



CNR: KAHC010025822026

NC: 2026:KHC:53402
WP No. 1325 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 1325 OF 2026 (S-RES)

BETWEEN:

1. MRS. KAMALAKSHI,
W/O LATE SIDDARAJU,
AGED ABOUT 44 YEARS.
2. MR. S.HEMANTH KUMAR,
S/O LATE SIDDARAJU,
AGED ABOUT 29 YEARS.
3. MISS.LAVANYA,
D/O LATE SIDDARAJU,
AGED ABOUT 27 YEARS.

ALL ARE R/AT NO.1735,
12TH CROSS, ASHOKAPURAM,
MYSORE - 570 007.

...PETITIONERS

(BY SRI SHARATH S GOWDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY THE PRINCIPAL SECRETARY
DEPARTMENT OF URBAN DEVELOPMENT,
VIKASA SOUDHA, B R AMBEDKAR VEEDHI,
BENGALURU 560001.
2. DIRECTORATE OF MUNICIPAL

Digitally signed
by PADMAVATHI
B K
Location: High
Court of
Karnataka





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ADMINISTRATION,
REP. BY ITS DIRECTOR,
DR.B.R.AMBEDKAR ROAD,
9TH AND 10TH FLOOR,
VISHWESHWARAIHA TOWER,
BENGALURU 560001.

3. MYSURU CITY CORPORATION,
NEW SAYYAJI RAO ROAD,
MYSURU 570024,
REP. BY ITS COMMISSIONER.

4. THE DEPUTY COMMISSIONER,
MYSURU, KRISHNARAJA BOULEVARD
ROAD, MYSURU DISTRICT, MYSURU 570001.

...RESPONDENTS

(BY SMT. RASHMI RAO, HCGP FOR R-2 & R-4;
SMT. GEETHADEVI M.P, ADVOCATE FOR R-3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
BEARING NO. 1140038 DMA/EST3/CGA/1/2023 DATED
14.05.2025 PASSED BY THE R-2 AND ORDER BEARING
NO.C.E.S.T(2) CR-14/2023-24 DATED 11.06.2025 PASSED BY
THE R-3 VIDE ANNEXURE-P AND Q AND ETC.

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



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CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners are before this Court calling in question an order bearing No.1140038 DMA/EST3/CGA/1/2023 dated 14.05.2025 passed by the second respondent and an endorsement bearing No.C.E.S.T(2) CR-14/2023-24 dated 11.06.2025 issued by the third respondent and also seeks a writ in the nature of *mandamus* directing the respondents to consider the case of the petitioners for appointment on compassionate ground.

2. Heard Sri Sharath S. Gowda, learned counsel for the petitioners, Smt. Rashmi Rao, learned High Court Government Pleader for respondent Nos.1, 2 and 4 and Smt. Geethadevi M.P., learned counsel for respondent No.3.

3. Facts in brief, germane, are as follows:

3.1 One Siddaraju, the husband of petitioner No.1 and father of petitioner Nos.2 and 3, was working as a daily wage worker and later gets appointed as a Loader on 07.07.1986 in the Mysore City Corporation (hereinafter referred to as 'the



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Corporation' for short). After completion of ten years of service, the husband of petitioner No.1 and father of petitioner Nos.2 and 3, along with others, had registered their claim for regularisation of their services before the Corporation and the request for such regularisation was rejected in terms of an endorsement dated 27.12.2017. This is called in question before this Court by the husband of petitioner No.1, along with others, in W.P.No.12224/2020. During the pendency of the said proceedings before this Court, Siddaraju, the husband of petitioner No.1 and father of petitioner Nos.2 and 3, dies on 12.10.2020. The petitioners then submit a representation to the respondents-Corporation, seeking appointment on compassionate grounds. Thereafter, the aforesaid writ petition comes to be allowed in terms of the order dated 25.08.2021, by setting aside the endorsement dated 27.12.2017, with a direction to consider the cases of the petitioners therein for regularisation, except the case of the petitioners, as the petition filed by the husband of petitioner No.1 stood abated on his death, and liberty was granted to the legal heirs to agitate their grievance. The petitioners then had to knock at the doors



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of this Court in W.P.No.905/2022, seeking that the earlier claim for regularisation of the services of the husband of petitioner No.1 be categorised as deemed regularisation and all consequential benefits be granted. A coordinate Bench of this Court allowed the said writ petition in terms of its order dated 22.02.2022, by declaring the service of the husband of petitioner No.1 as deemed regularised after completion of ten years of service from his initial appointment on 07.07.1986, as was done in the cases of the other petitioners in W.P.No.12224/2020.

