



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 14TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 106296 OF 2025 (S-RES)

BETWEEN:

SAROJA W/O. GANESHRAO N. KONDAI,
AGE: 47 YEARS, OCC: NIL,
R/O: 3RD CROSS, NEAR GTC,
MUDHOLKAR COMPOUND,
TQ AND DIST DHARWAD.

...PETITIONER

(BY SRI. GIRISH V. BHAT, ADVOCATE)

AND:

1. MANAGING DIRECTOR,
NORTHWESTERN KARNATAKA STATE
ROAD TRANSPORT CORPORATION
CENTRAL OFFICE, GOKUL ROAD,
HUBBALLI,
DIST: DHARWAD – 580 001.
2. DIVISIONAL CONTROLLER,
NORTHWESTERN KARNATAKA STATE
ROAD TRANSPORT CORPORATION
DHARWAD RURAL DIVISION,
DIST: DHARWAD – 580 001.
3. THE DIVISIONAL SECURITY SUPERINTENDENT,
NORTHWESTERN KARNATAKA STATE
ROAD TRANSPORT CORPORATION,
DHARWAD RURAL DIVISION,
MRUTYUNJAYA NAGAR,
DIST: DHARWAD – 580 001.

Digitally signed by
VISHAL NINGAPPA
PATIL

Location: High
Court of Karnataka,
Dharwad Bench,
Dharwad



4. CHIEF PERSONNEL MANAGER,
NORTHWESTERN KARNATAKA STATE
ROAD TRANSPORT CORPORATION
CENTRAL OFFICE, GOKUL ROAD,
HUBBALLI,
DIST: DHARWAD – 580 024.

...RESPONDENTS

(BY SRI. PRASHANT HOSAMANI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR A DIRECTION OR AN APPROPRIATE ORDER IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ENDORSEMENT ISSUED BY THE 2ND RESPONDENT BEARING NO. SAM/ VAAKARASAA/ DHAVI/ SIBBANDI/ ANUKAMPA/ C5/2256/2024-25 DATED 17.01.2025 DECLINING TO EXTEND THE BENEFIT OF COMPASSIONATE APPOINTMENT TO THE PETITIONER VIDE ANNEXURE-H. ISSUE A WRIT OR A DIRECTION OR AN APPROPRIATE ORDER IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ENDORSEMENT ISSUED BY THE 2ND RESPONDENT BEARING NO.SAM/ VAAKARASAA/ DHAVI/ SIBBANDI/ ANUKAMPA/ C5/382/2025 DATED 10.05.2025 DECLINING TO EXTEND THE BENEFIT OF COMPASSIONATE APPOINTMENT TO THE PETITIONER VIDE ANNEXURE-K. ISSUE A WRIT OR A DIRECTION OR AN APPROPRIATE ORDER IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO. 2 TO APPOINT THE PETITIONER ON COMPASSIONATE GROUND, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,



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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE M.NAGAPRASANNA)

1. The petitioner is before this Court calling in question, an order / endorsement dated 17.01.2025 declining to extend the benefit of compassionate appointment to the petitioner on the score that the petitioner has become a widow after the cut off age in terms of the scheme for the purpose of consideration of the case of the petitioner for appointment on compassionate ground.

2. Heard the learned counsel Shri Girish V.Bhat appearing for the petitioner and the learned counsel Shri Prashant Hosamani appearing for the respondents.

3. The facts in brief germane are as follows.

The husband of the petitioner, who was working as a Driver cum Conductor in the respondent – Corporation, from 04.04.2006 dies in harness on 27.09.2023. Immediately after the death of the sole breadwinner of the family, the petitioner - widow of the deceased, files an application seeking appointment on compassionate grounds. The said claim comes to be rejected



by the impugned endorsement dated 17.01.2025, on the ground that the age of the petitioner is beyond 43 years, as she was 47 years at the time when she becomes a widow. After the said rejection, the petitioner submits a representation explaining the financial condition of the family. It is this endorsement that is called in question in the case at hand.

