



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 27953 OF 2023 (S-RES)

BETWEEN:

1. SHRI. MAHADEVASWAMY K
S/O LATE KRISHNAPPA
AGED ABOUT 35 YEARS
R/AT NO.4219/2, 6TH CROSS
GANDHINAGAR, MYSORE
MYSORE DISTRICT 570008.
2. SMT SHYAMALA
S/O LATE SRINIVAS
AGED ABOUT 42 YEARS
R/AT NO.618, KRISHNA RAIL MILL ROAD
K R MOHALLA, MYSORE 570008.
3. SMT N MANJULA
W/O RAVI
AGED ABOUT 44 YEARS
R/AT NO.1629/2 CH 12
7TH CROSS ASHOKPURAM
MYSORE 570008.
4. SMT M S DARSHINI
D/O LATE SHIVANNA
AGED ABOUT 30 YEARS
R/AT NO.56, 2ND CROSS
VISHVESHWARA COLONY
VISHVESHWARA NAGAR, MYSORE.
5. SHRI S MALLIKARJUNA
S/O LATE M B MANJULA
AGED ABOUT 36 YEARS
R/AT NO.58/A, 2ND CROSS
NYACHANAHALLI PALYA
MYSORE 570008.

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HEMALATHA A
Location: HIGH
COURT OF
KARNATAKA



6. SHRI. SHIVANAGARAJU
S/O SHIVAMMA
AGED ABOUT 44 YEARS
R/AT GSF COLONY
AT POST T NARSIPURA
MYSORE DISTRICT - 570008.
7. SHRI S MANU
S/O SHIVANNA M
AGED ABOUT 35 YEARS
R/AT NO KEMPANAPURA HOSUR
MANUGANA HALLI POST
BILIKERE HOBLI, MYSORE.
8. SHRI G GANESH
S/O LATE GOPAL G
AGED ABOUT 39 YEARS
NO 2676, 2ND CROSS
MEDARKODI KR MOHALLA
MYSORE - 570008.
9. SHRI RAJANIKANTH
AGED ABOUT 45 YEARS
R/AT NO 960 CH 85
S/O LATE NINGAYYA
9TH CROSS, CH 85, 9TH CROSS
ASHOKPURAM, MYSORE - 570008.
10. SHRI R SRINIVASA
S/O LATE RAVINDRA
AGED ABOUT 30 YEARS
R/AT NO 897/B, 10TH CROSS
MAHADEVPURA MYSORE - 576008.
11. SRI M HARSHA
S/O LATE G MAHADEVAIAH
AGED ABOUT 40 YEARS
R/AT NO 1029 LIG 1ST BLOCK
11TH CROSS, 5TH MAIN
6TH PHASE, SHARADADEVI NAGAR
MYSORE - 570022.



12. SRI V KRISHNAPURTHY
AGED ABOUT 35 YEARS
S/O LATE VENKATARAMANAYYA
R/AT NO 1629/1, CH 12, 7TH CROSS
ASHOKPURAM, MYSORE - 570008.
13. SRI BASAVARAJAIAH
S/O LATE SOMARAJU
AGED ABOUT 40 YEARS
R/AT NO 26, HIG 2 GROUP 3
KHB COLONY, HOCHAGALLI
MYSORE - 570002.
14. SMT M PRIYA
AGED ABOUT 30 YEARS
D/O LATE NAGAMMA
R/AT 4, 1ST MAIN, 2ND CROSS
B M SHRINAGAR
MYSORE - 570007.
15. SRI L SHANKAR
S/O LATE K LINGAIAH
AGED ABOUT 40 YEARS
R/AT NO 1816, 9TH CROSS
ASHOKPURAM
MYSORE - 570008.
16. SRI S NAGESH
S/O LATE J SIDDAIAH
AGED ABOUT 29 YEARS
R/ATNO 1954, 12TH CROSS
ASHOKPURAM MYSORE - 570008.
17. SRI B KANTHKUMAR
S/O LATE BANASHANKARAIAH
AGED ABOUT 37 YEARS
R/AT NO 564, R S NAIDU NAGAR
NEAR BUS STOP 2ND STAGE
KESARE MYSORE - 570002.
18. SRI CHANDRASHEKHAR
S/O LATE RAMANNA
AGED ABOUT 38 YEARS
R/AT NO 1904, 2ND MAIN



13TH CROSS, ASHOKPURAM
MYSORE - 570008.

