



CNR: KAHC010590882024

NC: 2026:KHC:47680
WP No. 28283 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 28283 OF 2024 (S-RES)

BETWEEN:

SMT MONIKA B D
W/O KANTHRAJ H.K.
D/O SMT. RAJAMMA AND LATE B.T.DHARANESH
AGED 31 YEARS, R/AT HULIKERE
CHANNARAYAPATNA TALUK
HASSAN DISTRICT - 573 116.

...PETITIONER

(BY SRI. SADASHIVAIAH K G., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
KPTCL, CORPORATE OFFICE
CAUVERY BHAVAN
BENGALURU 560 009.
2. THE ASSISTANT EXECUTIVE ENGINEER
(V) CHESCOM, CHANNARAYAPATNA SUB-DIVISION
B.M.ROAD, CHANNARAYAPATNA TALUK
HASSAN DISTRICT - 573 116.

...RESPONDENTS

(BY SMT. M C NAGASHREE, ADVOCATE FOR R1 & R2(VK NOT
FILED)

SMT. RAKSHITHA D J, ADVOCATE FOR R2)

Digitally signed
by VARSHA N
RASAIKAR
Location: HIGH
COURT OF
KARNATAKA



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THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT BEARING NO. PA.SO.A.EM(V)/U LE NI/LE A/C SA/2885-86 DTD. 25.07.2023 ISSUED BY THE R-2 AS PER ANNEX-A TO THE WRIT PETITION. DIRECT THE RESPONDENT TO CONSIDER THE APPLICATION FILED BY THE PETITIONER ON 26.11.2019 AND APPOINT THE PETITIONER ON COMPASSIONATE GROUND AS PER ANNEX-H TO THE WRIT PETITION.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN '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:

- "a. *Issue a writ in the nature of Certiorari by quashing the endorsement bearing no. Pa. So: A Em (V) / U Le Ni / Le A / C Sa/2885-86 dated 25.07.2023 issued by the 2nd respondent as per ANNEXURE-'A' to the Writ Petition.*
- b. *Issue writ in the nature of Mandamus directing the respondent to consider the application filed by the petitioner on 26.11.2019 and appoint the petitioner on compassionate ground as per ANNEXURE-'H' to the writ petition.*



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c. Grant such other writ or order or direction as this Hon'ble Court deems fit to grant under the circumstances of the case in the interest of justice and equity."

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

2.1. The brother of the petitioner died on 05.02.2019 while he was in service as he was working as a Lineman under respondent No.2. The mother of the petitioner sworn to an affidavit on 03.09.2019 to the effect that, except the petitioner, there are no other persons to claim compassionate appointment. The petitioner submitted an application to respondent No.2 on 26.11.2019 seeking appointment on compassionate ground. On 05.02.2020, respondent No.2 rejected the said application on the ground that the petitioner is not entitled to the compassionate appointment on the ground that she is married and she was not depending on the deceased employee as of the date of death of the



deceased employee. The petitioner approached this Court by filing a writ petition in WP No.4202/2021. The said writ petition was allowed vide order dated 22.07.2021 and the endorsement dated 05.02.2020 was quashed. The respondents were directed to re-consider the application of the petitioner. On 08.11.2021, the State Government made an amendment to the compassionate appointment rules by inclusion of a married daughter who is eligible for compassionate appointment. The respondents filed a writ appeal in WA No.1355/2021 before the Division Bench of this Court and the same came to be dismissed vide judgment dated 23.01.2023. Challenging the order and judgment passed by this Court, the respondents have filed an SLP before the Hon'ble Apex Court, which came to be dismissed. It is contended that, respondent No.2 issued an endorsement dated 25.07.2023 rejecting the application of the petitioner on the ground that, it was earlier decided by this Court. Hence, this writ petition.



3. Heard the arguments of learned counsel for the petitioner and learned counsel for the respondents.

4. Learned counsel for the petitioner submits that, the petitioner is entitled for compassionate appointment in view of the order passed by this Court in WP No.4202/2021, disposed of on 22.07.2021 and the said order was confirmed by the Division Bench in WA No.1355/2021 vide judgment dated 23.01.2023. The endorsement issued by respondent No.2 is arbitrary and erroneous. Hence, on these grounds, he prays to allow the writ petition.

5. *Per contra*, learned counsel for the respondents submits that, admittedly, the petitioner is a sister of the deceased employee and she was married as of the date of death of the deceased employee. She submits that, a married sister is not entitled for compassionate appointment, not depending on the deceased brother, and she does not fall within the definition of 'family' as defined



under Section 2(1)(b) of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 ('**Rules**' for short). To buttress her arguments, she has placed reliance on the order of this Court in the case of ***Smt. Yamuna T V Vs. The Executive Engineer, Operations and Maintenance Section, Chamundeshwari Electricity Supply Corporation Limited and Another¹***. Hence, on these grounds, she prays to dismiss the writ petition.

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

7. It is an undisputed fact that, the brother of the petitioner was working as a Lineman under respondent No.2. The brother of the petitioner passed away on 05.02.2019.

8. Admittedly, the petitioner is the sister of the deceased employee. She has submitted an application for

¹ WP No.13423/2023, disposed of on 14.08.2026



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appointment on compassionate ground. On 12.02.2020, respondent No.2 rejected the application submitted by the petitioner on the ground that the petitioner is not entitled for compassionate appointment as per Section 2(1)(b) of the Rules, as she does not fall within the definition of 'family'. The petitioner challenged the said endorsement dated 05.02.2020 in WP No.4202/2021. The said writ petition came to be allowed-in-part vide order dated 22.07.2021 and the matter was remitted to the hands of the respondent-KPTCL to consider the case of the petitioner in the light of amendment to the Rules by the State Government, if the petitioner is otherwise found eligible.

9. Admittedly, amendment to the Rules pertains to the married daughter, and the deceased employee was the brother of the petitioner. A married sister does not fall within the definition of 'family' as defined under Section 2(1)(b) of the Rules. The definition of family was amended on 31.05.2021, which defines 'family' as under:



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"(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;"

10. Admittedly, the petitioner was not residing with the deceased employee, as of the date of death of the deceased employee. The petitioner, being a sister, cannot be construed as a member of the family of the deceased employee.

11. The issue involved in this case is squarely covered by the judgment of the Division Bench of this Court in the case of ***Pallavi G.M. Vs. The Managing Director, Karnataka Power Transmission Company Limited²***, wherein the Division Bench has held as follows:

"... .. A sister does not figure in the definition, is obvious. The appellant being a sister cannot be construed as a member of the family of the deceased. These Rules are been adopted and followed by the respondent-KPTCL. "

² WA No.626/2023, disposed of on 07.09.2023



Considering the judgment rendered by the Division Bench in the case of ***Pallavi G.M.*** (supra), the petitioner does not fall within the definition of 'family' as defined under Rule 2(1)(b) of Rules. Respondent No.2 has rightly issued the impugned endorsement. Hence, I do not find any grounds to interfere with the impugned endorsement.

12. Accordingly, I proceed to pass the following:

ORDER

- i. The writ petition is ***dismissed***;
- ii. Pending IA(s), if any, shall stand disposed of.

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

PA
List No.: 1 Sl No.: 35