



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 3765 OF 2022 (S-KSAT)

BETWEEN:

SMT. SAVITHA.R
W/O JAYANNA D.T,
AGED ABOUT 40 YEARS
R/O JOGIMAT ROAD,
NEAR BANNIMAHAKALI TEMPLE
JATPAT NAGARA CIRCLE
CHITRADURGA,
CHITRADURGA DISTRICT- 577 501

...PETITIONER

(BY SRI. VIRUPAKSHAIAH P.H.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY
SOCIAL WELFARE DEPARTMENT
2ND FLOOR, VIKASA SOUDHA
BENGALURU - 560 001.
2. THE COMMISSIONER
SOCIAL WELFARE DEPARTMENT
5TH FLOOR, DR.AMBEDKAR VEEDHI
M.S.BUILDING
BENGALURU - 560 001.
3. THE DEPUTY DIRECTOR
SOCIAL WELFARE DEPARTMENT





CHITRADURGA DISTRICT
CHITRADURGA-577 501.

4. THE ASSISTANT DIRECTOR
SOCIAL WELFARE DEPARTMENT
CHALLAKERE TALUK
CHALLAKERE - 577 522.
5. THE DISTRICT TRIBAL WELFARE OFFICER
CHITRADURGA DISTRICT
CHITRADURGA - 577 501.
6. THE TALUK TRIBAL WELFARE OFFICER
CHALLAKERE TALUK
CHALLAKERE - 577 522.

...RESPONDENTS

(BY SRI. HARISH A.S, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS PERTAINING TO THE CASE AND GRANT THE FOLLOWING RELIEFS ISSUE WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT OR ORDER OR DIRECTION IN THE SIMILAR NATURE QUASHING ORDER DATED 21/01/2022 VIDE ANNEXURE-A PASSED IN APPLICATION NO. 1346/2021 BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BANGALORE BY ALLOWING THE APPLICATION NO. 1346/2021 FILED BY THE PETITIONER HEREIN AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY IN 'B' GROUPW, 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)

Petitioner is before this Court questioning the order dated 21.01.2022 in Application No.1346/2021 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal'), whereunder the petitioner's challenge to endorsement dated 12.03.2021 (Annexure-A11) rejecting her request for compassionate appointment on the ground that she is a married daughter and also on the ground that her mother is a retired Government servant, is rejected..

2. Brief facts of the case are that, the father of the petitioner was working as Group-D employee i.e., Cook at Pre-metric ST Boy's Hostel, Nelagatenahatti, Challakere Taluk. While in service, he died on 25.02.2014 and immediately on his death, petitioner is said to have submitted application on 27.12.2014 requesting compassionate appointment. As on the date of her application, there was no provision under Karnataka Civil



Services (Appointment on Compassionate Grounds) Rules, 1996 (for short, 'Rules, 1996') for appointment of a married daughter. It is an admitted fact that as on the date of her father's death, the petitioner was married. It is to be noted that Rules, 1996 was amended to include the married daughter in the definition of 'family' by notification dated 09.04.2021. In the meanwhile, under endorsement dated 12.03.2021 (Annexure-A11) case of the petitioner for compassionate appointment was rejected on the ground that she is a married daughter and also on the ground that her mother is a retired Government servant. Questioning the said endorsement, petitioner was before the Tribunal in the above stated application and under impugned order dated 21.01.2022, prayer of the petitioner is rejected, though the Tribunal came to the conclusion that married daughter is also entitled for compassionate appointment. Questioning the said order, the petitioner is before this Court in this writ petition.



3. Heard learned counsel Sri.Virupakshaiah.P.H., for petitioner and learned Additional Government Advocate Sri.Harisha.A.S., for respondents. Perused the entire writ petition papers.

4. Learned counsel Sri.Virupakshaiah.P.H., for petitioner would submit that in view of the subsequent amendment to Rules, 1996, providing for compassionate appointment to married women, the petitioner would be entitled for consideration of her case for compassionate appointment. Further, learned counsel would submit that case of the petitioner requires to be examined as to whether the income stated under Rule 4 exceeds to deny compassionate appointment.

5. Per contra, learned Additional Government Advocate Sri.Harisha.A.S., for respondents would submit that before the amended provision came into force, the case of the petitioner is rejected. Hence, the petitioner would not be entitled for compassionate appointment.



Further, learned Additional Government Advocate would submit that since the mother of the petitioner is a retired Government servant, petitioner would not be entitled for compassionate appointment. Thus, he would pray for dismissal of the writ petition.

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 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*

¹ ILR 2021 KAR 5256



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

9. In the light of the above, we proceed to pass the following:

ORDER

- a) Writ petition is allowed.
- b) The order passed by the Tribunal in Application No.1346/2021 dated 21.01.2022 is set aside.



- c) Consequently, endorsement bearing No.ತಾ.ಪ.ವ.ಕ/ಅ.ಅ.ನೇ/ಸಿಆರ್-/2020-21 dated 12.03.2021 passed by the sixth respondent is quashed.
- d) The respondents are directed to consider the case of the petitioner for compassionate appointment in the light of the order dated 23.08.2024 in W.P.No.15961/2022 insofar as married daughters are concerned and in terms of Rules 4, 5 and 6 of Rules, 1996 and pass appropriate order, within three months from today.

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

**SD/-
(RAJESH RAI K)
JUDGE**

NC
CT: RK:
List No.: 1 SI No.: 22