3.2. It transpires that, pursuant to the direction passed in W.P.No.905/2022, the respondents considered the service of the husband of petitioner No.1 as deemed regularised. It further transpires that the petitioners, on 26.12.2022 and 02.08.2023, submitted representations respectively, seeking appointment on compassionate grounds to petitioner No.3. When the representations were not considered, the petitioners yet again had to knock at the doors of this Court by filing W.P.No.34472/2024, seeking a *mandamus* to the respondents to consider their representations. During the pendency of the



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said writ petition, an endorsement comes to be issued by respondent No.2 declining to grant appointment on compassionate grounds on the ground that, before the service of the husband of petitioner No.1 could be regularised, the employee had died, and therefore, declines to grant such relief. In view of the issuance of the endorsement, a coordinate Bench disposed of W.P.No.34472/2024 as having become infructuous.

4. This petition is fourth in line by the petitioners, seeking the very same prayer i.e., appointment on compassionate ground on the basis of categorising the service of husband of petitioner No.1 as deemed regularisation.

5. Learned counsel for the petitioners would reiterate the grounds urged in the petition to contend that the husband of petitioner No.1 was a regular employee and despite the service being regularised, the claim of the petitioners is denied by the respondents on the score that the employee died before his services would be regularised and that the regularisation is retrospective.



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6. Learned counsel for respondent No.4 would however refute the submission contending that the appointment on compassionate ground is not a matter of right since the husband of petitioner No.1 or the father of petitioner Nos.2 and 3 was not regularised as on the date of his death. Therefore, the prayer could not be granted. He would seek dismissal of the petition.

7. I have given my anxious consideration to the submissions made by the respective learned counsel for the parties and have perused the material on record.

8. The afore-narrated facts are largely undisputed and therefore, they would not require reiteration. It would suffice if the narration commences from the issuance of the endorsement rejecting the claim for regularisation made by the husband of petitioner No.1. The rejection happens on 27.12.2017. Calling in question the endorsement, the husband of petitioner No.1 and along with others knocked at the doors of this Court in W.P.No.12224/2020. The husband of petitioner No.1 was petitioner No.12 in the said petition. During the subsistence in the said petition, the deceased



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Siddaraju dies *i.e.*, on 12.10.2020. Therefore, the petition filed by the husband of petitioner No.1 stood abated. On the death of the husband of petitioner No.1, a representation dated 05.11.2020 is submitted by petitioner No.1 seeking appointment on compassionate ground. The representation is not considered despite submitting repeated representations. In the interregnum, the coordinate bench allows W.P.No.12224/2020, by the following order:

"XXXX

4. Both the learned counsel submit that the issue involved in this writ petition is considered and answered by this court in Writ Petition No.50876/2019 (S-REG) and connected writ petitions disposed of on 21.10.2020. Further, they submit that the said order was taken up in Writ Appeal No.629/2021. The order of the learned Single Judge was affirmed by the judgment dated 13th July 2021. Therefore, they submit that this writ petition could be disposed of in terms of the order dated 21.10.2020 in Writ Petition No.50876/2019 (S-REG). **The operative portion of the said order reads as follows:**

"1. A writ of mandamus issues to respondent no.5, Deputy Commissioner, Mysuru to consider the case of the petitioners for regularization of their services in terms of the directions given by the Apex Court in the case of Uma Devi and the Government order dated 25.05.2006 from the date on which the petitioners completed ten years of service.

2. The impugned communication dated 27.12.2017 is hereby quashed and set aside.



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3. In case of the petitioners who have attained the age of superannuation subsequent to filing of these writ petitions, their cases also shall be considered for deemed regularization and after the order of deemed regularization is passed with respect to such of the petitioners, all the retrial benefits as is available for a regular employee shall be given.

4. In case of such of the petitioners who continue to work in terms of the interim orders passed by this Court, their salaries shall be paid for the services rendered by them pursuant to the interim orders.

It is ordered accordingly."