4. Learned counsel Shri Girish V.Bhat appearing for the petitioner would submit that the scheme for appointment on compassionate grounds, though restricts the age at 43, the object of compassionate appointment is given a go-bye, as one has to become a widow before 43 years, if the scheme is to be taken *stricto sensu*. Learned counsel would submit that in identical circumstances, the Coordinate Bench of this Court has considered this very scheme and held that merely because the applicant has crossed the age of 43 years, the appointment on compassionate grounds cannot be turned down and has directed the Corporation to frame a policy, humane in nature.

5. Learned counsel Shri Prashanth Hosamani representing the Corporation would vehemently refute the submissions of the learned counsel for the petitioner contending



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that these objections may be taken as his oral objections, and would submit that the judgment relied upon by the learned counsel for the petitioner, is wanting to be tossed in appeal and the appeal would be filed in the course of this week. Learned counsel would further contend that the scheme for compassionate appointment is under which the applications are to be considered, while it is an unfortunate circumstance that the petitioner becomes a widow after the age of 43 years, the appointment on compassionate grounds is not an alternate source of recruitment, the cut-off age in terms of the scheme is not relaxable at all. Learned counsel would submit that the scheme envisages appointment only upto 38 years of age, and is relaxable upto 5 years. Therefore, if an application has to be considered the age of such applicant should be 43 years and not beyond that. He would seek dismissal of the petition.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. The afore-narrated facts lie in a narrow compass. The husband of the petitioner was working as a Driver cum



Conductor who has been appointed on 04.04.2006. He dies in harness on 27.09.2023. The petitioner then submits an application immediately seeking appointment on compassionate grounds, as according to the petitioner, the family was condemned by penury and was driven to impecuniosities, due to the death of the sole breadwinner, of the family. The application comes to be rejected by the following endorsement dated 17.01.2025. The endorsement reads as follows:

“ಈ ಮೇಲಿನ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಶ್ರೀಮತಿ, ಸರೋಜಾ ಗಣೇಶರಾವ್ ಕೊಂಡಾಯಿ ರವರಿಗೆ ಈ ಮೂಲಕ ತಿಳಿಸುವದೇನೆಂದರೆ. ನೀವು ನಿಮ್ಮ ಪತಿಯಾದ ದಿ: ಗಣೇಶರಾವ ನಾಗೇಂದ್ರ ಕೊಂಡಾಯಿ, ಮಾಜಿ ಚಾಲಕ-ಕಂ-ನಿರ್ವಾಹಕ, ಧಾರವಾಡ ಘಟಕ ರವರು ದಿನಾಂಕ: 27.09.2023 ರಂದು ಆಕಾಲಿಕ ನಿಧನ ಹೊಂದಿರುವುದರಿಂದ ಅವರ ನಿಧನದ ನಂತರ ಸಿಗುವ ಅನುಕಂಪದ ಆಧಾರದ ನೌಕರಿಯನ್ನು ತಮಗೆ ನೀಡುವಂತೆ ಕೋರಿ ವಿಭಾಗದಲ್ಲಿ ದಿನಾಂಕ: 20.05.2024 ರಂದು ಮನವಿ ಸಲ್ಲಿಸಿರುತ್ತಿರಿ ಆದರಂತೆ ನಿಮ್ಮ ಮನವಿಯನ್ನು ಪರಿಶೀಲಿಸಿ ಅನುಕಂಪದ ಆಧಾರದ ನೌಕರಿಯ ಕುರಿತು ಸೂಕ್ತ ಭದ್ರತಾ ತನಿಖೆ ನಡೆಸಿ ವರದಿ ನೀಡುವಂತೆ ವಿಭಾಗದ ಭದ್ರತಾ ಅಧೀಕ್ಷಕರವರಿಗೆ ಪತ್ರ ಬರೆಯಲಾಗಿತ್ತು ಆದರಂತೆ ವಿಭಾಗದ ವಿ.ಭ.ಅಧೀಕ್ಷಕರು ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ ಆದರಂತೆ ಸದರಿ ವರದಿ ಹಾಗೂ ನಿಮ್ಮ ಶಾಲಾ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ನಿಮ್ಮ ಜನ್ಮ ದಿನಾಂಕ: 26.02.1977 ಇರುತ್ತದೆ ಆದ್ದರಿಂದ ನೀವು ಮನವಿ ಸಲ್ಲಿಸಿದ ದಿನಾಂಕಕ್ಕೆ ನಿಮ್ಮ ವಯಸ್ಸು 47 ವರ್ಷ 02 ತಿಂಗಳು 24 ದಿನಗಳು ಪೂರ್ಣಗೊಂಡಿರುತ್ತದೆ ಮತ್ತು ನೀವು ಕೆಟಗೇರಿ 3ಬಿ ವರ್ಗಕ್ಕೆ ಸೇರಿರುವುದರಿಂದ ಆದರೆ ಸಂಸ್ಥೆಯ ಪದವ್ಯದ ನೇಮಕಾತಿ ನಿಯಮಾವಳಿ ಪ್ರಕಾರ ಸದರಿ ಪ್ರವರ್ಗ-3ಬಿ ರವರಿಗೆ 38 ವರ್ಷಗಳ ವಯೋಮಿತಿ ನಿಗದಿಪಡಿಸಿದ್ದು ವಿಧವಾ ಮೃತವಾಲಂಬಿತರಿಗೆ 05 ವರ್ಷಗಳ ವಯೋಮಿತಿಯಲ್ಲಿ ಸಡಿಲಿಕೆ ನೀಡಲಾಗಿರುತ್ತದೆ. ಇದರನ್ವಯ ವಿಧವಾ ಮೃತವಾಲಂಬಿತರ ವಯೋಮಿತಿ 43 ವರ್ಷ ಒಳಗೆ ಇರಬೇಕಾಗಿರುತ್ತದೆ ಆದರೆ ನೀವು ಮನವಿ ಸಲ್ಲಿಸಿದ ದಿನಾಂಕಕ್ಕೆ ನಿಮಗೆ 47 ವರ್ಷ 02 ತಿಂಗಳು 24 ದಿನಗಳು ಪೂರ್ಣಗೊಂಡಿರುವುದರಿಂದ ನೀವು ಅನುಕಂಪದ ಆಧಾರದ ನೇಮಕಾತಿಗೆ ಅರ್ಹರಾಗುವುದಿಲ್ಲ, ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮಕ್ಕಳಿಗೆ ಅನುಕಂಪದ ಆಧಾರದ ನೌಕರಿಯನ್ನು ನೀಡುವಂತೆ ಕೋರಿ ಮನವಿ ಸಲ್ಲಿಸಿದ್ದಲ್ಲಿ ಸಂಸ್ಥೆಯ ನಿಯಮಾವಳಿ ಪ್ರಕಾರ ಪರಿಶೀಲಿಸಲಾಗುವುದು.”



8. The corporation cites the scheme. The age of the petitioner was 47 years, 2 months and 24 days as on the date of death of the employee. Therefore, the petitioner's claim is rejected. The petitioner again submits a representation bringing it to the notice of the Corporation, about the condition of the family and the need for compassionate appointment, on account of due to the sudden death of the sole breadwinner of the family.

The representation reads as follows:

“ನಿವೇದನೆ,

ಮಾನ್ಯ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು,
ವಾಯುವ್ಯ ಕರ್ನಾಟಕ ರಸ್ತೆ ಸಾರಿಗೆ ನಿಗಮ,
ಕೇಂದ್ರೀಯ ಕಛೇರಿ,
ಗೋಕುಲ್ ರಸ್ತೆ, ಹುಬ್ಬಳ್ಳಿ, 580 030.

