



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 24078 OF 2024 (S-KSAT)

BETWEEN:

SMT. CHAITRA M.S
D/O LATE D. SRINIVASA MURTHY
AGED ABOUT 31 YEARS
NO.623, HUDKO (E.W.S) COLONY
BANNI MANTAPA
MYSORE-570 015

...PETITIONER

(BY SRI. KESHAVA REDDY M, ADVOCATE)

AND:

1. PRINCIPAL SECRETARY
GOVERNMENT OF KARNATAKA
DEPARTMENT OF PERSONAL AND
ADMINISTRATIVE REFORMS
M.S.BUILDINGS
DR. AMBEDKER BEEDI
BENGALURU-560 001
2. THE DIRECTOR
DEPARTMENT OF PRINTING
STATIONARY AND PUBLICATION
GOVERNMENT CENTRAL PRINTING
PRESS, 8TH MILE, R.V COLLEGE POST
MYSURU ROAD, BENGALURU-560 059

Digitally signed
by SRI KAMBARI
Location: High
Court of
Karnataka



3. DEPUTY DIRECTOR
DEPARTMENT OF PRINTING
STATIONARY AND PUBLICATION
GOVERNMENT CENTRAL PRINTING PRESS
GOVERNMENT DIVISIONAL
PRINTING PRESS, SARASWATHI PURAM
MYSURU-570 009

...RESPONDENTS

(BY SRI. B.RAVINDRANATH, ADVOCATE FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS FROM THE KSAT PERTAINING TO THE APPLICATION OF PETITIONER BEARING NO.2685/2023 AND ISSUE A WRIT OF CERTIORARI AND SET ASIDE THE ORDER OF THE KSAT DATED 26/07/2024 IN APPLICATION NO.2685/2023 AND ISSUE APPROPRIATE WRIT, ORDER OR ORDERS DIRECTING THE RESPONDENTS TO APPOINT THE PETITIONER IN ANY SUITABLE POST AS APPLICABLE UNDER THE RULES AND ETC.

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

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
and
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR



ORAL ORDER

(PER: HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR)

The instant Writ petition is instituted assailing legality, validity and propriety of the order dated 26th July 2024, rendered by the Karnataka State Administrative Tribunal (hereinafter referred to as KSAT') in application No.2685/2023 whereby, the Tribunal dismissed the petitioner's claim for appointment on compassionate grounds under the Karnataka Civil Services (Appointment on compassionate grounds), Rules 1996 (hereinafter referred to as '1996 Rules').

2. In this petition, the petitioner asserts and maintains that, she is the married daughter of deceased Government Servant i.e. late Sri Srinivasa Murthy who was an employee in the Department of Printing, Stationary and Publications, Mysuru. It is stated that, the said Sri Srinivasamurthy unfortunately passed away on 03.09.2020. The main crux of the petitioner's case is that, she was entirely dependent on her deceased father for



financial sustenance. Furthermore, it is stated that in an attempt to reinforce her claim, her mother and elder sister have executed their respective affidavits relinquishing their claim in her favour and thereby, the petitioner is seeking to establish her exclusive entitlement to compassionate appointment.

3. In furtherance of the petitioner's claim, she submitted an application for compassionate appointment on 13.09.2021, which was undeniably beyond the statutory period prescribed for a period of one year from the date of demise of the Govt. servant. The competent authority rejected her application on the following pivotal grounds;

- (a) That the petitioner, being a married daughter, was/is not eligible under the unamended provisions of 1996 rules., which did not recognize married daughters



as dependent family members who are entitled to compassionate appointment.

- (b) That the amendment to the 1996 Rules, which sought to include married daughters within the scope of "Dependent Family Members" came into force on 9.4.2021 and was prospective in nature, thereby, not encompassing the petitioner's case, as her father had expired prior to the said amendment.
- (c) That Rule-5 of the 1996 Rules mandates that, an application for compassionate appointment must be submitted within one year from the date of death of Government service. The petitioner having submitted her application beyond this stipulated period rendered her claim, legally untenable due the statutory bar of limitation.



