



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO.23052 OF 2022 (S-RES)

BETWEEN:

MRS. NIKSHITHA
AGED 30 YEARS,
D/O LATE K. DEVAPPA,
WIFE OF VINEETH,
RESIDING AT C/O ELIYASPAIS,
ERADEEP HOUSE, BAREBAIL,
NEAR A.J.HOSPITAL,
KUNTIKANA,
MANGALURU - 575 004.

...PETITIONER

Digitally
signed by
SUNITHA K S
Location:
HIGH COURT
OF
KARNATAKA

(BY SRI. GANAPATHI BHAT, ADVOCATE)

AND:

1. THE KARNATAKA URBAN WATER
SUPPLY AND DRAINAGE BOARD,
OFFICE OF THE EXECUTIVE ENGINEER,
MANGALURU DIVISION,
MALLIKATTA,
MANGALURU - 575 002.
2. THE MANAGING DIRECTOR
KARNATAKA URBAN WATER SUPPLY



AND DRAINAGE BOARD,
JALABHAVANA,
BANNERUGHATTA ROAD,
BENGALURU - 560 076.

3. THE CHIEF OFFICER
PUTTUR TOWN MUNICIPALITY,
PUTTUR - 574 201.

4. SMT. LEELA,
ADULT,
RESIDING AT MANIKANTA MANE,
SANJAY NAGARA, KEMMINJE,
DARBE POST,
PUTTUR,
DAKSHINA KANNADA DISTRICT - 574 202.

...RESPONDENTS

(BY SMT. SUMANGALA GACHCHINAMATH, ADVOCATE FOR R1;
SMT. PAVANA B.K, ADVOCATE FOR
SRI. PRATHEEP K.C, ADVOCATE FOR R3;
SRI. JAGADEESH B.N, ADVOCATE FOR R4;
R2 - SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED ENDORSEMENT DTD 29.01.2022 PASSED BY THE
R2 PRODUCED HERewith ANNEXURE-N.

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



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

ORAL ORDER

The petitioner filed this writ petition, seeking the following reliefs:

- "1. Issue any appropriate writ or writ of certiorari quashing the impugned endorsement dated 29-01-2022 bearing No.ಸಂಖ್ಯೆ/ಕಜಮ/ಹಜ್ಆರ್‌ಡಿ-6/1910 passed by the Respondent No.2 produced herewith as Annexure N, and;
2. Grant such other reliefs and pass order as this Hon'ble Court deems fit in facts and circumstances of the case in the interest of justice and equity."

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

The petitioner is the daughter of Late K. Devappa and Smt. Jayanti. The petitioner's father was employed as an Assistant in Karnataka Urban Water Supply and Drainage Board, Mangaluru Division, Mallikatta, Mangaluru and he was posted on deputation to the Office of the Puttur Municipal Council, Puttur. He passed away on 15.10.2014 while he was in service. The petitioner's father died leaving behind Smt. Jayanti and the petitioner as his legal heir. The petitioner submitted an application on 05.11.2014 to the Chief Officer,



Puttur Town Municipality, requesting to appoint her on compassionate ground. The said letter was forwarded to the Executive Engineer, Karnataka Urban Water Supply and Drainage Board i.e., respondent No.2 with a copy to respondent Nos.1 and 3, requesting to release the Death-cum-retirement benefits of her father and she has also applied for appointment on compassionate ground. Respondent No.2 has issued an endorsement stating that the petitioner is a married daughter and is not entitled for appointment on compassionate ground. Hence, this writ petition.

3. Respondent Nos.1 and 2 filed their statement of objections contending that the writ petition filed by the petitioner is not maintainable and the petitioner has no *locus standi* to file the writ petition. It is contended that the petitioner's father was appointed as an Assistant in respondent No.2 - Board in 1996. He passed away on 15.10.2014. The petitioner filed a writ petition in W.P.No.8654/2015. The said writ petition came to be disposed of, directing the respondent-Board to consider the case of the petitioner for appointment on compassionate grounds, keeping in mind the rules and laws laid down by the Hon'ble Apex Court and Terminal Benefits payable



to the legal representatives of the deceased employee - respondent No.4. The petitioner being aggrieved by the order passed in W.P.No.8654/2015, preferred an appeal in W.A.No.525/2021. The said writ appeal was disposed of directing the respondents to consider the case of the petitioner within a period of sixty days. A contempt petition was filed in C.C.C.No.1023/2021 and Karnataka Civil Service Rules (Appointment of Compassionate grounds) Amended Rules, 2021 has been amended with effect from 09.04.2021. The amendment Rules shall come into force from the date of their publication in the Official Gazette. It is contented that the petitioner's father passed away on 15.10.2014 and an application was filed on 05.11.2014. As on the date of submitting an application, the petitioner was married and the rules prevailing at that relevant point of time did not provide for grant of appointment on compassionate grounds to the married daughters. Hence, the claim of the petitioner was rejected and prays to dismiss the petition against respondent Nos.1 and 2.