ಸಮುಚಿತ - ಮಾರ್ಗವಾಗಿ

ಮಾನ್ಯರೇ,

ವಿಷಯ: ದಿ|| ಗಣೇಶರಾವ್ ನಾಗೇಂದ್ರ ಕೊಂಡಾಯಿ ಬ್ಯಾಡ್ಜ್ ನಂ. 51 ಧಾರವಾಡ ಘಟಕ ರವರ ಪತ್ನಿ ಮೃತ ಉದ್ಯೋಗಿಯನ್ನೇ ಅವಲಂಬಿಸಿದ್ದ ಸರೋಜಾ ಕೋಂ. ಗಣೇಶರಾವ್ ಆದ ನಾನು ಮತ್ತು ನನ್ನ ಮಗ ಕು|| ವಿರಾಟ್ ಜಿ. ಕೊಂಡಾಯಿ ಆದ ನಾವುಗಳು ಆರ್ಥಿಕ ಸಂಕಷ್ಟದಲ್ಲಿದ್ದು, ನಮ್ಮ ಜೀವನ ನಿರ್ವಹಣೆಯ ಆದಾಯದ ಕುರಿತು ಮೃತ ಉದ್ಯೋಗಿಯ ಅನುಕಂಪ ಆಧಾರಿತ ನೌಕರಿಯನ್ನು ನೀಡುವಂತೆ ಕೋರಿ.

ಉಲ್ಲೇಖ: 1. ಅನುಕಂಪ ಆಧಾರಿತ ನೌಕರಿ ಕೋರಿ ಸಲ್ಲಿಸಿದ ನನ್ನ ಮನವಿ ದಿನಾಂಕ: 20/05/2024.



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2. ವಿಭಾಗೀಯ ನಿಯಂತ್ರಣಾಧಿಕಾರಿ, ವಾ.ಕ.ರ.ಸಾ. ಸಂಸ್ಥೆ,
ಧಾ.ಗ್ರಾ. ವಿಭಾಗ ರವರ ಪತ್ರ
ಸಂ.ವಾಕರಸಾ/ಧಾಗ್ರಾವಿ/ಸಿಬ್ಬಂದಿ/ಅನುಕಂಪ/ಸಿ5/605/20
24-25 ದಿ.20.06.2024.

3. ವಿಭಾಗೀಯ ಭದ್ರತಾ ಅಧೀಕ್ಷಕರು ವಾ.ಕ.ರ.ಸಾ. ಸಂಸ್ಥೆ
ಧಾರವಾಡ ಗ್ರಾಮಾಂತರ ವಿಭಾಗ, ಧಾರವಾಡ ಕಛೇರಿ
ಪತ್ರ ಸಂ. ವಾಕರಸಾ/ಧಾಗ್ರಾವಿ/ಭದ್ರತಾ/ವಿಭ/156/2024-
25. ದಿ: 24/25-06-2024.

4. ಅನುಕಂಪ ಆಧಾರಿತ ನೌಕರಿ ಕುರಿತು ದಾಖಲಾತಿ
ಸಲ್ಲಿಸಿದ ಬಗ್ಗೆ ದಿನಾಂಕ: 09/10/2024 ರಂದು
ವಿಭಾಗೀಯ ಭದ್ರತಾ ಅಧೀಕ್ಷಕರು, ವಾ.ಕ.ರ.ಸಾ. ಸಂಸ್ಥೆ
ಧಾರವಾಡ ಗ್ರಾಮಾಂತರ ವಿಭಾಗ, ಧಾರವಾಡ ರವರಲ್ಲಿ
ಸಲ್ಲಿಸಿದ ಮನವಿ ಮತ್ತು ಸದ್ರಿ ಮಾನ್ಯರವರ ಕಛೇರಿಯಿಂದ
ದಿನಾಂಕ: 29/10/2024 ರಂದು ನೀಡಿದ ಸ್ವೀಕೃತಿ.

