



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 2038 OF 2026 (S-RES)

BETWEEN:

SMT. ASHA K
AGED 36 YEARS
W/O LATE SRI. MUTHPPA KARMUDI,
RESIDING AT BASAVANANDIHALLI,
SHIKARIPURA TALUK
SHIVMOGA DISTRICT
KARNATAKA-577217

...PETITIONER

(BY SRI. RAMAPPA., ADVOCATE)

AND:

1. BANGALORE ELECTRICITY SUPPLY COMPANY LIMITED
COMPANY LTD (BESCOM),
HAVING ITS HEAD OFFICE
AT K R CIRCLE BANGALORE
REPRESENTED BY ITS MANAGING DIRECTOR
2. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
ENERGY DEPARTMENT
VIDHANA SOUDHA,
BANGALORE 560 001.

...RESPONDENTS

Digitally
signed by
KIRAN KUMAR
R
Location:
HIGH COURT
OF
KARNATAKA





(BY SRI. PATIL BHEEMANGOUDA BASANAGOUDA, ADVOCATE
FOR R1
SRI. G RAMESH NAIK, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A) ISSUE WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT QUASHING THE IMPUGNED ENDORSEMENT REJECTING THE PETITIONER'S APPLICATION FOR COMPASSIONATE APPOINTMENT AND DENYING PENSIONARY AND DEATH BENEFITS. "ANNEXURE- H" BEARING No.6330-32 DATED 12.09.2025, BY BESCOM, DAVANAGERE. B) ISSUE OF WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO CONSIDER THE PETITIONER'S APPLICATION FOR COMPASSIONATE APPOINTMENT IN ACCORDANCE WITH LAW AND SCHEME APPLICABLE AS ON THE DATE OF DEATH OF THE EMPLOYEE IGNORING THE UNFOUNDED ALLEGATIONS RELATING TO THE FAKE MARKS CARDS AND TO RELEASE ALL CONSEQUENTIAL DEATH-CUM SERVICE BENEFITS INCLUDING PENSIONARY BENEFITS, GRATUITY AND OTHER ADMISSIBLE DUES "ANNEXURE-G". S (C) ISSUE WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO RELEASE FAMILY PENSION GRATUITY, PROVIDENT FUND AND ALL OTHER DEATH-CUM RETRIAL BENEFITS TO THE PETITIONER FORTHWITH. "ANNEXURE-G" (4) GRANT ANY SUCH OTHER RELIEFS AS THIS HON'BLE COURT DEEMS FIT IN THE INTEREST OF JUSTICE AND EQUITY.



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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

1. The petitioner has filed this writ petition seeking following prayers:

- (a) Issue writ of certiorari or any other appropriate writ quashing the impugned endorsement rejecting the petitioner's application for compassionate appointment and denying pensionary and death benefits. "Annexure-H" Bearing No.6330-32 dated 12.09.2025, by Bescom, Davanagere.
- b) issue of writ of mandamus directing the respondents to consider the petitioner's application for compassionate appointment in accordance with law and scheme applicable as on the date of death of the employee ignoring the unfounded allegations relating to the fake marks cards and to release



all consequential death-cum service benefits including pensionary benefits, gratuity and other admissible dues "Annexure-G".

(c) issue writ of mandamus directing the respondents to release family pension gratuity, provident fund and all other death-cum retrial benefits to the petitioner forthwith. "Annexure-G"

(d) Grant any such other reliefs as this Hon'ble court deems fit in the interest of justice and equity.

2. Brief facts leading rise to the filing of this writ petition are as follows:

3. The petitioner is the widow of late Muthappa Karumaid, who was an employee as an Assistant Lineman under BESCO. On 03.10.2024, while discharging an hazardous electrical duties, the petitioner's husband suffered electrocution and died in harness. The factum of death due to electrocution is confirmed by the jurisdictional police



authorities, departmental records and the official death certificate issued by competent authority. After his demise, an internal enquiry was conducted by respondent No.1 in relation to the allegation that the deceased employee had produced a fake ITI marks-card at the time of recruitment. The enquiry officer categorically recorded a finding that the allegation made against the deceased employee is not proved. At no point of time, the services of the employee were terminated, cancelled or declared void. In view of the sudden death of Muthappa, the petitioner submitted an application on 25.10.2025 seeking for an appointment on compassionate ground and to release the service benefits.

4. The respondents have issued an endorsement denying to consider the application of the petitioner for appointment on compassionate ground and also denied the service benefits. Hence, the petitioner, aggrieved by the same, filed this writ petition.



