



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 11TH 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.101111 OF 2022 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA,
REPRESENTED BY PRINCIPAL SECRETARY,
TRANSPORT DEPARTMENT, M.S. BUILDING,
BENGALURU-560001.
2. THE COMMISSIONER,
DEPARTMENT OF TRANSPORT AND ROAD SAFETY,
TTMC BUILDING, SHANTHINAGAR,
BENGALURU-560027.
3. THE ASST. REGIONAL TRANSPORT OFFICER,
BAILHONGAL-591102.

...PETITIONERS

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

AND:

SMT. SUSHMA KOPARDE,
D/O GOPALA MULE,
W/O RAJASHEKAR KOPARDE,
AGED ABOUT 33 YEARS,
R/AT FLAT NO.91, MATHRU CHAYA,
VIDYAGIRI, DHARWAD-580004.

...RESPONDENT

(BY SRI. JAYARAMU M.N., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI TO QUASH THE ORDER DATED 26.08.2021 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI IN APPLICATION NO.10117/2021 (ANNEXURE-B TO THE WRIT PETITION) & ETC.



THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING,
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 Authorities in Transport Department are before this Court under Article 226 of the Constitution of India, aggrieved by an order dated 26.08.2021 passed in Application No.10117/2021 by the Karnataka State Administrative Tribunal, Belagavi¹, whereunder, the Tribunal passed the following order:

- (i) Application is allowed.
- (ii) The endorsement bearing No.SaAa/Sibbandi-6/YVa-119/18-19 dated 17.08.2020 (Annexure-A2) issued by the 2nd respondent is quashed. The 2nd respondent is directed to consider the case of the applicant for compassionate appointment by considering that applicant is eligible to be considered for suitable post, as per rules as on the date of

¹ For short, 'Tribunal'



endorsement, if the applicant is otherwise eligible.

- (iii) The 2nd respondent is directed to consider and appoint the applicant to the suitable post, within a period of two months from the date of receipt of certified copy of this order.

2. Heard the learned Prl. Govt. Advocate Sri. G.K. Hiregoudar for the petitioners/State and learned counsel Sri.Jayaramu M.N., learned counsel for the respondent. Perused the entire writ petition papers.

3. The parties would be referred to as per their rankings before the Tribunal for the sake of convenience. The petitioners were the respondents and the respondent was the applicant before the Tribunal.

4. It is stated that the father of the applicant was working as FDA in Transport Department and he died while in service on 21.07.2013. Immediately, within prescribed time, the applicant-married daughter of the deceased government servant is said to have submitted an application seeking compassionate appointment on account



of death of her father. The said application came to be rejected by the respondents under endorsement dated 28.01.2014, on the ground that there is no provision for compassionate appointment of married daughters under Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996². Challenging the said endorsement dated 28.1.2014, the applicant was before the Tribunal in Application No.6375/2018 and the Tribunal under order dated 16.9.2019, quashed the endorsement dated 28.01.2014 and remitted the matter back to the respondents to reconsider the case of the applicant for appointment on compassionate ground. On reconsideration, endorsement dated 17.08.2020 was issued, again with the same reason that there is no provision for compassionate appointment to a married daughter. Questioning the said endorsement dated 17.8.2020, the applicant was before the Tribunal in Application No.10117/2021 and the Tribunal under impugned order dated 26.8.2021, by setting aside

² For short 'Rules, 1996'



the endorsement dated 17.8.2020, directed the 2nd respondent to consider the case of the applicant for compassionate appointment by considering that the applicant is eligible to be considered for suitable post, as per rules as on the date of endorsement, if the applicant is otherwise eligible. Aggrieved by the said direction, the State Authorities are before this Court.

5. Learned Prl. Govt. Advocate Sri. G.K. Hiregoudar for the petitioners/State would contend that as on the date of application of the applicant, there was no provision for appointment on compassionate ground to married daughters of the deceased government servant. Therefore, it is submitted that the Tribunal could not have directed to consider the case of the applicant for appointment on compassionate ground. Moreover, it is submitted that the applicant was not depending on the deceased government servant, as she was married and was residing with her husband. Thus, it is prayed to allow the writ petition.



6. Per contra, learned counsel for the applicant would submit that the married daughters would be entitled for compassionate appointment in terms of Amendment brought to Rules 1996, vide Notification dated 9.4.2021. Further, learned counsel would submit that a co-ordinate Bench of this Court in WP No.15961/2022³, dated 23.08.2024 has held that in terms of the said amendment, married daughters would be entitled for consideration of their case for compassionate appointment.

7. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the only point that falls for consideration is as to, *whether impugned order under challenge passed by the Tribunal warrants interference by this Court.*

8. Answer to the above point would be in the "negative" for the following reasons:

³ A.R Bhanumathi Vs. State of Karnataka & Others



9. It is not in dispute that the applicant's father was working as FDA in Transport Department. The father of the applicant died while in service on 21.07.2013 and the applicant made an application seeking appointment on compassionate ground within prescribed time. Admittedly, as on the date of application of the applicant, there was no provision for married daughters to seek appointment on compassionate ground. However, under Notification dated 9.4.2021, amendment was brought to the Rules 1996 to include the "married daughters" within the definition of "dependents" of the deceased government servant. Taking note of the said amendment, a co-ordinate Bench of this Court in **A.R. Bhanumathi's** case (supra) at paragraphs-7, 8 and 9 has held as follows:

"7. It is true that the dependents of the deceased Government servant cannot claim compassionate appointment as a matter of right. But, the dependents of Government servant could claim compassionate appointment under the existing Scheme or existing Rules relating to compassionate appointment. In the State of Karnataka, compassionate appointment is governed by 1996 Rules. Prior to 2021, under 1996 Rules there was no provision for consideration of the application of dependent married daughter of a deceased



Government servant. This Court in the case of ***SMT.BHUVANESHWARI V. PURANIK VS. STATE OF KARNATAKA AND OTHERS***⁴ had held that married daughters not being entitled for compassionate appointment to be unconstitutional. Thereafter, the State Government under Notification dated 09.04.2021 brought amendment to 1996 Rules to expand the definition of dependent of a deceased Government servant to include daughter (unmarried/married/divorced/ widowed) who were depending upon him. The amendment brought to Sub-rule (1) of Rule 2 of 1996 rules reads as follows:

"2. Amendment of Rule 2. – In the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 (hereinafter referred to as the said rules), in Rule 2, in sub-rule (1),

(1) for clause (a), the following shall be substituted, namely:-

"(a) "dependent of a deceased Government Servant" means a member of the family of the deceased Government Servant who was living with and dependent on the deceased Government Servant and who fulfils the conditions specified in the explanation to subrule (1) of rule 4."

(2) for clause (b), the following shall be substituted, namely:-

"(b) "family" for the purpose of these rules,-

(i) in the case of the deceased male married Government Servant, his widow, son and daughter (unmarried/married/divorced/widowed) who were dependent upon him and were living with him;

(ii) in the case of the deceased female married Government Servant her son, daughter (unmarried/married/divorced/widowed) and

⁴ ILR 2021 KAR 5256



widower who were dependent upon her and were living with her;

(iii) in the case of the deceased male unmarried Government Servant, his brother or sister who were dependent upon him and were living with him;

(iv) in the case of the deceased female unmarried Government Servant, her brother or sister who were dependent upon her and were living with her, and

(v) in the case of the deceased married Government Servant whose spouse is also no more and who has minor children, the certified guardian of the minor children who is living with them and takes care of the minor children as per the provisions of relevant law.”

A reading of the above amendment, it is clear that amendment to 1996 Rules is by way of substitution.

8. Learned Additional Government Advocate placed reliance on the decision of **BHEEMESH** (supra) to contend that the application for compassionate appointment shall be considered in terms of the Rules that existed as on the date of death of the Government servant and further submitted that in the instant case there was no provision to consider the request of married daughter for compassionate ground appointment as on the date of death of Government servant. The Hon'ble Apex Court in the above decision i.e., **BHEEMESH** (supra) was considering the amendment to 1996 Rules dated 11.07.2012 by which, an unmarried brother of deceased female unmarried Government servant was included within the definition of dependent of deceased Government servant. The amendment brought under Notification dated 11.07.2012 was by way of insertion of additional words and the amendment was not by way of substitution. Where amendment to a Rule or Act is by way of substitution, the amended provision is to be read as if it was there in the statute book from the day, the said Rule or Act came into force. Since in **BHEEMESH** (supra), the Hon'ble Apex Court was considering



amendment to 1996 Rules by way of insertion and in that circumstance, it held that the amendment would not be applicable merely because the application for appointment was taken up for consideration after the issuance of the amendment. The ratio laid down by the Hon'ble Apex Court in **BHEEMESH** (supra) would have no application to the facts of the present case since the petitioner is seeking benefit of 2021 Amended Rules which is by way of substitution.

9. A Co-ordinate Bench of this Court in **SMT.LATHA.H.R.,** (supra) was considering identical question and at paragraphs 6 and 7, it is held as follows:

"6. Having considered the contentions advanced by the learned counsel appearing for the parties, we are of the opinion that the finding of the Tribunal that the amendment had only prospective effect and therefore the application cannot be considered, cannot be accepted. The petitioner's application has been rejected only on the ground that she is a married daughter of the deceased government servant. It is not disputed that the provisions of the unamended Rules to the effect only an unmarried daughter could make an application stood struck down as unconstitutional and the said judgment has become final. Thereafter, the Rules have also been amended substituting the words "unmarried daughter" with the word "daughter".

7. In the above view of the matter and in view of the fact of amendment made to the Rules by substitution, we are of the opinion that the rejection of the application for appointment made by the petitioner on the sole ground that she is a married daughter cannot be accepted."

10. By respectfully following the above decision of a co-ordinate Bench of this Court, we are of the considered opinion that there is no merit in the writ petition and accordingly, the writ petition stands **rejected**.



Pending applications, if any, are disposed of as not surviving for consideration.

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

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

JTR
CT:VP
LIST NO.: 1 SL NO.: 25