5. ದಿನಾಂಕ: 29/10/2024 ರಂದು ಮಾನ್ಯ ಸದಸ್ಯ
ಕಾರ್ಯದರ್ಶಿಗಳು, ಜಿಲ್ಲಾ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ
ಸೋಸೈಟಿ, ಧಾರವಾಡ ರವರಲ್ಲಿ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿ ಮತ್ತು
ಅದರಂತೆ ಸದ್ರಿ ಮಾನ್ಯರವರು ನೀಡಿದ ಪ್ರಮಾಣ ಪತ್ರ.

6. ವಿಭಾಗೀಯ ನಿಯಂತ್ರಣಾಧಿಕಾರಿ, ವಾ.ಕ.ರ.ಸಾ. ಸಂಸ್ಥೆ,
ಧಾ.ಗ್ರಾ. ವಿಭಾಗ ರವರ ಪತ್ರ ಸಂ.
ವಾಕರಸಾ/ಧಾಗ್ರಾವಿ/ಭದ್ರತಾ/ಸಿಬ್ಬಂದಿ/
ಅನುಕಂಪ/ಸಿ5/256/2024-25 ದಿ: 17/01/2025.

ಈ ಮೂಲಕ ತಮ್ಮಲ್ಲಿ ವಿನಂತಿಸುವುದೆಂದರೆ, ಮೃತ: ಗಣೇಶರಾವ್ ತಂದೆ
ನಾಗೇಂದ್ರ ಕೊಂಡಾಯಿ ಬ್ಯಾಡ್ಜ್ ನಂ. 51 ಧಾರವಾಡ ಘಟಕ ಇವರನ್ನೇ ಅವಲಂಬಿಸಿದ್ದ
ಉದ್ಯೋಗಿಯ ಪತ್ನಿ ಸರೋಜಾ ಕೋಂ. ಗಣೇಶರಾವ್ ಆದ ನಾನು, ಅನುಕಂಪ
ಆಧಾರಿತ ಉದ್ಯೋಗ ಪೂರೈಸಲು ಕೋರಿ ಉಲ್ಲೇಖ 01 ರಂತೆ ಮಾನ್ಯರವರಲ್ಲಿ
ವಿನಂತಿಸಿಕೊಂಡಿದ್ದು ಇರುತ್ತದೆ.

ಉಲ್ಲೇಖ 01 ರ ಪತ್ರದ ಕುರಿತು, ವಿಭಾಗೀಯ ನಿಯಂತ್ರಣಾಧಿಕಾರಿ,
ವಾ.ಕ.ರ.ಸಾ. ಸಂಸ್ಥೆ ಧಾರವಾಡ ಗ್ರಾಮಾಂತರ ವಿಭಾಗ, ಧಾರವಾಡ ರವರ ಉಲ್ಲೇಖ
02 ರ ಪತ್ರದಲ್ಲಿ ನನ್ನ ಹೆಸರನ್ನು ವಿಭಾಗದ ಅನುಕಂಪ ಆಧಾರದ ನೌಕರಿ ವರೀಷ್ಠತಾ
ಪಟ್ಟಿಯಲ್ಲಿರಿಸಿದ್ದಾಗಿ ಸೂಚಿಸಿದ್ದು ಇರುತ್ತದೆ.



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ಉಲ್ಲೇಖ 01 ರ ಪತ್ರದ ಕುರಿತು ವಿಭಾಗೀಯ ಭದ್ರತಾ ಅಧೀಕ್ಷಕರು, ವಾ.ಕ.ರ.ಸಾ. ಸಂಸ್ಥೆ ಧಾರವಾಡ ಗ್ರಾಮಾಂತರ ವಿಭಾಗ, ಧಾರವಾಡ ರವರು ಉಲ್ಲೇಖ 03 ರ ಪತ್ರದಲ್ಲಿ ಅನುಕಂಪ ಆಧಾರಿತ ನೌಕರಿ ಸಲುವಾಗಿ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು ಇರುತ್ತದೆ.

