



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 19094 OF 2026 (S-KSAT)

BETWEEN:

SMT. A.GANGAMMA
W/O LATE SRI L.N.SIDDAPPA,
AGED ABOUT 46 YEARS,
R/AT RAINGUAGE EXTENSION,
PAVAGADA TOWN,
PAVAGADA TALUK,
TUMKUR DISTRICT - 572 101

...PETITIONER

(BY SRI.BADRI SRINIVAS, ADV. FOR
SRI. VARUN JOSHI. ADV)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION AND
LITERACY,M.S.BUILDING,
BENGALURU - 560 001.
2. THE BLOCK EDUCATION OFFICER
SCHOOL EDUCATION DEPARTMENT,
PAVAGADA,PAVAGADA TALUK,
TUMKUR DISTRICT - 572 101.

Digitally signed by
NANJUNDACHARI
Location: High
Court of
Karnataka



3. THE DEPUTY DIRECTOR.,
SCHOOL EDUCATION DEPARTMENT,
MADHUGIRI EDUCATION DISTRICT,
TUMKUR DISTRICT - 572 101.

...RESPONDENTS

(BY SRI. K.R.RAJENDRA, AGA)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION AND SET ASIDE THE ORDER DATED 15/04/2026 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION NO.1154/2025 AT ANNEXURE-A AND CONSEQUENTLY AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

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

The petitioner is before this Court under Article 226 of the Constitution of India, assailing the order dated 15.04.2026 in Application No.1154/2025 passed by the Karnataka Administrative Tribunal at Bengaluru (for short "Tribunal") whereunder the prayer of the petitioner to quash endorsement dated 14.11.2024 requesting for compassionate appointment was rejected.



2. The brief facts of the case are that, the petitioner claims that she is the widow of one late L.N.Siddappa who was serving as a teacher at Government Higher Primary School, H.P.Durga, Pavagada Taluk, Tumkur District. It is stated that the husband of the petitioner died while in service on 02.09.2005. One Smt.Gangamma claiming to be the wife of late Siddappa filed P & Sc. No.1/2006 claiming succession certificate. However, the said petition was dismissed for non-prosecution on 03.10.2009. Thereafter, the petitioner Smt.A.Gangamma filed P & Sc. No.1/2010 seeking succession certificate which was allowed on 29.01.2011 granting succession certificate in favour of the petitioner. Smt.Gangamma whose P & Sc No.1/2006 was dismissed filed Miscellaneous Petition No.4/2011 seeking restoration and she also filed O.S.No.5/2011 seeking declaration that she is the legally wedded wife of late Siddappa. Both Miscellaneous Petition as well as the Original Suit came to be dismissed. Against which, the said Gangamma filed Regular Appeal and Miscellaneous



Appeal. The said Regular Appeal as well as Miscellaneous Appeal were allowed. Subsequently, the petitioner as well as Smt.Gangamma amicably settled their dispute whereby Smt.Gangamma would get monetary benefits and the petitioner Smt.A.Gangamma would be entitled to apply for compassionate appointment. Thereafter, the petitioner submitted a representation dated 20.10.2023 seeking appointment on compassionate ground which was rejected under impugned endorsement dated 14.11.2024. The said endorsement was the subject matter of application before the Tribunal and the Tribunal under impugned order dated 15.04.2026 dismissed the application of the petitioner on the ground that the petitioner is second wife of the deceased; that the compromise decree is not binding on the State and also on the ground that the compassionate appointment is sought after lapse of 21 years. Questioning the said order, the petitioner is before this Court in this writ petition.



3. Heard learned counsel Sri.Badri Srinivas for Sri.Varun Joshi, learned counsel for the petitioner and Sri.K.R.Rajendra, learned Additional Government Advocate for respondents. Perused the entire writ petition papers.

4. Learned counsel for the petitioner would submit that though the husband of the petitioner died on 02.09.2005, due to the litigation, the petitioner could submit application seeking compassionate appointment only on 20.10.2023. Learned counsel would submit that while computing the time for applying for compassionate appointment, the time spent in litigation shall be excluded and if that time is excluded, the application submitted by the petitioner shall have to be considered in terms of Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 (for short "1996 Rules"). Further, learned counsel would submit that the petitioner has no other source of income for her livelihood and he would pray for consideration of the application submitted by the petitioner seeking compassionate appointment.



5. Per contra, learned AGA would submit that the Tribunal has rightly dismissed the application and the authorities have rightly rejected the request of the petitioner for compassionate appointment as there is inordinate delay in seeking compassionate appointment. Further, he submits that the object and purpose of providing compassionate appointment is to see that the dependants of the deceased government servant to overcome the financial distress on account of death of bread winner. Thus, he would pray for dismissal of the writ petition.

6. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the order passed by the Tribunal.

7. It is an admitted fact that husband of the petitioner who was working as a Teacher in the Government Higher Primary School died while in service on 02.09.2005. The appointment on compassionate ground is governed by



1996 Rules. Under Rule 5 of 1996 Rules, the dependent of the deceased government servant shall make an application within 2 years from the date of death of the government servant and in case of minor, he/she shall attain the age of majority within 2 years and shall make an application within 2 years thereafter. Furthermore, under Rule 3 of 1996 Rules, the appointment on compassionate ground cannot be claimed as a matter of right.

8. In the case on hand, the petitioner has not asserted her right within the time prescribed under Rules 1996 or within a reasonable time from the date of death of her husband. The application for compassionate appointment is submitted only in the year 2023. Learned counsel for the petitioner submitted that the reason for submitting the application in the year 2023 is that litigation was pending. The pendency of litigation is irrelevant, when the petitioner has not asserted her right within the time prescribed under Rules 1996.