...PETITIONERS

(BY SRI. VIJAYA KUMAR., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
COMMERCE AND INDUSTRIES DEPARTMENT
VIKASA SOUDHA, BANGALORE 560001.
2. THE STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY
HORTICULTURE AND SILK DEVELOPMENT
VIKAS SOUDHA, BANGALORE 560001.
3. THE STATE OF KARNATAKA
REP BY ITS ADDITIONAL CHIEF SECRETARY
DEPARTMENT OF PUBLIC ENTERPRISES
7TH FLOOR, MS BUILDING
BANGALORE 560001.
4. THE KARNATAKA SILK INDUSTRIES CORPORATION
REP BY ITS MANAGING DIRECTOR
3RD AND 4TH FLOOR UTILITY BUILDING
MG ROAD, BANGALORE 560001.
5. THE GENERAL MANAGER
KARNATAKA SILK INDUSTRIES CORPORATION
SILK WEAVING FACTORY
MANADAWADI ROAD
MYSORE 570008.
6. THE GENERAL MANAGER
KARNATAKA SILK INDUSTRIES
CORPORATION SILK WEAVING FACTORY
T NARASIPURA, MYSORE DISTRICT.

...RESPONDENTS

(BY SRI. VIKAS R, AGA FOR R1 TO R3:
SRI T P MUTHANNA, ADVOCATE FOR R4 TO R6)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS
RELATING TO ISSUE OF THE IMPUGNED ORDERS BEARING NO.



KSIC/PER/MA AND E/RE AA SAM/11153/2022/2023-24 / 366 DATED 28/06/2023 ISSUED TO THE PETITIONERS BY THE R4 (VIDE ANNEXURE-V AND V17 SERIES) AND AFTER PERUSAL SET ASIDE THE SAME AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Article 226 of the Constitution of India, seeking the following reliefs:

"(i) To call for records relating to issue of the impugned orders bearing No. KSIC/PER/Ma & E/Re Aa Sam/11153/2022/2023-24/366 dated 28.06.2023 issued to the petitioners by the 4th respondent (vide Annexure V to V17 series) and after perusal set aside the same.

(ii) To issue a writ of certiorari or an order or a direction and quash the impugned order bearing No.Tho.E.59.R3.Wu.Ni 2016 dated 26.07.2017 of the 2nd respondent vide Annexure-F, of the 2nd respondent, and the impugned Circular bearing No.KSIC/OER/ECG/2017-28/779 dated 19.08.2017 issued by the 3rd respondent vide Annexure-G, of the 4th respondent, in so far as it relates to non consideration of pending applications for appointment on compassionate grounds.



(iii) And to direct the 4th respondent to amend the Rules by including the clause 9 as "Transitional Provision" with regard to pending applications seeking appointment on compassionate grounds which are submitted before the framing of the Rules 2016 and consider the pending applications seeking appointment on compassionate grounds.

(iv) To direct the respondents 4 and 5 to consider the applications of the petitioners seeking appointment on compassionate grounds vide Annexure-H to H8 series and appoint them to any of the Group-C or D post considering the qualification possessed by them as on the date of the applications."

2. The petitioners claim to be the legal representatives of the deceased employees of the respondent – Karnataka Silk Industries Corporation (for short, "the Corporation"). They submitted applications (Annexure-H series) seeking appointment on compassionate grounds. However, by the impugned endorsements dated 28.06.2023 (Annexure-V series), their applications were rejected on the ground that, as on



the date of filing, there were no Rules governing compassionate appointments. Aggrieved by the said endorsements, the petitioners are before this Court.

3. Learned counsel for the petitioners submitted that the Karnataka Silk Industries Corporation (Appointment on Compassionate Grounds) Rules/Regulations, 2016 ("Regulations-2016") were framed in 2016 (Annexure-E). Under Rule 2, it is specifically provided that all applications pending as on the date the Regulations came into force shall be considered in accordance with Government directions. Despite such Government directions, the Corporation issued the impugned endorsements contrary to the Regulations. Therefore, he prayed that the writ petition be allowed.