ಮಾನ್ಯರವರು ಉಲ್ಲೇಖ 03 ರಲ್ಲಿ ಸೂಚಿಸಿದ್ದ ದಾಖಲಾತಿಗಳನ್ನು ಉಲ್ಲೇಖ 04 ರ ಪತ್ರದಂತೆ ವಿಭಾಗೀಯ ಭದ್ರತಾ ಅಧೀಕ್ಷಕರು, ವಾ.ಕ.ರ.ಸಾ. ಸಂಸ್ಥೆ ಧಾರವಾಡ ಗ್ರಾಮಾಂತರ ವಿಭಾಗ, ಧಾರವಾಡ ರವರಲ್ಲಿ ದಿನಾಂಕ: 09/10/2024 ರಂದು ಸಲ್ಲಿಸಿದ್ದು, ನನ್ನ ಮನವಿ ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲನೆಗೆ ಕಾಯ್ದಿರಿಸಿಕೊಂಡಿದ್ದಾಗಿ ಮಾನ್ಯರವರು ತಿಳಿಸಿ ಸ್ವೀಕೃತಿಯನ್ನು ಕಾಯ್ದಿರಿಸಿದರು. ದಾಖಲಾತಿಗಳನ್ನು ಸಲ್ಲಿಸಿದ 15 ದಿವಸಗಳ ನಂತರ ನಾನು ಸಲ್ಲಿಸಿದ್ದ ದಾಖಲಾತಿಗಳ ಮನವಿಯ ಸ್ಥಿತಿಯ ಕುರಿತು ಪುನಃ ವಿಭಾಗೀಯ ಭದ್ರತಾ ಅಧೀಕ್ಷಕರ ಕಛೇರಿಗೆ ಹೋಗಿ ಕೇಳಲಾಗಿ, ವಿಭಾಗೀಯ ಭದ್ರತಾ ಅಧೀಕ್ಷಕರು, 'ನಾನು ಈ ಹಿಂದೆ ನ್ಯಾಷನಲ್ ಹೆಲ್ಪ್ ಮಿಷನ್ ರಡಿಯಲ್ಲಿ ಗುತ್ತಿಗೆ ಆಧಾರದ ಮೇಲೆ ನಗರ ಪ್ರಾಥಮಿಕ ಆರೋಗ್ಯ ಕೇಂದ್ರ ಪುರೋಹಿತ ನಗರ ಧಾರವಾಡದಲ್ಲಿ ಸ್ಪಾಟ್ ನರ್ಸ್ ಆಗಿ ಕೆಲಸ 1 ಮಾಡುತ್ತಿದ್ದು, ಆದರೆ, ಸದರ್ ಕೆಲಸದಿಂದ ಬಿಡುಗಡೆ ಹೊಂದಿದ್ದ ಬಗ್ಗೆ ಪ್ರಮಾಣ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಹಾಜರಪಡಿಸಿರುವುದಿಲ್ಲವಾಗಿ' ಸೂಚಿಸಿದ್ದು, ಆ ವೇಳೆ ಮಾನ್ಯ ಅಧಿಕಾರಿರವರಲ್ಲಿ "ನಾನು ನಿರ್ವಹಿಸುತ್ತಿರುವ ಕೆಲಸವು ಖಾಸಗಿ ಗುತ್ತಿಗೆ ಆಧಾರದಲ್ಲಿರುತ್ತದೆ ಅಂತಾ ಹೇಳಿದರೂ ಸಹ ಸದ್ರಿ ಮಾನ್ಯರವರು ನನ್ನ ಮಾತನ್ನು ಪರಿಗಣಿಸದೇ, ಸದರ್ ಸ್ಪಾಟ್ ನರ್ಸ್ ಕೆಲಸದಿಂದ ಬಿಡುಗಡೆ ಹೊಂದಿದ ಪ್ರಮಾಣ ಪತ್ರ ಹಾಜರಪಡಿಸಿದ್ದಲ್ಲಿ ಮಾತ್ರವೇ ನನ್ನ ಅನುಕಂಪ ಆಧಾರಿತ ನೌಕರಿ ಅರ್ಜಿಯನ್ನು ಶಿಫಾರಸ್ಸು ಮಾಡುವುದಾಗಿ" ಸೂಚಿಸಿದ್ದರಿಂದ, ಉಲ್ಲೇಖ 05 ರಂತೆ ದಿನಾಂಕ: 29/10/2024 ರಂದು ಮಾನ್ಯ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು, ಜಿಲ್ಲಾ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಸೋಸೈಟಿ, ಧಾರವಾಡ ರವರಲ್ಲಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ, ಸದ್ರಿ ಗುತ್ತಿಗೆ ಆಧಾರದ ಸ್ಪಾಟ್ ನರ್ಸ್ ಕೆಲಸದಿಂದ ನನ್ನನ್ನು ಬಿಡುಗಡೆ ಮಾಡುವಂತೆ ಕೋರಿಕೊಂಡಿದ್ದು, ಅದರಂತೆ ನನಗೆ ಪೂರೈಸಿದ ಬಿಡುಗಡೆ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಪಡೆದುತಂದು ವಿಭಾಗೀಯ ಭದ್ರತಾ ಅಧೀಕ್ಷಕರು, ವಾ.ಕ.ರ.ಸಾ. ಸಂಸ್ಥೆ ಧಾರವಾಡ ಗ್ರಾಮಾಂತರ ವಿಭಾಗ, ಧಾರವಾಡ ರವರಲ್ಲಿ ಸಲ್ಲಿಸಿದ್ದು. ಆನಂತರದಲ್ಲಿಯೇ ಮಾನ್ಯ ವಿಭಾಗೀಯ ಭದ್ರತಾ ಅಧೀಕ್ಷಕರು, ವಾ.ಕ.ರ.ಸಾ. ಸಂಸ್ಥೆ ಧಾರವಾಡ ಗ್ರಾಮಾಂತರ ವಿಭಾಗ, ಧಾರವಾಡ ರವರು ದಿನಾಂಕ: 29/10/2024 ರಂದು ನಾನು ಈ ಹಿಂದೆ ನೀಡಿದ್ದ ಅರ್ಜಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ್ದಾಗಿ ಸ್ವೀಕೃತಿಯನ್ನು ನೀಡಿದರು.

