



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO.104041 OF 2025 (S-KAT)

BETWEEN:

SHRI. KARTHIK KAMBLE,
S/O. LATE SUKHADEV KAMBLE,
AGE. 30 YEARS, OCC. NIL,
R/O. AT/POST: BYAKUD VILLAGE-591317,
TQ. RAIBAG,
DIST. BELAGAVI.

...PETITIONER

(BY SRI. SUHAS K. HADIMANI, ADVOCATE FOR SRI. A.S. PATIL,
ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
TO THE DEPT. OF HOME,
(POLICE SERVICES-B),
VIDHAN SOUDHA,
BENGALURU-560001.

MOHANKUMAR
B SHELAR



Location: HIGH COURT
OF KARNATAKA
DHARWAD BENCH



2. THE DIRECTOR GENERAL &
INSPECTOR GENERAL,
NRUPATUNGA ROAD,
BENGALURU-560010.
3. THE INSPECTOR GENERAL
OF POLICE,
NORTHERN RANGE
(APPELLATE AUTHORITY),
BELAGAVI-590001.
4. THE SUPERINTENDENT OF POLICE,
BELAGAVI DISTRICT,
BELAGAVI-590001.

...RESPONDENTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVT. ADVOCATE FOR
RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION QUASHING IMPUGNED ORDER DATED 09.09.2022 PASSED IN APPLICATION NO.12330/2020 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BELAGAVI AS PER ANNEXURE-C AND TO ALLOW THE APPLICATION NO.12330/2020 AS PRAYED FOR BY THE PETITIONER & 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 unsuccessful applicant before the Karnataka State Administrative Tribunal, Belagavi (for short, 'the Tribunal'), is before this Court in this writ petition filed under Article 226 of the Constitution of India, questioning the order dated 09.09.2022 in Application No.12330/2020 whereunder the petitioner's prayer for appointment on compassionate grounds is rejected.

2. Heard Sri. Suhas K.Hadimani, learned counsel for Sri. A.S.Patil, learned counsel for the petitioner and Sri. G.K.Hiregoudar, learned Principal Government Advocate for respondents No.1 to 4. Perused the entire writ petition papers.

3. Learned counsel for the petitioner would submit that the petitioner's father was working as a Police Constable in the respondents-Police Department and he died while in service on 28.11.1995. It is stated that the petitioner's date of birth is 30.05.1993 and, as on the date of death of his father, the



petitioner was a minor. The petitioner attained majority in the year 2011 and he is said to have submitted an application for appointment on compassionate grounds on 20.08.2018. It is stated that the respondents issued endorsement on 05.12.2018 (Annexure-A17) rejecting the application. Subsequently, the petitioner filed another application dated 10.09.2020 seeking compassionate appointment by placing reliance on an order of this Court in W.P. No.32699/2002, dated 03.11.2003. The said application came to be rejected vide endorsement dated 16.09.2020. Challenging the said endorsements dated 05.12.2018 and 16.09.2020, the petitioner approached the Tribunal in Application No.12330/2020. The Tribunal, by the impugned order dated 09.09.2022, dismissed the application of the petitioner. Questioning the impugned order dated 09.09.2022 passed by the Tribunal in Application No.12330/2020, the petitioner is before this Court in this writ petition.

4. Learned counsel Sri. Suhas K.Hadimani urges several grounds including the ground that, as on the date of death of the petitioner's father, the Karnataka Civil Services (Appointment on



Compassionate Grounds) Rules, 1996 (for short, 'the 1996 Rules'), had not come into force and prior to that the Official Memorandum dated 22.08.1985 (Annexure-A18) in respect of appointment on compassionate grounds was prevailing and the authorities ought to have considered the application of the petitioner for compassionate ground appointment in terms of said Official Memorandum, dated 22.08.1985. Learned counsel would submit that, without considering the petitioner's request for compassionate appointment as per the instructions/guidelines under the Official Memorandum dated 22.08.1985, the respondents rejected the application of the petitioner for appointment on compassionate grounds under the impugned endorsements dated 05.12.2018 and 16.09.2020.

5. Learned counsel for the petitioner would submit that the authorities, though referred to the Official Memorandum dated 22.08.1985, rejected the application of the petitioner solely on the ground that there is 25 years' delay. Further, learned counsel would submit that the Tribunal failed to consider the case of the petitioner in terms of the Official Memorandum dated 22.08.1985 (Annexure-A18) and thereby the Tribunal



committed a grave error in not considering the said official memorandum while rejecting the application of the petitioner.

6. On the other hand, Sri. G.K.Hiregoudar, learned Principal Government Advocate would submit that there is an inordinate delay in approaching the Tribunal i.e., delay of more than 25 years from the date of death of the petitioner's father in seeking appointment on compassionate grounds. Further, learned Principal Government Advocate would submit that the object and purpose of providing compassionate appointment is to provide immediate financial assistance on the death of bread-earner of the family. He would submit that, if the petitioner were to survive for more than 25 years, the compassion would not remain. Thus, he prays for dismissal of the petition.

7. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the only point which falls for consideration is,

Whether the impugned order passed by the Tribunal as well as the impugned endorsement issued by the authorities rejecting the request of the petitioner for appointment on compassionate



grounds solely on ground of delay of 25 years requires interference?

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

- (a) Admittedly, the father of the petitioner, who was working as a Police Constable in the respondent-Police Department, died on 28.11.1995 while in service. As on the date of death of the petitioner's father, the petitioner was a minor since the date of birth is 30.05.1993. Admittedly, the petitioner attained the age of majority in the year 2011. However, the petitioner is said to have submitted an application requesting to appoint him on compassionate grounds only on 20.08.2018 i.e., seven years after he attained the age of majority. Thereafter, the petitioner approached the Tribunal in the year 2020 questioning the endorsement rejecting his request for appointment on compassionate grounds. The Tribunal under the impugned order dismissed the application of the petitioner applying Rule 5 of the 1996 Rules.



- (b) The question whether the 1996 Rules would be applicable or whether the Official Memorandum dated 22.08.1985 (Annexure-A18) would be applicable to the case of the petitioner need not be gone into, since there is an inordinate delay in claiming appointment on compassionate grounds by the petitioner.
- (c) The purpose and object of providing appointment on compassionate grounds is to provide immediate financial assistance to the dependants of the deceased government servant, a bread-earner of the family. In the instant case, as noted above, the father of the petitioner died on 28.11.1995 and the petitioner had made an application for compassionate appointment only in the year 2018 i.e., nearly 23 years after the date of death of his father and seven years after he attained the age of majority. If the petitioner were able to survive for that many years, the purpose of providing compassionate appointment would not remain till now.
- (d) Furthermore, the Tribunal passed the impugned order on 09.09.2022, whereas the present writ petition is filed



before this Court on 16.06.2025 i.e., nearly three years after the impugned order is passed by the Tribunal. There is an inordinate delay in approaching this Court also. The petitioner is not diligent in prosecuting the case before the Tribunal as well as this Court. A person who sleeps over his right would not be entitled to the discretionary relief under Article 226 of the Constitution of India.

9. No ground is made out to interfere with the impugned order passed by the Tribunal. Accordingly, the writ petition stands rejected.

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

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

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