



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



D.B. Special Appeal Writ No. 1198/2025

Harshit Solanki S/o Gopal Tailor, Aged About 31 Years, R/o C-299, C Block, Hawa Magri, Sec-14, Govardhan Vilas, Udaipur 313001.

-----Appellant

Versus

1. State Of Rajasthan, Through The Additional Director, State Insurance And Provident Fund, Udaipur Division, Patel Circle, Udaipur, Rajasthan.
2. The Additional Director (Administration), State Insurance And Provident Fund, Jaipur.
3. The Director, State Insurance And Provident Fund, Jaipur, Rajasthan.
4. The Secretary Department Of Personnel, Government Of Rajasthan, Secretariat, Main Building, Bhagwan Das Road, Jaipur, Rajasthan.

-----Respondents

For Appellant(s) : Mr. Vivek Firoda
For Respondent(s) : Mr. Harshwardhan Singh for
Mr. Mahaveer Bishnoi, AAG

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANDEEP SHAH**

Order

Reportable
02/07/2026

1. Learned counsel for the appellant summarizes the issue involved in the present controversy by submitting that the father of the appellant was working on the post of Personal Assistant



with the respondent-department (State Insurance and Provident Fund) at Udaipur. The appellant's father suffered brain stroke on 01.04.2023 and, on account of his permanent disability, which was to the tune of 75% in the form of '*Hemiplegia*' (which renders one portion of the body as Paralyzed), was a cause to seek compassionate appointment for his son, i.e., the present appellant.

2. Learned counsel drew the attention of this Court to Rules 2(b) & 2(f) of the Rajasthan Compassionate Appointment of Dependents of Permanent Total Disabled Government Servants Rules, 2023 (hereinafter referred to as the Rules of 2023), which define "**Permanent Total Disabled Government Servant**" and "**Permanent Total Disability**" respectively.

3. He further submits that though there was one more issue regarding the completion of 55 years of age as on 11.10.2023 on the date of issuance of medical certificate, but he did not address it because this has already been dealt with in his favour by the Hon'ble Single Bench. Thus, he places emphasis only on the point as to whether he would be covered under Rules 2(b) & 2(f) of the Rules of 2023. He further refers to paragraphs 10, 11, 12 & 13 of the judgment dated 25.04.2012 rendered by the High Court of Chhattisgarh in the case of **Pitambar Das Manikpuri vs. National Thermal Power Corporation Ltd. and Ors.** (Writ Appeal No.131/2010). He submits that the ambit of 'accident' as a term is so wide and inclusive unless defined by the statute which should include the present condition where the physical health of the appellant has been impacted due to more than 75% of the disability.



4. Learned counsel for the appellant emphatically submits that a disability which is not voluntary in nature, and a medical condition which has arisen out of strain and stress of the job ought to be considered as an accident and thus, once it is an accident, the benefit of it being a disability ought to be given in the form of compassionate appointment in terms of the Rules of 2023. He further emphasizes that the term 'on duty' also does not have any impact on the present case because it is not that the appellant was not performing his duties in those days and just because the specified hours of the working were not the duration in which the incident occurred, he cannot be ousted from the benefit of compassionate appointment, which is a sort of compensation by the employer in terms of the disability arisen. He also seeks to persuade this Court that had there been a statutory definition of the term "accident", he would have been bound by the same. However, since no such definition exists and the Rules constitute beneficial welfare legislation, the widest possible interpretation ought to be adopted while adjudicating the claim for compassionate appointment. He further submits that the Single Bench has restricted itself to a strict interpretation of the Rules whereas the need of the hour is to apply the Golden Rule of Interpretation, whereby the broad sufferer in the shape of an employee like the appellant, who has suffered 75% of the disability, has become paralyzed, and is medically unfit to work due to a severe health condition, ought to be given the benefit of the Rules of 2023. Accordingly, the compassionate appointment be given.



5. Learned counsel for the respondents, however, submits that the focus of the legislature while framing the Rules of 2023 was on something which would have occurred on the happening of an accident on duty as there are a number of jobs where the duty performed involves hazards of physical health and the risk of accidents. He further submits that the amplitude of the operation of law could have been expanded in the interest of appellant as the same has not been defined under Rule 2(f) read with 2(b) of the Rules of 2023. He further submits that Rule 2(b) restricts the benefit of employee-victim of accident while on duty. He also submits that to further crystallize the scope of compassionate appointment as a form of compensation, the statute has categorically summarized the disability in 8 points under Rule 2(f). He further submits that the 'disability' may have different consequences for the purpose of compensation and relief to the victim, however, under the present statute, the legislative intention is to provide support to an employee who has suffered an accident while on duty and, that too, has been further narrowed down and put in a four square by the legislature in the shape of 8 conditions specified under Rule 2(f).

