



CNR: KAHC010403542022

NC: 2026:KHC:37073-DB
WP No. 17657 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 17657 OF 2022 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY
TO GOVERNMENT,
HOME DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER OF POLICE
EAST DIVISION,
RAMAIAH CIRCLE, HALASURU,
BENGALURU-560 008.

...PETITIONERS

(BY SRI. HARISHA A.S. AGA)

AND:

SMT. ANITHA. G
D/O. LATE GOVINDARAJU,
W/O. MR. DIVAKAR. K,
AGED ABOUT 31 YEARS,
PRESENTLY R/O. NO.308/48/13, F,
2ND MAIN, 1ST CROSS, SURABHI LAYOUT,
KOTHANUR, J.P. NAGAR, 8TH PHASE,
BENGALURU-560 078.

...RESPONDENT

(BY SRI. SHANKARLINGE GOWDA G.S., ADV.)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka



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DIRECTION TO QUASH THE ORDER DATED 29.10.2021 (ANNEXURE-C) PASSED BY THE KSAT BENGALURU IN A.NO-5296/2020.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The State Authorities filed this writ petition under Article 226 of the Constitution of India questioning order dated 29.10.2021 in Application No.5296/2020 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal'), whereunder the Tribunal passed the following order:

"i) *Application is hereby allowed.*

ii) *The impugned endorsement bearing No.ಬಿವೇಶಾ/15/ಡಿ.ಸಿ.ಪಿ(ಪೂ)/2017 dated 16.06.2020 issued by the 2nd respondent (AnnexureA3) is hereby quashed.*

iii) *The respondent Nos.1 & 2 are hereby directed to consider the application of the*



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applicant for appointment on compassionate ground in accordance with law and to pass the appropriate order within three months from the date of receipt of the certified copy of this order."

2. Brief facts of the case are that, father of the respondent was working as Head Constable in the Police Department and he died while in service on 25.05.2019. Immediately after the death of the Government servant, the respondent/dependent applied for compassionate appointment on 18.11.2019. The said application seeking compassionate appointment was rejected by endorsement dated 14.06.2020 (Annexure-A3). The said endorsement was the subject matter of Application No.5296/2020 before the Tribunal. The Tribunal on accepting the respondent's application passed the above stated order holding that the amendment brought in under notification dated 09.04.2021 is by way of substitution which would have retrospective effect, allowed the Application.



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3. The State of Karnataka is before this Court contending that as on the date of death of the father of the respondent, there was no provision to provide compassionate appointment to married daughter. As there was no provision, learned Additional Government Advocate contended that the Tribunal could not have directed consideration of respondent's case. Further, learned Additional Government Advocate would submit that the appointment on compassionate ground cannot be claimed as a matter of right and cannot be provided by the State as a matter of course. Thus, he would pray for allowing the writ petition.

4. Learned counsel for the respondent would support the order passed by the Tribunal by placing reliance on the decision of the Co-ordinate Bench of this Court dated 15.06.2026 in **W.P.No.3765/2022 (SMT.SAVITHA.R. VS. STATE OF KARNATAKA AND OTHERS)**.



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5. Learned Additional Government Advocate also submitted that subsequently, mother of the respondent objected for consideration of the application of the respondent for compassionate appointment and further he submits that the mother of the respondent has requested for consideration of her case for appointment on compassionate grounds.

6. Learned counsel for the respondent has filed affidavit of the mother of the respondent dated 20.07.2026. Paragraph 5 of the affidavit reads as follows:

"5. I State that, during the interregnum I have filed an application/representation dated 14.06.2024 before the petitioner authority stating that, the compassionate appointment should be given to me as I am hale and healthy and completed SSLC. The said representation/letter is given by me by the ill-adivse of the third parties, I am withdrawing the said representation and I have no objection to give compassionate appointment in favour of my daughter Smt.Anitha.G., the respondent herein."



7. Learned counsel for the respondent would submit that mother of the respondent has stated in the affidavit that she had submitted representation dated 14.06.2024 to the petitioner authorities on the ill-advice of the third parties and she is withdrawing the said representation. The said affidavit is taken on record.

8. Admittedly, father of the respondent was working as Head Constable in the petitioner department and he died while in service on 25.05.2019. The application filed by the respondent on 18.11.2019 seeking compassionate appointment is within the time prescribed in terms of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996. However, as on the date of respondent's application, there was no provision for compassionate appointment to a married daughter of a deceased Government servant. By amendment brought under notification dated 09.04.2021, provision was made for appointment of a married daughter of the deceased



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Government servant on compassionate ground. Considering the said notification and considering the subsequent decision of the Hon'ble Apex Court in the case of **SECRETARY TO GOVERNMENT DEPARTMENT OF EDUCATION (PRIMARY) AND OTHERS VS. BHEEMESH ALIAS BHEEMAPPA [(2021) 20 SCC 707]**, a Co-ordinate Bench of this Court in the above referred decision i.e., Smt.Savitha.R., at paragraphs 6, 7 and 8 has observed as follows:

"6. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, we are of the opinion that the Tribunal committed a grave error in rejecting the petitioner's application and we are of the considered opinion that the petitioner would be entitled for consideration of her case for compassionate appointment in terms of Rules, 1996 for the following reasons:

There is no dispute with regard to the fact that petitioner's father was working as Cook at Pre-metric ST Boy's Hostel, Nelagatenahatti, Challakere Taluk. It is also not in dispute that she applied for compassionate appointment on 27.12.2014 within