9. The Hon'ble Apex Court in **STATE OF WEST BENGAL v/s DEBABRATA TIWARI AND OTEHRS** reported in **(2025) 5 SCC 712** has made it clear that the object of providing compassionate appointment is to enable the family of the deceased employee to tide over the sudden crisis due to the death of the breadearner which has left the family in penury and without any means of livelihood. If the dependants of the deceased government servant are able to sustain for more than 20 years, there is no need to provide any compassionate appointment. Relevant paragraphs of the above decision reads as follows:

33. The object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis due to the death of the breadearner which has left the family in penury and without any means of livelihood. Out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided, the family would not be in a position to make both ends meet, a provision



is made for giving gainful appointment to one of the dependants of the deceased who may be eligible for such appointment. Having regard to such an object, it would be of no avail to grant compassionate appointment to the dependants of the deceased employee, after the crisis which arose on account of death of a breadwinner, has been overcome. Thus, there is also a compelling need to act with a sense of immediacy in matters concerning compassionate appointment because on failure to do so, the object of the scheme of compassionate appointment would be frustrated. Where a long lapse of time has occurred since the date of death of the deceased employee, the sense of immediacy for seeking compassionate appointment would cease to exist and thus lose its significance and this would be a relevant circumstance which must weigh with the authorities in determining as to whether a case for the grant of compassionate appointment has been made out for consideration.

34 As noted above, the sine qua non for entertaining a claim for compassionate appointment is that the family of the deceased employee would be unable to make two ends meet without one of the dependants of the deceased employee being employed on compassionate grounds. The financial condition of the family of the deceased, at the time



of the death of the deceased, is the primary consideration that ought to guide the authorities' decision in the matter.

35. Considering the second question referred to above, in the first instance, regarding whether applications for compassionate appointment could be considered after a delay of several years, we are of the view that, in a case where, for reasons of prolonged delay, either on the part of the applicant in claiming compassionate appointment or the authorities in deciding such claim, the sense of immediacy is diluted and lost. Further, the financial circumstances of the family of the deceased, may have changed, for the better, since the time of the death of the government employee. In such circumstances, courts or other relevant authorities are to be guided by the fact that for such prolonged period of delay, the family of the deceased was able to sustain themselves, most probably by availing gainful employment from some other source. Granting compassionate appointment in such a case, as noted by this Court in Hakim Singh [Haryana SEB v. Hakim Singh, (1997) 8 SCC 85 : 1998 SCC (L&S) 31] would amount to treating a claim for compassionate appointment as though it were a matter of inheritance based on a line of succession which is contrary to the Constitution. Since



compassionate appointment is not a vested right and the same is relative to the financial condition and hardship faced by the dependants of the deceased government employee as a consequence of his death, a claim for compassionate appointment may not be entertained after lapse of a considerable period of time since the death of the government employee.

41. Applying the said ratio to the facts of the present case, we hold that the respondent-writ petitioners, upon submitting their applications in the year 2006-2005 did nothing further to pursue the matter, till the year 2015 i.e. for a period of ten years. Notwithstanding the tardy approach of the authorities of the appellant State in dealing with their applications, the respondent-writ petitioners delayed approaching the High Court seeking a writ in the nature of a mandamus against the authorities of the State. In fact, such a prolonged delay in approaching the High Court, may even be regarded as a waiver of a remedy, as discernible by the conduct of the respondent-writ petitioners. Such a delay would disentitle the respondent-writ petitioners to the discretionary relief under Article 226 of the Constitution. Further, the order of the High Court dated 17-3-2015 [Debabrata Tiwari v. State of W.B., WPA No. 3243 of 2015, order dated 17-3-2015



(Cal)] , whereby the writ petition filed by some of the respondents herein was disposed of with a direction to the Director of Local Bodies, Government of West Bengal to take a decision as to the appointment of the respondent-writ petitioners, cannot be considered to have the effect of revival of the cause of action.

45. In the present case, the applications for compassionate appointment were made by the respondent-writ petitioners in the year 2005-2006. Admittedly, the first concrete step taken by the Chairman of Burdwan Municipality was in the year 2013, when the said authority forwarded a list of candidates to be approved by the Director of Local Bodies, Burdwan Municipality. The respondent-writ petitioners knocked on the doors of the High Court of Calcutta only in the year 2015 i.e. after a lapse of nearly ten years from the date of making the application for compassionate appointment. The respondent-writ petitioners were not prudent enough to approach the courts sooner, claiming that no concrete step had been taken by the appellant State in furtherance of the application by seeking a writ in the nature of mandamus.

46. The sense of immediacy in the matter of compassionate appointment has been lost in the



present case. This is attributable to the authorities of the appellant State as well as the respondent-writ petitioners. Now, entertaining a claim which was made in 2005-2006, in the year 2023, would be of no avail, because admittedly, the respondent-writ petitioners have been able to eke out a living even though they did not successfully get appointed to the services of the Municipality on compassionate grounds. Hence, we think that this are therefore not fit cases to direct that the claim of the respondent-writ petitioners for appointments on compassionate grounds, be considered or entertained."

In the case on hand also, the husband of the petitioner who was working as Government Teacher died in the year 2005 whereas, for the first time, the application seeking compassionate appointment is made in the year 2023. In the said circumstance, the principles laid down in the above cited decision would aptly apply. The Tribunal is justified in rejecting the petitioner's application holding that there is lapse of 21 years in claiming compassionate appointment and also holding that compromise decree between the petitioner and one Smt.Gangamma is not binding on the respondents.



10. There is no merit in the writ petition. Accordingly, the writ petition is ***dismissed*** as devoid of merits as well as on the ground of delay and latches.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE

MPK
CT:RK
List No.: 1 Sl No.: 12