4. The petitioner filed an application before the KSAT. After hearing an exhaustive submission of both the side, and on meticulous examination of the factual and legal substratum of the case, the KSAT upheld the rejection order passed by the Appointing Authority and dismissed the petitioner's application by holding, that she had failed to satisfy the eligibility criteria prescribed under the 1996 Rules.

5. Being aggrieved by the impugned order, now the petitioner has approached this Court assailing the decision of the KSAT on the primary premise that "the Tribunal failed to appreciate her absolute financial dependency on deceased Government servant on her father".

Arguments of counsel for petitioner:

6. The petitioner specifically contends, that the rejection of her application was manifestly arbitrary, unreasonable and violative of the very objective sought to



be achieved by the Compassionate Grounds Scheme. She further asserts, a beneficial and purpose interpretation of the 1996 Rules ought to have been adopted to ensure that the scheme fulfills its intended purpose. Therefore, she prays to set aside the impugned orders passed by the KSAT and requested to allow this petition.

Arguments on behalf of respondents:

7. Before the KSAT, the respondents resisted the petition vehemently by contending that, the compassionate appointment is not a vested right but a concession extended under exceptional circumstances, to be strictly governed by the statutory provisions. It is argued that, any relaxation of eligibility criteria or extension of statutory time line would amount to judicial legislation which is impermissible in law.

8. We have heard the arguments of both the side. Perused the records. In view of rival contentions of both



the side, in this case, it necessitates judicial determination of the following cardinal legal issues:

- (i) Whether the petitioner satisfies the eligibility criteria prescribed under Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 and whether her claim is sustainable in law?
- (ii) Whether the petitioner's application, having been filed beyond the statutory time line prescribed under Rule 5 of the 1996 Rules is legally maintainable, and whether the rejection of her application on this ground was justifiable?
- (iii) Whether amendment to 1996 Rules, which included married daughters within the definition of dependent family members" can be applied retrospectively to the claim of the petitioner?

Analysis and findings:

9. There are catena of decisions of the Hon'ble Apex Court, that clearly laid down the principles which govern such claims. Some of which are, ***Shanti Sports***



Club & Anr vs Union Of India & Ors.- AIR 2010 SC 433, Chandigarh Administration vs Jagjit Singh-1995 (1) SCC 745, R. Muthukumar vs The Chairman And Managing Director TANGEDCO & ORS., Basawaraj & Anr vs Spl.Laq Officer-2013 (14) SCC 81, Umesh Kumar Nagpal v. State of Haryana and Others-(1994) 4 SCC 138. As per the law laid down by the Hon'ble Apex Court in these judgments, the very of equality enshrined in Article is a concept clothed positively based law. It can be invoked to enforce a claim having sanctity of law. No direction can therefore be issued mandating the State to perpetuate any illegality or irregularity omitted in favour of a person, individual or even a group of individuals as a matter of policy.

10. As regards the compassionate appointment being sought to be claimed as a vested right for appointment, suffice it to say that, the said right is not a condition of service of an employee who dies in harness, which must be given to the dependent without any kind of



scrutiny or undertaking a process of selection. It is an appointment which is given on proper and strict scrutiny of the various parameters as laid down with an intention to help the family out of a sudden pecuniary financial destitution to help it to get out of the emergent and urgent situation, where the sole bread earner has expired leaving the dependent-members as helpless and may be penniless. Therefore, as held in the aforesaid judgments, the compassionate appointment is, therefore, provided to bail out a family of a deceased employee facing extreme financial difficulty and but, for the employment, the family will not be able to meet the crisis. This shall be in any case be subject to the claim fulfilling the requirements as laid down in the policy, instructions or rules for such a compassionate appointment. Such policies are to give immediate succor to the family.

