH to inform us as to how the employees of the JVVNL have been absorbed in the UDH without there being any absorption process being initiated either at the level of the Corporation or at the level of the State.



6. Mr. Debasish Prusty, Principal Secretary has filed an affidavit wherein Rule 33 of the Rajasthan Civil Services (Pension) Rules, 1996 has been quoted and it is stated that Rule 33 of the Rajasthan Civil Services (Pension) Rules, 1996 read with Appendix IX Section-1, permits permanent transfer of Rajasthan Government Servants to the State Public Sector undertakings and Autonomous Bodies and *vice versa* whereas the Rule nowhere talks about any such permission to transfer from State Public Sector undertakings and Autonomous Bodies to the State Government and only deals with the pension which is required to be provided if any government servant has been absorbed in or under a Corporation or a Company wholly or substantially owned or controlled by the Government or financed by the Government as the case may be. Thus we find that a misleading affidavit has been filed by the concerned Officer.

7. We give a chance to the State Government to again file a fresh affidavit in terms of our directions in Para No.5 of the order dated 19.09.2025 within a period of seven days.

8. List this case on 11.08.2026.

(BHUWAN GOYAL),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

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