



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH 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.109016 OF 2025 (S-KAT)

BETWEEN:

1. MASCHANDRA,
S/O SIDDAPPA KAMBALE,
AGE. 78 YEARS, OCC. NIL,
R/O. TAKKALAKI, TQ. JAMKHANDI,
DIST. BAGALKOT 587330.
NOW RESIDING AT: NEAR MADHAV BHAUG,
HALL, NO.9, SHIVAKRUPA CHAWL NO.8,
SAINTAH NAGAR, GOLIBAR ROAD VTC,
GHATKOPAR WEST S.O., MUMBAI,
DIST. MUMBAI 400086.
2. SMT. NEELABAI,
W/O MASCHANDRA KAMBALE,
AGE. 68 YEARS, OCC. NIL,
R/O. TAKKALAKI, TQ. JAMKHANDI,
DIST. BAGALKOT 587330.
NOW RESIDING AT: NEAR MADHAV
BHAUG HALL NO.9,
SHIVAKRUPA CHAWL NO.8, SAINTAH NAGAR,
GOLIBAG ROAD VTC, GHATKOPAR WAST S.O.,
MUMBAI, DIST. MUMBAI 400086.
MAHARASHTRA STATE.
3. SMT. MEENAKSHI,
D/O MASCHANDRA KAMBALE,
AGE. 41 YEARS, OCC. NIL,
R/O. TAKKALAKI, TQ. JAMKHANDI,
DIST. BAGALKOT 587330.
NOW RESIDING AT: NEAR MADHAV BHAUG
HALL NO.9, SHIVAKRUPA CHAWL NO.8,
SAINTAH NAGAR,
GOLIBAR ROAD VTC, GHATKOPAR WEST S.O.,



MUMBAI, DIST. MUMBAI 400086.
MAHARASTRA STATE.

...PETITIONERS

(BY SRI. RAHUL S. KUNTOJI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH & FAMILY WELFARE,
M.S. BUILDING, AMBEDKAR VEEDHI,
BENGALURU 560001.
2. THE DEPUTY COMMISSIONER,
BAGALKOT, NAVANAGAR, BAGALKOT,
DIST. BAGALKOT 587301.
3. THE DISTRICT HEALTH OFFICER,
DISTRICT HEALTH & FAMILY WELFARE OFFICE,
DISTRICT HOSPITAL, BAGALKOT,
DIST. BAGALKOT 587301.
4. THE TALUKA HEALTH OFFICER,
JAMKHANDI, TALUK HOSPITAL,
JAMKHANDI, DIST. BAGALKOT 587301.
5. SMT. KANCHANA
D/O SHASHIKANT HANDIGANUR
AGE. 41 YEARS, OCC.
R/O. MALLIKARJUN S. REVATAGOUDA,
K.H.B COLONY, SOLLAPUR ROAD,
AKRUTI NAGAR, VIJAYAPUR,
DIST. VIJAYAPUR 586101.
6. VIVEKANAND, S/O MASCHANDRA KAMBALE,
AGE. 48 YEARS, OCC. SERVICE,
R/O. NEAR MADHAV BHAUG HALL, NO.9,
SHIVAKRUPA CHAWL NO.8, SAINTAH NAGAR,
GOLIBAR ROAD VTC, GHATKOPAR WEST S.O.,
MUMBAI, DIST. MUMBAI 400086.
MAHARASHTRA STATE.

...RESPONDENTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVT. ADVOCATE FOR R1 TO R4)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RELEVANT RECORDS IN APPL. NO.11221-11223/2025 ON THE FILE OF KARNATAKA ADMINISTRATIVE TRIBUNAL BELAGAVI AND QUASH THE IMPUGNED INTERIM ORDER DATED 21.11.2025 PASSED IN APPL. NO.11221-11223/2025 PRODUCED AT ANNEXURE A, IN SO FAR AS THE SAME RELATES TO REJECTING INTERIM ORDER OF STAY OF THE IMPUGNED ORDER DATED 23.10.2025 PASSED BY THE RESPONDENT NO.3 IN Kra.Sa/JiKukABa/Sibbandi(2)/ViVa/22023/2025-26 VIDE ANNEXURE A11, AS THE SAME BEING ARBITRARY, ILLEGAL AND NOT SUSTAINABLE IN LAW AND 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)

Heard Sri. Rahul S.Kuntoji, learned counsel for the petitioner, and Sri. G.K.Hiregoudar, learned Principal Government Advocate for respondents No.1 to 4.

2. No notice is ordered to respondents No.5 and 6.

3. The petitioners/applicants before the Karnataka State Administrative Tribunal at Belagavi (for short, 'the Tribunal') are before this Court aggrieved by non-grant of interim order by the Tribunal while ordering notice to the respondents and posting the matter to 13.01.2026, vide order dated 21.11.2025.



4. The petitioners would contend that they are the parents and sister of one Subhas M.Kambale, who was working as First Division Assistant at Taluka Health Office at Jamkhandi. It is the case of the petitioners that they were before the Tribunal questioning the communication dated 23.10.2025 (Annexure-A11) issued by the District Health and Family Welfare Officer, Bagalkote to the Taluka Health Officer, Jamkhandi, wherein it is directed to settle the death benefits of Subhas M.Kambale and to consider the application of respondent No.5 for appointment on compassionate grounds. It is stated that the deceased was not married and respondent No.5 has made a false claim. It is also the case of the petitioners that respondent No.5 obtained false and fabricated legal heirship certificate showing that she is the wife of the deceased Subhas M.Kambale. In that circumstances, learned counsel would submit that the Tribunal ought to have stayed the communication dated 23.10.2025 till the dispute is resolved which is pending before the Tribunal. It is submitted that, if the terminal benefits are released in favour of respondent No.5, nothing would remain for consideration. Thus, he submits to allow the writ petition and grant interim order as prayed for before the Tribunal.



5. Per contra, Sri. G.K.Hiregoudar, learned Principal Government Advocate would submit that the Tribunal has not rejected the interim prayer of the petitioners, but has only ordered to issue emergent notice to the respondents and to list the application on 13.01.2026. Therefore, he prays for dismissal of the writ petition.

6. Having heard the learned counsels for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the impugned order dated 21.11.2025 passed by the Tribunal in Application No.11221-11223/2025 whereunder the Tribunal has ordered to issue of emergent notice to respondents No.1 to 6, and to post the application on 13.01.2026. It is clear from the above, that the interim prayer of the petitioner is not rejected and it is not even considered. It is open for the petitioner to request the Tribunal to consider the interim prayer on the next date i.e., 13.01.2026. Any finding, at this stage, on the contentions of the petitioners with regard to the documents placed on record by respondent No.5 to claim death benefits of Subhas M.Kamble, would have an adverse effect on the application pending before the Tribunal.



7. In the above circumstances, with the above liberty,
this writ petition stands disposed of.

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

Sd/-
(S G PANDIT)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE

KMS, CT:VP
LIST NO.: 1 SL NO.: 35