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the time prescribed under Rules 1996. Rules, 1996 was amended to include married daughter in the definition of 'family' by notification dated 09.04.2021. Taking note of the said amendment, a Co-ordinate Bench of this Court in W.P.No.15961/2022 dated 23.08.2024 at paragraphs 7 to 9 has held as follows:

*"7. It is true that the dependents of the deceased Government servant cannot claim compassionate appointment as a matter of right. But, the dependents of Government servant could claim compassionate appointment under the existing Scheme or existing Rules relating to compassionate appointment. In the State of Karnataka, compassionate appointment is governed by 1996 Rules. Prior to 2021, under 1996 Rules there was no provision for consideration of the application of dependent married daughter of a deceased Government servant. This Court in the case of **SMT.BHUVANESHWARI V. PURANIK VS. STATE OF KARNATAKA AND OTHERS**¹ had held that married daughters not being entitled for compassionate appointment to be unconstitutional. Thereafter, the State Government under Notification dated 09.04.2021 brought amendment to 1996 Rules to expand the definition of dependent of a deceased Government servant to include daughter (unmarried/married/divorced/widowed) who were depending upon him. The amendment brought to Sub-rule (1) of Rule 2 of 1996 rules reads as follows:*

"2. Amendment of Rule 2. - In the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996

¹ ILR 2021 KAR 5256



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(hereinafter referred to as the said rules), in Rule 2, in sub-rule (1),

(1) for clause (a), the following shall be substituted, namely:-

"(a) "dependent of a deceased Government Servant" means a member of the family of the deceased Government Servant who was living with and dependent on the deceased Government Servant and who fulfils the conditions specified in the explanation to sub-rule (1) of rule 4."

(2) for clause (b), the following shall be substituted, namely:-

"(b) "family" for the purpose of these rules,-

- (i) in the case of the deceased male married Government Servant, his widow, son and daughter (unmarried/married/divorced/widowed) who were dependent upon him and were living with him;*
- (ii) in the case of the deceased female married Government Servant her son, daughter (unmarried/married/divorced/widowed) and widower who were dependent upon her and were living with her;*
- (iii) in the case of the deceased male unmarried Government Servant, his brother or sister who were dependent upon him and were living with him;*
- (iv) in the case of the deceased female unmarried Government Servant, her brother or sister who were dependent upon her and were living with her, and*
- (v) in the case of the deceased married Government Servant whose spouse is also no more and who has minor children, the certified guardian of the minor children who*



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is living with them and takes care of the minor children as per the provisions of relevant law."

A reading of the above amendment, it is clear that amendment to 1996 Rules is by way of substitution.

8. Learned Additional Government Advocate placed reliance on the decision of **BHEEMESH** (supra) to contend that the application for compassionate appointment shall be considered in terms of the Rules that existed as on the date of death of the Government servant and further submitted that in the instant case there was no provision to consider the request of married daughter for compassionate ground appointment as on the date of death of Government servant. The Hon'ble Apex Court in the above decision i.e., **BHEEMESH** (supra) was considering the amendment to 1996 Rules dated 11.07.2012 by which, an unmarried brother of deceased female unmarried Government servant was included within the definition of dependent of deceased Government servant. The amendment brought under Notification dated 11.07.2012 was by way of insertion of additional words and the amendment was not by way of substitution. Where amendment to a Rule or Act is by way of substitution, the amended provision is to be read as if it was there in the statute book



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*from the day, the said Rule or Act came into force. Since in **BHEEMESH** (supra), the Hon'ble Apex Court was considering amendment to 1996 Rules by way of insertion and in that circumstance, it held that the amendment would not be applicable merely because the application for appointment was taken up for consideration after the issuance of the amendment. The ratio laid down by the Hon'ble Apex Court in **BHEEMESH** (supra) would have no application to the facts of the present case since the petitioner is seeking benefit of 2021 Amended Rules which is by way of substitution.*

9. A Co-ordinate Bench of this Court in **SMT.LATHA.H.R.,** (supra) was considering identical question and at paragraphs 6 and 7, it is held as follows:

"6. Having considered the contentions advanced by the learned counsel appearing for the parties, we are of the opinion that the finding of the Tribunal that the amendment had only prospective effect and therefore the application cannot be considered, cannot be accepted. The petitioner's application has been rejected only on the ground that she is a married daughter of the deceased government servant. It is not disputed that the provisions of the unamended Rules to the effect only an unmarried daughter could make an



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application stood struck down as unconstitutional and the said judgment has become final. Thereafter, the Rules have also been amended substituting the words "unmarried daughter" with the word "daughter".

7. In the above view of the matter and in view of the fact of amendment made to the Rules by substitution, we are of the opinion that the rejection of the application for appointment made by the petitioner on the sole ground that she is a married daughter cannot be accepted.””

A reading of the above would make it clear that in view of the amendment, even married daughters would be entitled for appointment on compassionate grounds.

7. The respondents could not have rejected the case of the petitioner for compassionate appointment on the ground that her mother is a retired Government servant and she is in receipt of pension. The case of the petitioner shall have to be considered by the respondents in terms of Rule 4(1)(b) and also Rules 5 and 6 of Rules, 1996.

8. The Tribunal having come to the conclusion that it is settled law that a married daughter is also entitled for compassionate appointment, has not stated any reason to conclude



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that applicant is not entitled for compassionate appointment as per Rules."

There is no reason to disagree with the finding of the Co-ordinate Bench of this Court in the above decision.

9. By respectfully following the above decision, we are of the considered opinion that there is no merit in the writ petition and accordingly writ petition stands ***rejected***.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

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CT:bms
List No.: 1 Sl No.: 15