6. This Court, upon consideration of the detailed submissions, is of the opinion that the perspective which has been thrashed out by both learned counsel is limited to the question as to whether an employee who has suffered paralysis resulting in more than 75% disability is entitled to compassionate appointment under the Rules of 2023. This Court takes note of Rule 2(b), which reads as follows:

"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;"

Further, Rule 2(f) reads as follows:

"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.	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 infirmity which permanently incapacitates him for the service.
8.	Occupational accidents to workers viz. in Sewerage, Sanitization, Mining, and Electricity.

7. The scheme of the Rules of 2023 indicates that the Legislature intended to extend the exceptional benefit of compassionate appointment only in cases where permanent total disability is sustained solely and directly due to an accident while on duty. Rules 2(b) and 2(f), therefore, are required to be read harmoniously and in a manner that gives effect to each of their ingredients. Rule 2(b) identifies the class of Government servants entitled to invoke the benefit, whereas Rule 2(f) delineates the nature of permanent total disability that would qualify for such benefit. Compassionate appointment under the Rules of 2023 is a statutory concession governed entirely by the conditions prescribed therein and cannot be extended beyond the legislative framework. The Court is, therefore, required to ascertain whether



the appellant satisfies the cumulative statutory requirements of an "accident", "while on duty", and "permanent total disability", as contemplated under the Rules of 2023.

8. A conjoint reading of Rules 2(b) and 2(f) indicates that the Legislature has consciously restricted the benefit of compassionate appointment to cases where permanent total disability arises solely and directly from an accident while on duty and is of the nature specifically enumerated under Rule 2(f). Significantly, the Rule does not employ any inclusive expression such as "includes", "includes but is not limited to", or any residuary clause capable of embracing other forms of disability. Instead, it adopts an exhaustive formulation by specifying eight distinct categories of injuries and occupational accidents. Such legislative drafting manifests a conscious policy choice to confine this exceptional benefit only to those situations expressly contemplated by the Rule.

8.1. A closer examination of the eight categories further demonstrates that they represent either catastrophic and objectively identifiable physical injuries, permanent loss of essential human faculties, complete mental incapacity, or occupational accidents intrinsically associated with hazardous public employment, such as sewerage, sanitation, mining and electricity. The common thread running through these categories is the existence of a direct and objectively ascertainable nexus between an accident sustained during the discharge of official duties and the resulting permanent incapacity. The legislative emphasis, therefore, is not merely upon the percentage of





disability suffered by an employee but equally upon the source, nature and cause of such disability.

8.2. The submission advanced on behalf of the appellant that the Rules of 2023, being beneficial legislation, deserve the widest possible interpretation cannot be accepted beyond the limits of the statutory text. While welfare legislation ordinarily receives a liberal construction, such interpretation cannot be extended to rewrite an exhaustive statutory definition or introduce a category consciously omitted by the Legislature. A beneficial interpretation cannot override the plain language employed by the Rule, particularly where the Legislature has consciously employed an exhaustive rather than an inclusive definition.

9. The reliance placed upon the judgment of the High Court of Chhattisgarh in ***Pitambar Das Manikpuri (supra)*** also does not advance the appellant's case. The observations made therein regarding the amplitude of the expression "accident" was rendered in the context of a different statutory framework and cannot govern the interpretation of Rules 2(b) and 2(f), which contain their own exhaustive definition. In the present case, the controversy is governed by the specific language of Rules 2(b) and 2(f), wherein the Legislature itself has exhaustively defined the circumstances in which permanent total disability would attract the benefit of compassionate appointment. Consequently, the ratio of the said judgment cannot override or enlarge the statutory framework governing the present case.

10. This Court is not insensitive to the hardship suffered by the appellant and his family. However, compassionate appointment is





a statutory concession and not a matter of right. The eligibility therefor must necessarily be tested within the framework prescribed by the Rules. The Court cannot enlarge the statutory definition where the Legislature has consciously chosen an exhaustive formulation. In the present statutory scheme, however, Rule 2(f) itself confines the benefit to eight specified categories, thereby leaving no scope for judicial enlargement of the definition on equitable considerations.

11. Applying the aforesaid statutory framework, this Court finds that the appellant's case does not satisfy the foundational requirements contained in Rules 2(b) and 2(f). Even assuming, without deciding, that the expression "accident" occurring in Rule 2(b) is capable of receiving a wider construction in the absence of a statutory definition, the appellant's claim would nevertheless fail because Rule 2(f) independently confines "Permanent Total Disability" to the eight specified categories. The disability suffered by the appellant's father, though undoubtedly grave and unfortunate, does not fall within any of those enumerated categories. To hold otherwise would render the legislative enumeration redundant and amount to introducing, by judicial interpretation, a residuary category which the Legislature has consciously chosen not to enact.

12. In light of the aforesaid observations, this Court, with a heavy heart, does not find any ground to interfere with the order passed by the learned Single Bench, in addition to which this Court's contemplation also is available in the order.



13. The appeal is accordingly dismissed. It is clarified that the dismissal rests upon the statutory requirements contained in Rules 2(b) and 2(f), particularly the exhaustive definition of "Permanent Total Disability" under Rule 2(f).



(SANDEEP SHAH),J (DR.PUSHPENDRA SINGH BHATI),J

26-Love/-