4. Heard the arguments of the learned counsel for the petitioner and also learned counsel for respondent Nos.1 and 2.



5. Learned counsel for the petitioner submitted that the father of the petitioner was working in respondent Nos.1 and 2 - Board. He died leaving behind the petitioner as his legal heir. The petitioner applied for appointment on a compassionate ground. Respondent Nos.1 and 2 did not consider the application filed by the petitioner. They submit that this Court has directed respondent Nos.1 and 2 to consider the case of the petitioner for appointment on compassionate ground in W.P.No.8654/2015. He submitted that the learned Co-ordinate Bench of this Court while disposing of the said writ petition directed respondent Nos.1 and 2 to disburse the Terminal Benefits of the deceased employee to the legal representatives of the deceased employee - respondent No.4 on clear verification of documents. He also submitted that the petitioner preferred writ appeal in W.A.No.525/2021. He submits that the issue involved in this case is squarely covered by the order passed by the Division Bench in the case of **SMT. SAVITHA R. V. THE STATE OF KARNATAKA AND OTHERS** in **W.P.No.3765/2022** disposed of on 15.06.2026. He submitted that the married daughter is entitled for appointment on a



compassionate ground. Hence, on this ground, he prays to allow the writ petition.

6. *Per contra*, learned counsel for respondent Nos.1 and 2 submits that the petitioner was not entitled for appointment on a compassionate ground, as on the date of submitting an application, she was married. The Rules doesn't prescribe that the married daughter is entitled for appointment on a compassionate ground. Respondent Nos.1 and 2 have rightly issued an impugned endorsement. Hence, prays to dismiss the writ petition.

7. Perused the records and considered the submissions of the learned counsel for the parties.

8. It is an undisputed fact that the petitioner's father was working as an Assistant in Karnataka Urban Water Supply and Drainage Board, Mangaluru Division, and he was posted on deputation to the Office of Municipal Council. He passed away on 15.10.2014 leaving behind the petitioner as his legal heir. The petitioner, after the demise of her father, has submitted an application for appointment on compassionate ground. The said application was rejected by the respondents. The petitioner



approached this Court in W.P.No.8654/2015. The Co-ordinate Bench of this Court, vide order dated 20.01.2021, disposed of the writ petition. While disposing of the said writ petition, directed respondent No.1-Board to consider the case of the petitioner for appointment on compassionate grounds keeping in mind the rules and law laid down by the Hon'ble Apex Court and this Court with regard to the grant of compassionate appointment to the petitioner, married daughter of the deceased. While disposing of the said writ petition, the Co-ordinate Bench of this Court has further directed the respondents to disburse the Terminal Benefits to the legal representatives of the deceased employee - respondent No.4 on clear verification of documents. The petitioner, aggrieved by the order passed by the Co-ordinate Bench of this Court in the aforesaid writ petition preferred a W.A.No.525/2021. The Division Bench vide its judgment dated 12.07.2021 disposed of with the following directions:

"(i) The terminal dues including the family pension in respect of the deceased government servant Sri late K. Devappa be finalised and paid to respondent No.4-Smt. Leela, the second wife of the deceased Devappa, within a period of sixty days from today.



(ii) So far as the application submitted by the appellant for the grant of compassionate appointment is concerned, the respondent is directed to decide the application on merits within a period of sixty days from today.

(iii) It is needless to mention that the claim of the appellant will not be turned down on account of delay as the matter was pending before this Court and there was a dispute between the parties.

iv) As the appellant is a married daughter of the deceased Devappa, keeping in view the order passed by this Court in W.P.No.3340/2020 on 28.05.2021, the respondent is directed to consider the case on merits and in accordance with law.

v) The exercise in respect of the grant of compassionate appointment shall be concluded within sixty days from the date of receipt of a certified copy of this order."

9. After the disposal of the said writ appeal, the respondents have passed an impugned order vide Annexure-N dated 29.01.2022 passed by respondent No.2, wherein the application filed by the petitioner on the occasion for appointment on compassionate ground was rejected on the ground that the petitioner was married as on the date of submitting an application. The Division Bench of this Court had occasion to consider a similar issue in the case of **SMT. SAVITHA R. V. THE STATE OF KARNATAKA AND OTHERS** in **W.P.No.3765/2022**. The Division Bench of this Court has held that it is a settled law that a married daughter is also entitled



for compassionate appointment and also held that the case of the petitioner therein have to be considered by the respondent in terms of Rule 4(1)(b) and also Rules 5 and 6 of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 ('the Rules' for short). Admittedly in the instant case, the father of the petitioner passed away in 2014 and the provisions of Rules, 1996 are applicable to the case on hand. Thus, the petitioner is entitled for appointment on compassionate grounds. The impugned order passed by respondent No.2 is contrary to the mandate laid down by the Division Bench of this Court in the case of **Smt. Savitha R.** (*supra*). Considering the judgment passed by the Division Bench of this Court in the case of **Smt. Savitha R.** (*supra*), this Court is of the opinion that the impugned order passed by respondent No.2 is arbitrary and erroneous and the same is unable to be quashed.

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



ORDER

- I. The writ petition is ***allowed***.
- II. The impugned endorsement dated 29-01-2022 bearing No.ಸಂಖ್ಯೆ/ಕಜಮ/ಹೆಚ್ಆರ್‌ಡಿ-6/1910 vide Annexure-N issued by respondent No.2, is hereby quashed.
- III. Respondent No.2 is directed to consider the compassionate appointment to the petitioner in terms of the order passed by the Division Bench of this Court in ***Smt. Savitha R. (supra)*** within a period of eight (8) weeks from the date of receipt of copy of this order.

Pending applications, if any, stand disposed off accordingly.

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

SJK
List No.: 1 Sl No.: 51