5. The respondents filed a statement of objections, contending that Muthappa, at the time of recruitment, had produced a fake ITI marks card and got the employment. The respondents have initiated an enquiry proceeding against him. It is also contended that Muthappa was terminated from services. Hence, the petitioner is not entitled for any service benefits of Muthappa and also not entitled for appointment on compassionate grounds. It is contended that the deceased Muthappa is guilty of misrepresentation of facts and has played fraud on the respondents. Hence, the fraud vitiates everything. Hence, on these grounds, he prays to dismiss the writ petition.
6. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondents.



7. Learned counsel for the petitioner submits that during the lifetime of Muthappa, the respondents have terminated him from service. Muthappa, aggrieved by the order of termination, preferred a writ petition in W.P. No.48077 of 2019, challenging the order of termination dated 25.09.2018. This Court, by the order dated 18.12.2020, allowed the writ petition and quashed the order of termination and directed the respondents to reinstate Muthappa and other petitioners therein, in terms of the order passed by the Division Bench in Writ Appeal No.261 of 2020 dated 29.04.2023 and connected matters.
8. He submits that, pursuant to the said order, Muttappa was reinstated into services and subsequently an enquiry was held. He submits that the charges levelled against the petitiones were not proved. He submits that Muthappa died leaving behind the petitioner as his legal heir and that the petitioner is in financial distress and hence, she is



entitled for an appointment on compassionate grounds and also for all service benefits. He submits that the respondents have committed an error in issuing the impugned endorsement. Hence, on these grounds, he prays for allowing the writ petition.

9. *Per contra*, learned counsel for the respondents submits that the deceased Muthappa by furnishing a fake ITI marks card obtained the employment under the respondents and an enquiry was held against him. Respondent No.1 has not yet accepted the enquiry report and it is still pending for consideration. Hence, the action of the respondents in rejecting the application of the petitioner for appointment on compassionate ground and declining to disburse the service benefits to the petitioner is legal. Hence, on these grounds, he prays to dismiss the writ petition.



10. Perused the records and considered the submissions of the learned counsel for the parties.
11. It is an undisputed fact that respondent No.1 has issued a recruitment notification inviting applications from the eligible candidates for the post of Assistant Lineman, pursuant to which, the husband of the petitioner submitted an application along with relevant documents. Respondent No.1, after verifying the records, selected and issued an appointment order in favour of Muttappa i.e., the husband of the petitioner. Respondents have sent the documents for verification and respondent No.1 came to know that the husband of the petitioner had submitted a fake ITI marks card and obtained employment. Respondents have terminated the husband of the petitioner from service and also the similarly situated placed employees.



12. The husband of the petitioner and similarly placed employees approached this court in Writ Petition No.1319 of 2020 and connected cases. The husband of the petitioner filed Writ Petition No.48077 of 2019. This Court, vide Order dated 18.12.2020, allowed the writ petition and directed the respondents to reinstate the petitioners therein into service, including the husband of the petitioner. Pursuant to the order passed by this Court in the aforesaid writ petition, the respondents have reinstated the husband of the petitioner. Thereafter, the respondents have conducted an enquiry against the husband of the petitioner and other similarly placed employees. In the enquiry, the enquiry officer opined that the charges levelled against the husband of the petitioner are not proved and the enquiry officer submitted the report on 29.04.2023. Respondent No.1 has not considered the report



submitted by the enquiry officer and the report is still pending before respondent No.1.

13. Meanwhile, the husband of the petitioner passed away. After the demise of her husband, the petitioner submitted an application for appointment on compassionate grounds and also to disburse the service benefits. The respondents have issued an endorsement, stating that the enquiry is still pending for consideration; as such, the request made by the petitioner cannot be considered.
14. Admittedly, an enquiry was held and a report was submitted on 29.04.2023. From the perusal of the enquiry report, it is found that the enquiry officer was of the opinion that the charges levelled against the husband of the petitioner are not proved and yet, the respondents have not taken any action in regard to the disagreement of the findings of the



enquiry officer. In the meanwhile, the husband of the petitioner passed away.

15. In view of the same, considering the findings recorded by the enquiry officer, this Court is of the opinion that the matter requires to be reconsidered by respondent No.1.

16. In view of the above discussion, I proceed to pass the following order:

ORDER

- (i) The writ petition is ***allowed***.
- (ii) The impugned order dated 12.09.2025 passed by respondent No.1 vide Annexure-H is hereby ***quashed***.
- (iii) The respondents are directed to reconsider the case of the petitioner for appointment on compassionate grounds and also to disburse all the service benefits viz., death-cum-



retirement gratuity, including pensionary benefits and other admissible dues as per Annexure-G, and pass an appropriate order in accordance with law within one month from the date of receipt of a copy of this order.

- (iv) In view of the disposal of the petition, pending interlocutory applications do not survive for consideration and are accordingly disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**