5. Learned counsel for the petitioners has also brought to the notice of this court that in compliance of the order of this court stated above, the fifth respondent. Deputy Commissioner has taken a decision to regularize the services of the petitioners therein and subsequently the said order is implemented by the fourth respondent Mysuru City Corporation, Mysuru vide Official Memorandum dated 28.07.2021.

Accordingly, this writ petition is disposed of, in terms of the order dated 21st October 2020 in Writ Petition No.50876/2019 (S-REG) and connected writ petitions.

Respondent Nos.2 to 5 are granted four months' time from the date of receipt of a copy of this order, for compliance."

(Emphasis supplied)

The coordinate bench in the afore-quoted order directed the respondents to consider the representation seeking regularisation of the services of the petitioners therein following



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the judgment passed in W.P.No.50876/2019, which was on identical issue. The case of the husband of petitioner No.1 could not be considered since he died during the pendency of the writ petition and the petition filed by the deceased stood abated. Therefore, there was no order directing the respondents for regularisation in his service. This leads the members of the family of Siddaraju to knock at the doors of this Court by filing a subsequent petition in W.P.No.905/2022. The coordinate bench again holds that the services of the husband of petitioner No.1 should be treated as deemed regularised and all benefit should be granted. The order passed by the coordinate bench reads as follows:

" XXXX

2. Both learned counsel for the parties submits that the issue involved in this writ petition is covered by the order of this Court in W.P.No.50876/2019 and connected matters disposed of on 21.10.2020 and the same has been confirmed by the Division Bench of this Court in W.A.No.629/2021 dated 13.07.2021. Therefore, they submits that this writ petition could be disposed of in terms of the order passed in W.P.No.50876/2019 and connected matters dated 21.10.2020.

3. This Court following the judgment of Co-ordinate Bench of this Court passed W.P.No.50876/2019 and connected matters, has disposed of the W.P.No.12224/2020 on 25.08.2021. During the pendency of W.P.No.12224/2020, one Siddaraj



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(petitioner No.12 therein), who is the husband of petitioner No.1 and father of petitioner Nos.2 and 3 herein died and this Court reserved the liberty to the legal representatives of deceased-Siddaraju to agitate their grievance, if any, in accordance with law. Hence, the legal representatives of deceased-Siddaraju has filed this writ petition.

4. The operative portion of the order passed in W.P.No.50876/2019 and connected matters reads as follows:

"13. In that view of the matter, this Court is of the considered opinion that the writ petitions are required to be partly allowed. Consequently this Court proceeds to pass the following:

ORDER

1. A writ of mandamus issues to respondent No.5-Deputy Commissioner, Mysuru, to consider the case of the petitioners for regularization of their services in terms of the directions given by the Apex Court in the case of Uma Devi and the Government Order dated 25.05.2006 from the date on which the petitioners completed ten years of service.

2. The impugned communication dated 27.12.2017 is hereby quashed and set aside.

3. In case of the petitioners who have attained the age of superannuation subsequent to filing of these writ petitions, their cases also shall be considered for deemed regularization and after the order of deemed regularization is passed with respect to such of the petitioners, all the retrial benefits as is available for a regular employees shall be given.

4. In case of such of the petitioners who continued to work in terms of the interim orders passed by this Court, their salaries shall be paid for the services rendered by them pursuant to the interim orders.

It is ordered accordingly."



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Accordingly, the above writ petition is disposed of in terms of the order passed by this Court in W.P.No.50876/2019 and connected matters disposed of on 21.10.2020.

The respondents are directed to consider the case of the petitioners within four months from the date of receipt of copy of this order."

(Emphasis supplied)

The afore-quoted order results in passage of the order regularising the service of the husband of petitioner No.1. The order reads as follows:

ಅದೇಶ

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಉಲ್ಲೇಖ(5) ರ ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಮೈಸೂರು ಜಿಲ್ಲೆ ಮೈಸೂರು ರವರ ಅದೇಶದನ್ವಯ, ಲೇಟ್ ಸಿದ್ದರಾಜು, ಲೋಡರ್ ಕಾಲಿಕ ವೇತನ ನೌಕರರು ಇವರ ಸೇವೆಯು 10 ವರ್ಷ ಮೂರ್ಗೂಂಡ ಮರು ದಿನಾಂಕದಿಂದ ಅನ್ವಯವಾಗುವಂತೆ ಸೇವೆಯನ್ನು ಸಕ್ರಮಗೊಳಿಸಿ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವ ಸೇವಾ ಸೌಲಭ್ಯಗಳನ್ನು ಮಂಜೂರು ಮಾಡಿದೆ.

