



CNR: KAHC010593302025

NC: 2026:KHC:48782
WP No. 27583 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 27583 OF 2025 (S-RES)

BETWEEN:

1. SMT SARITA
W/O LATE UMESH
AGED ABOUT 36 YEARS,
RESIDING AT
D/O LATE RAMACHANDRA KODAGIAH
NO.E.95, MSK MILL ROAD,
NEAR MALLIKARJUNA DEVSTANA
HIRREPURA
GULBARGA- 585 103
PRESENTLY RESIDING AT
NEST GIRLS P.G,
KONANAKUNTE CROSS,
NEAR MANASA THEATRE,
OPP. ROYAL ENGLISH MEDIUM SCHOOL
BENGALURU- 560 062

... PETITIONER

(BY SRI. RAGHUPATHI M J., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
KARNATAKA FOREST DEVELOPMENT CORPORATION
1ST FLOOR, VANA VIKASHA, 18TH CROSS ROAD,
MALLESHWARAM BENGALURU- 560 003



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2. THE EXECUTIVE DIRECTOR
KARNATAKA FOREST DEVELOPMENT CORPORATIO
MANGALURU-575 005.
3. DIVISIONAL MANAGER
SULYA RUBBER DIVISION,
KURUNGIBHAG
SULLIA POST-574 239

... RESPONDENTS

(BY SRI. M. V. CHARATI., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 226 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER NO. KA A A NI NI: A1(B): NEE NEE: ANUKAMPA /2023-24 DTD. 27-29/12/2023 PASSED BY THE R-1 AT ANNEXURE-N AND DIRECT THE RESPONDENT TO CONSIDER THE CASE OF THE PETITIONER FOR APPOINTMENT ON COMPASSIONATE GROUNDS IN VIEW OF DEATH OF HER HUSBAND AS PER THE RULES WITH ALL THE CONSEQUENTIAL BENEFITS.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The present petition is filed by one Sarita, W/o Late Umesh seeking for setting aside of the order at Annexure-N, whereby the Karnataka Forest Development



Corporation Ltd., has rejected the application of the petitioner for appointment on compassionate grounds.

2. The facts made out are that, Ganesh who was working as Forest Guard in the first respondent Corporation died leaving behind his wife Bhagirathi and son Umesh. Upon the death of Ganesh, compassionate appointment was made in favour of Umesh. It is submitted that Umesh, husband of petitioner herein died on 30.07.2021 and after his death, an application was made by he petitioner seeking appointment on compassionate grounds.

3. The fact remains that first claim of compassionate appointment was on the death of Ganesh, wherein Umesh- husband of the petitioner and son of deceased Ganesh was appointed on compassionate grounds.

4. It is stated that Umesh had died on 30.07.2021 and his death was not due to natural cause.



5. Learned counsel for Corporation would submit that FIR was lodged relating to the death of Umesh who is alleged to have died by consuming poison and such extreme action of the deceased was due to family dispute. It is further contended that if it is a fact that the petitioner was also a cause for the death of Umesh, then she was not entitled to claim such benefit in light of Rule 3 (iv) of the Karnataka Civil Services (Appointment on compassionate grounds) Rules, 1996 ("1996 Rules", for short).

6. Learned counsel for petitioner however would dispute such version and submits that there is no material to indicate or make out such allegation as is sought to be made out.

7. It is further made out by the learned counsel appearing for respondent Corporation that Bhagirathi, wife of Ganesh was also an employee of the Corporation, which fact however is disputed by the petitioner.



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8. Heard both sides.

9. At the outset, it must be noticed that compassionate appointment is an exception to the general mode of recruitment. The Corporation has adopted the Karnataka Civil Services (Appointment on compassionate grounds) Rules, 1996. The statutory scheme is to be kept in mind.

10. Rule 3 (1) of the Karnataka Civil Services (Appointment on compassionate grounds) Rules, 1996 reads as follows:

"3 (1) Appointment on compassionate grounds under these rules shall not be claimed as a matter of right and shall not be given as a matter of course."

11. It is not in dispute that Umesh was the beneficiary of appointment on compassionate grounds in



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light of the death of his father Ganesh. Upon the death of Umesh, the question is, whether Rules could be invoked once again. Normally in the absence of any disqualification, perhaps the present petitioner would also entitled to claim appointment on compassionate grounds. However, the objective of the Rules must be construed so as to enable the family of the deceased to tide over the crisis financial or otherwise due to the death of the employee. Once Ganesh has died and Umesh has got the benefit of compassionate appointment, such benefit cannot be extended further by converting the right as if it were a hereditary right. In light of compassionate appointment offered as a measure to tide over a crisis arising due to the death of the 'bread earner' is a temporary measure and ought to end with that post. No doubt Umesh once appointed, enjoys all benefits of an employee of the Corporation however, appointment on compassionate ground once again sought to be invoked vis-a-vis the legal heirs would not be permissible.



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Decision taken in terms of the order at Annexure-N denying further claim of appointment on compassionate grounds is to be traced by virtue of the power of the employer under Rule 3 (1) extracted above.

12. In light of Rule 3 (1), employer is conferred with certain rights to deny claim of compassionate appointment claimed as a right and in peculiar facts and circumstances of the case, decision of the employer cannot be faulted, nor appointment of Umesh which is an exception to General Recruitment Rules can now be converted as hereditary right upon the death of Umesh. In the peculiar facts and circumstances of the case, the endorsement at Annexure-N issued by the respondent Corporation must be read as falling within the scope of restriction under Rule 3 (1) of the Rules. Accordingly, the said contention is rejected.



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13. Accordingly, in light of the discussion made supra, the petition is hereby rejected.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

NP
List No.: 1 Sl No.: 40