4. Per contra, Sri T.P. Muthanna, learned counsel appearing for the Corporation, contended as follows:

(i) The Regulations were framed in 2016. The applications of the petitioners, who are dependents of



deceased employees, were filed before the Regulations came into force. Since no Rules or Regulations existed either on the date of death of the employees or on the date of application, their request for compassionate appointment cannot be considered. As per the Government directions dated 26.04.2022 (Annexure-R), the applications were considered and rejected.

(ii) Secondly, as the Corporation is under severe financial constraints, the petitioners' cases cannot be considered for compassionate appointments.

5. Learned AGA appearing for the State submitted as follows:

(i) Proviso to Rule 2 of the Regulations-2016 carves out an exception to the main Rule, permitting consideration of all applications that were pending as on the date the Regulations came into force, in terms of Government directions.



(ii) Pursuant to directions of this Court, the Under Secretary to Government, Department of Horticulture and Sericulture, has filed an affidavit stating that the Corporation can consider the petitioners' applications for compassionate appointment. Hence, he sought dismissal of the writ petition.

6. Heard learned counsel for the parties and perused the petition papers.

7. The fourth respondent – Karnataka Silk Industries Corporation was established on 10.04.1980 as a State Government Undertaking registered under the Companies Act. The petitioners, being legal representatives of deceased employees, filed applications for compassionate appointment (Annexure-H series). Meanwhile, the Corporation, having been declared a sick unit, was referred to BIFR due to financial constraints.

8. Until 2016, there were no Rules governing compassionate appointments in the Corporation. The



Regulations came into force in 2016. Rule 2 contains an exception, which reads as follows:

"These Rules may be called the Karnataka Silk Industries Corporation (Appointment on Compassionate Grounds) Rules/Regulations-2016.

These Rules shall come into force after their approval by the Board and the State Government on such date as may be notified by the Corporation in this regard. However, the pending applications of dependents of deceased employees (who died while in service) shall be considered based on the directions received from the Government."

9. A plain reading of the above provision makes it clear that pending applications of dependents of deceased employees must be considered in accordance with Government directions. Although no such Rules existed prior to 2016, Rule 2 permits consideration of pending applications based on Government directions.

10. The Corporation, however, rejected the petitioners' applications on the ground that the Regulations came into effect on 19.08.2017. It is the



Corporation's case that the Government Order dated 26.04.2022 merely directed consideration of the applications, and upon such consideration, the applications were rejected.

11. Subsequently, the State filed an affidavit of the Under Secretary, Department of Horticulture and Sericulture, dated 23.09.2025, clarifying the position. The relevant paragraph is extracted below:

"3. I submit that this affidavit is being filed pursuant to the order of this Hon'ble Court dated 19.08.2025, to clarify whether any directions were issued by the State Government in connection with pending applications for compassionate appointment of dependents of deceased employees of the Karnataka Silk Industries Corporation (KSIC), as required under Rule 2 of the Regulations-2016."

12. After obtaining the opinion of the Department of Public Enterprises vide Note No. Sa U Ni.51 ARU 2021, dated 11.01.2022, the Principal Secretary of the Horticulture and Sericulture Department addressed a letter



dated 26.04.2022 (Annexure-R) to the Managing Director, KSIC, stating that since the dependents of the deceased employees have been working on contract basis in KSIC, pending consideration of their applications for compassionate appointment, it would be improper from a humanitarian point of view not to consider their cases. Therefore, it was directed that their cases be placed before the Board of Directors for consideration.

13. In view of the aforesaid direction, the Board of Directors is required to consider the applications of such dependents in accordance with the Regulations.

14. Thus, in light of Rule 2 and the clarification issued by the Government, it is evident that the Corporation is bound to consider the petitioners' applications for compassionate appointment.

15. Accordingly, the following order is passed:

(i) The writ petition is disposed of.



(ii) The impugned endorsements dated 28.06.2023 (Annexure–V series) are quashed.

(iii) The respondent–Corporation is directed to consider the petitioners’ applications for compassionate appointment, taking into account:

- the affidavit filed by the Under Secretary, Department of Horticulture and Sericulture, and
- Rule 2 of the Regulations–2016, as expeditiously as possible, and in any event, within three months from the date of receipt of a copy of this order.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

CM
LIST NO.: 1 SL NO.: 53