ಕ್ರ.ಸಂ	ಹೆಸರು ಶ್ರೀ/ಶ್ರೀಮತಿ	ನೇಮಕವಾದ ಹುದ್ದೆ	ಹುಟ್ಟಿದ ದಿನಾಂಕ	ವಿದ್ಯಾರ್ಹತೆ	ದಿನಗೂಲಿ ಆಧಾರದ ಮೇಲೆ ಕೆಲಸಕ್ಕೆ ಸೇರಿದ ದಿನಾಂಕ	10 ವರ್ಷ ಮಾಡ್ಯೋದ ದಿನಾಂಕ	ಸೇವಾ ಸಕ್ರಮಾಂತಿ ದಿನಾಂಕ	ಪರಾ
1	ಸಿದ್ದರಾಜು	ಲೋಡರ್	05-06-1969	7ನೇ ತರಗತಿ	01-07-1986	30-06-1996	01-07-1996	ದಿನಾಂಕ : 12-10-2020 ರಂದು ನಿಧನರಾಗಿರುತ್ತಾರೆ

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- 1) ರಿಕ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ : 905/2022(ಎಸ್‌ಆರ್‌ಇ-ಎಸ್) ರಲ್ಲಿನ ನೌಕರರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾತ್ರ ಸೇವಾ ಮಸ್ದರಗಳನ್ನು ತೆರೆದು ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಮೈಸೂರು ಜಿಲ್ಲೆ ಮೈಸೂರು ರವರ ಆದೇಶ ಸಂಖ್ಯೆ : ಮುನಿ(1) : ಸಿಬ್ಬಂದಿ : ಸಿ.ಆರ್-02 : 2021-22, ದಿನಾಂಕ : 03-11-2022ರಲ್ಲಿನ ಆದೇಶದಂತೆ ಇವರು ಸೇವೆಯು 10 ವರ್ಷ ಮಾರ್ಗದರ್ಶಿಯ ಮರು ದಿನದಿಂದ ಅನ್ವಯವಾಗುವಂತೆ ಸೇವೆಯನ್ನು ಸ್ವಾಮ್ಯಾಧೀನವಾಗಿರುವ ಸಂಬಂಧ ದಾಖಲು ಮಾಡುವುದು.
- 2) ಸದರಿ ನೌಕರರ ಸೇವೆಯು 10 ವರ್ಷ ಮಾರ್ಗದರ್ಶಿಯ ದಿನಾಂಕ ರಲ್ಲಿಯಂತೆ ಈಗಾಗಲೇ ವರದಿಯಾದ ವೇತನ ಶ್ರೇಣಿ ಮತ್ತು ಮೂಲ ವೇತನವನ್ನು ಸೇವಾಮಸ್ದರದಲ್ಲಿ ದಾಖಲಿಸುವುದು.
- 3) ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಾವಳಿ, ನಿಯಮ(51) ರಂತೆ ಸ್ವಾಮ್ಯಾಧೀನವಾದ ದಿನಾಂಕದಿಂದ ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಅರ್ಹರಾಗಿರುತ್ತಾರೆ.
- 4) ಸದರಿ ನೌಕರರಿಗೆ ಮಂಜೂರು ಮಾಡಲಾಗಿರುವ ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ತಿಗಳನ್ನು ಮತ್ತು ಕಾಲಬದ್ಧ ವೇತನ ಬಡ್ತಿಗಳನ್ನು ಮಂಜೂರು ಮಾಡಿದ ನಂತರ ವೇತನ ಮತ್ತು ಭತ್ಯೆಗಳ ವ್ಯತ್ಯಾಸದ ಮೊತ್ತವನ್ನು ಪಡೆಯಲು ಅರ್ಹರಾಗಿರುತ್ತಾರೆ.
- 5) ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಾವಳಿಗಳಂತೆ ಸ್ವಾಮ್ಯಾಧೀನವಾದ ದಿನಾಂಕದಿಂದ ಗಳಿಕೆ ರಹಿತ ಮತ್ತು ಪರಿವರ್ತಿತ ರಹಿತವನ್ನು ಪಡೆಯಲು ಅರ್ಹರಾಗಿರುತ್ತಾರೆ.
- 6) ಸದರಿ ನೌಕರರಿಗೆ ನಿಯಮಾನುಸಾರ ಪದೋನ್ನತಿ/ಮರಣದ ಪಂಚರ ನೋಡಲಾಗಿರುವ ಗಳಿಕೆ ರಹಿತ ರಾಜ್‍ಯಾಂಶ ಹಾಗೂ ನಿವೃತ್ತ ಪಿಂಚಣಿ ಸೌಲಭ್ಯ ಹೊಂದಲು ಅರ್ಹರಾಗಿರುತ್ತಾರೆ.
- 7) ಈ ಕೆಳಕಂಡಿಯಿಂದ ದಿನಾಂಕ: 24-11-1995 ರಂದು ಹೊರಡಿಸಿರುವ ಅಧಿಕೃತ ಜ್ಞಾನ ಪತ್ರಕ್ಕೆ ಅನುಬಂಧಿಸಲಾಗಿರುವ ತಪ್ಪುಗಳಲ್ಲಿ ದಾಖಲಾಗಿರುವ ಸೇವಾ ವಿವರಗಳನ್ನು ಮಾತ್ರ ಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳುವುದು.