11. In the present case, there is a time line stipulated under Rule 5 of the 1996 Rules. These Rules categorically prescribe, that an application for



compassionate appointment must be submitted within one year from the date of death of Govt. servant. The petitioner's father expired on 3.9.2020, whereas, the application was submitted on 13.09.2021 clearly transgressing the prescribed period. The Tribunal, in consonance with express mandate of Rule 5, has correctly concluded that, petitioner's claim was vitiated by statutory limitation. Compassionate appointment being a policy driven exception towards the conventional recruitment process must be strictly regulated within the four corners of the Government rules and any deviation could render the scheme arbitrary and unworkable.

Compassionate Appointment is not as a matter of Right:

12. The Hon'ble Apex Court in a decision in ***Bank of Baroda and others v. Baljit Singh***, reported in ***(2023) 13 SCC 343***, has unambiguously held, that "compassionate appointment does not constitute a fundamental or a statutory right but, is a discretionary



concession extended by the State to ameliorate a financial hardship faced by the bereaved family. The appointment must be strictly in conformity with the statutory framework, and any relaxation must be justified by extraordinary circumstances which are conspicuously absent in this case."

No exceptional circumstances justifying delay:

13. The petitioner has failed to establish any extra-ordinary or compelling circumstances that would warrant an exemption from the rigid statutory timeline prescribed under Rule 5. The delay in filing the application remains unexplained and inexcusable, thereby justifying its rejection.

Retrospective application of amended Rules:

14. The amendment to the 1996 Rules, which included married daughters within the definition of dependent family members', became operative on



9.4.2021. Her father expired on 3.9.2020 i.e., before this amendment came into effect. It is a well- entrenched principle of statutory interpretation that, amendment conferring new rights cannot be applied retrospectively unless expressly stipulated by the Legislature. The petitioner's attempt to seek the retrospective application of the amendment is legally untenable.

Judicial precedents on retrospective application:

15. The Hon'ble Apex Court in ***Tinku v. State of Haryana and others***, reported in **2024 SCC OnLine SC 3292**, reaffirmed that, "compassionate appointment is not an inherent right and that amendments expanding eligibility criteria do not operate retrospectively unless explicitly stated." Thus, any claim based on an amendment that post-dates the cause of action is legally unsustainable.



Strict Interpretation of Compassionate Appointment Rules:

16. 'Compassionate Appointment' being an exception to the general rule of recruitment based on merit, must be construed strictly. Its primary object is to provide financial relief to the bereaved family and not to perpetuate hereditary employment. Since the petitioner's father predeceased the amendment, she cannot claim its benefits retrospectively.

17. Upon holistic appreciation of the factual and legal aspects, this Court concludes, that the petitioner's claim is vitiated by two fundamental infirmities:

- (a) The application was filed beyond the mandatory statutory time limit prescribed under Rule 5 of the 1996 Rules and thereby, rendering it legally not maintainable.
- (b) There is absence of cogent and legally tenable evidence, that the petitioner was wholly dependent on the deceased Government servant at the time of his



demise as she is already married and residing with her husband independently. No evidence is placed about her financial status.

18. In view of well-settled principles of law and the binding judicial precedents governing the subject matter, this Court, upon careful consideration, finds no merit in the present writ petition. The grounds raised by the petitioner fail to establish any legal infirmity or jurisdictional error warranting interference by this Court. Furthermore, after examining the reasoning adopted by the Tribunal, we are in broad agreement with the findings recorded therein. Consequentially, the present writ petition fails. However, it is made clear, that the dismissal of this petition shall not operate as a bar to any eligible and qualified individual from seeking appointment on compassionate grounds strictly in accordance with the applicable rules, regulations and the policies governing such appointments.



19. Resultantly, we pass the following:

ORDER

- (i) Writ Petition is ***dismissed.***
- (ii) However, it is made clear that, dismissal of this petition shall not operate as a bar to any eligible and qualified individual from seeking appointment on compassionate grounds in accordance with law.
- (iii) Costs made easy.

**Sd/-
(KRISHNA S DIXIT)
JUDGE**

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

SK/
List No.: 1 Sl No.: 19