



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 2ND DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO. 100075 OF 2023 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO GOVERNMENT,
WATER RESOURCES DEPARTMENT,
M.S. BUILDING BENGALURU 560001
BENGALURU 560001.
2. THE ADMINISTRATOR, CADA,
(MALAPRABHA GHATAPRABHA PROJECT BELGAVI)
BELAGAVI-560001.

...PETITIONERS

(BY SRI G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

1. SRI KALLAPPA GURUPADAPPA DAWANAGERI
AGED ABOUT 68 YEARS
S/O. GURUPADAPPA
RETIRED GROUP OF D, O/O ADMINISTRATOR,
CADA, M.G. PROJECT BELGAVI,



R/O. NO.163, OLD GANDHI NAGAR-590016,
OPP. MARUTI TEMPLE, BELAGAVI.
SINCE DECEASED BY HIS LRS RESPONDENT NO.2
DELETED VIDE ORDER DATED:02.12.2025.

2. SRI SOMASHEKAR K. DAWANGERI
AGED ABOUT 33 YEARS
S/O. KALLAPPA DAWANGERI
RETIRED GROUP D O/O ADMINISTRATOR,
CADA, M.G. PROJECT, BELGAVI,
R/O. NO.163, OLD GANDHI NAGAR-5900116,
OPP. MARUTI TEMPLE, BELAGAVI.

...RESPONDENTS

(BY SRI SHARANABASAVARARJU C., ADVOCATE FOR R2;
R1- DEAD R2 IS LRS OF R1)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE
NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER
PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL
AT BELAGAVI IN APPLICATION NO.2043 AND 2044/2019 BY
ORDER DATED 24.06.2022 VIDE ANNEXURE-A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

The State in Water Resources Department is before this Court under Article 226 of Constitution of India questioning the correctness and legality of the order dated 24.06.2022 passed in application Nos.2043 and 2044/2019 by Karnataka State Administrative Tribunal at Belagavi (for short 'Tribunal') whereunder, the respondent's prayer for compassionate appointment on his father's retirement on medical invalidation is allowed directing the State authorities to appoint respondent No.2 on compassionate grounds.

2. Heard learned Prl. Government Advocate Sri.G.K.Hiregoudar for appellant and Sri.Sharanabasavaraju C. Advocate for respondent No.2 and perused the entire writ petition papers.

3. Learned AGA would submit that the father of respondent No.2 was working as Group-D employee in



Second petitioner's office and at his request he was permitted to retire on medical invalidation under order dated 11.02.2013 under Rule 273 of KCSR. It is submitted that second applicant made a representation on 19.06.2013 seeking compassionate ground appointment on his father's retirement on medical ground. The request of the second applicant was rejected on 11.07.2014 and subsequently one more endorsement dated 30.10.2014 is also rejected and again on the representation of the second respondent one more endorsement dated 19.02.2016 was issued to second respondent rejecting his request for compassionate appointment. The second respondent aggrieved by the endorsement rejecting his request for compassionate appointment on his father's medical invalidation, approached the Tribunal in the above stated applications along with his father. There was delay of nearly one year eight months in approaching the Tribunal from the date of last endorsement and along with the application it is stated that the second respondent has filed application under



Section 21(3) of the Administrative Tribunals Act, 1985. The cause shown for condonation of delay was that, due to ill-health of first respondent, on regaining good health, they approached the Tribunal in the above stated applications. The Tribunal taking note of the ill-health of the first respondent, condoned the delay in approaching the Tribunal and entertained the application with the above stated direction. Aggrieved by the same, the State-Authorities are before this Court.

4. Sri.G.K.Hiregoudar, learned Prl. Government Advocate at the out set would submit that the respondents have not made out any ground to condone the delay by filing application under Section 21(3) of the Administrative Tribunals Act, 1985. Learned counsel would submit that the second respondent had filed false affidavit in support of the application for condonation of delay. Learned AGA strenuously submits that the first respondent-father of the second respondent, who was in service, died on 15.01.2015 itself and subsequent to the death of the first respondent-



father of second respondent, the application came to be filed in the year 2019. It is submitted that cause shown for condonation of delay is totally false and second respondent had filed a false affidavit stating that his father is unwell and only on regaining his health, they approached the Tribunal. It is submitted that on the face of it, the statement is false as the father of the second petitioner died on 15.01.2015 itself. The learned Prl. Government Advocate would submit that, a person who approaches the Court with unclean hands and who makes false statement would not be entitled for a discretionary relief by the Tribunal or by the High Court.

5. Furthermore, Sri.G.K.Hiregoudar, learned Prl. Government Advocate would submit that the father of the 2nd respondent was aged 58 years when he sought retirement on medical grounds and such persons would not be entitled for compassionate appointment. Thus, he would pray for allowing the petition.



6. Per contra, Sri.Sharanabasavaraj C., learned counsel for respondent No.2 could submit that due to financial constraints, the second respondent could not approach the Tribunal in time. However, he submits that on merit the second respondent would be entitled for compassionate appointment in terms of the Karnataka Civil Services (Appointment of Compassionate Ground) (6th Amendment) Rules, 2011. Thus, he would pray for rejecting the writ petition.

7. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, only question which arise for consideration is as to

- 1) Whether the Tribunal in the facts and circumstances of the case could condone the delay in approaching the Tribunal and entertain the application of respondents?

8. The answer to the above point would be in the Negative for the following reasons:-



At the request of first respondent, he was permitted to retire on medical grounds in terms of Rule 273 of KCSR by Order dated 11.02.2013. Immediately, thereafter on 19.06.2013, the second respondent made an application requesting for compassionate appointment on first respondent's retirement on medical grounds. The said representation was rejected under endorsements dated 11.07.2014, 30.10.2014 and 19.02.2016. However, the respondents approached the Tribunal by filing an application in the year 2019. There was a delay of one year 8 months as noted by the Tribunal in approaching the Tribunal by the respondents.

9. The application for condonation of delay under Section 21(3) of the Administrative Tribunals Act, 1985 was filed. The affidavit was sworn by second respondent i.e. son of the first respondent. In his affidavit, he stated that due to ill-health of first respondent and on regaining good health, they approached the Tribunal by filing the aforesaid application. On the face of it, the said cause is false as the



first respondent-father of the second respondent had died on 15.01.2015 itself. The death of the first respondent on 15.01.2015 is not disputed by second respondent. When the first respondent had died in the year 2015 itself, the application could not have been filed on behalf of first respondent before the Tribunal. The second respondent has sworn to a false affidavit stating ill-health of his father, first respondent. A person who files false affidavit and who approaches the Court with unclean hands would not be entitled for any relief.

10. A person who resorts to filing of such false affidavits before entering into Government service would be ineligible for any Government Employment. The employer or the Government cannot expect diligent or honest work from a person who, at the time of initial appointment itself seeks employment on false affidavit. As the affidavit filed in support of application for condonation of delay is false and the application before the Tribunal was filed more than 5 years after the death of first applicant, the delay cannot be



condoned and application for condonation of delay requires to be rejected. Consequently, the application also stands rejected.

11. For the reasons recorded above, we proceed to pass the following:-

ORDER

- 1) The writ petition is allowed.
- 2) The impugned order passed by the Karnataka State Administrative Tribunal at Belagavi in Application Nos.2043 and 2044/2019 by order dated 24.06.2022 vide Annexure-A is set aside.
- 3) Application Nos.2043 and 2044/2019 filed before the Tribunal are rejected.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**