ಸುತ್ತು ವಾಕುಕು ಅಗರ್ತಿಕೆ ದಿನಾಂಕ : 12-10-2020 ರಂದು ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿರುವಂತೆ ಮೈಸೂರು
ಪ್ರಾಂತೀಯ ಕಾಲಿಕೆಯ ಆರೋಗ್ಯ ಪರೀಕ್ಷೆಯನ್ನು ರದ್ದುಪಡಿಸುತ್ತೇವೆಂದು ಆಜ್ಞೆ ನೀಡಲಾಗಿದೆ. ಮುಂದಿನ
ವೇಳೆಗೆ ಮೈಸೂರು ಪ್ರಾಂತೀಯ ಕಾಲಿಕೆ ರದ್ದುಪಡಿಸಲಾಗಿದೆ. ಮುಂದಿನ ಕಾರ್ಯದ 12
ನಂಟುಗಳ ಕಾರ್ಯದಿಂದ ರದ್ದುಪಡಿಸಲಾಗಿದೆ. ಸಂಬಂಧಿಸಿದವರಿಗೆ ಸೂಚಿಸಿದೆ.

Q. L. 10
ಆಯುಕ್ತರು

ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ
 ಮೈಸೂರು

The petitioners thereafter submit an application seeking appointment on compassionate grounds in favour of petitioner No.3, the daughter of the deceased Siddaraju. The application comes to be rejected by the impugned endorsement on a strange ground that, as on the date of death of the employee, he was not a regular employee. When this Court, in terms of the order quoted supra, has directly recognised that the service



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of the deceased employee should be treated as deemed to have been regularised along with the others, the endorsement would run foul of the order passed in W.P.No.905/2022. Even otherwise, it is a settled principle of law that when an employee has been adjudicating his right for regularisation of his service and the order of regularisation subsequently comes to be passed, the respondents cannot ignore the said order on the ground that the employee was not a regular employee as on the date of his death. The deceased employee would be deemed to have been regularised in terms of the order passed by this Court. If others have been regularised in the same manner, the benefit flowing from such regularisation cannot be denied to the petitioners, if they are otherwise eligible under the relevant scheme for appointment on compassionate grounds.

9. The orders dated 14.05.2025 and 11.06.2025, on the face of it, are unsustainable, as the reason assigned therein is that the service of the deceased employee was not regularised as on the date of his death. That stage no longer survives in view of the order passed by this Court treating the service of



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the deceased employee as deemed to have been regularised.
In that light, the petition deserves to succeed.

10. For the aforesaid reasons, the following:

ORDER

- a. The writ petition stands allowed.
- b. The impugned endorsement dated 14.05.2025 and the endorsement dated 11.06.2025 stand quashed.
- c. The respondents shall now pass appropriate orders considering the case of the petitioners for appointment on compassionate grounds, in terms of the representations submitted by them, within an outer limit of eight weeks from the date of receipt of a copy of this order, if not earlier, bearing in mind the observations made in the course of this order.

Ordered accordingly.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

NVJ
List No.: 2 Sl No.: 8