ಆದಾದ ನಂತರ ವಿಭಾಗೀಯ ಭದ್ರತಾ ಅಧೀಕ್ಷಕರು, ವಾ.ಕ.ರ.ಸಾ. ಸಂಸ್ಥೆ ಧಾರವಾಡ ಗ್ರಾಮಾಂತರ ವಿಭಾಗ, ಧಾರವಾಡ ರವರು ನನ್ನ ಅನುಕಂಪ ಆಧಾರಿತ ನೌಕರಿ ಅರ್ಜಿಯನ್ನು ದಿನಾಂಕ: 30/11/2024 ರಂದು ಮಾನ್ಯ ವಿಭಾಗೀಯ ನಿಯಂತ್ರಣಾಧಿಕಾರಿ, ವಾ.ಕ.ರ.ಸಾ.ಸಂ. ಧಾರವಾಡ (ಗ್ರಾ) ವಿಭಾಗ ರವರಲ್ಲಿ ಸಲ್ಲಿಸಿದ್ದು,



ಸದ್ರಿ ಅರ್ಜಿಯ ಪರಿಶೀಲನೆ ಬಳಿಕ ಮಾನ್ಯ ವಿಭಾಗೀಯ ನಿಯಂತ್ರಣಾಧಿಕಾರಿ, ವಾ.ಕ.ರ.ಸಾ.ಸಂ. ಧಾರವಾಡ (ಗ್ರಾ) ವಿಭಾಗ ರವರು ನನಗೆ ಕಳುಹಿಸಿದ ಉಲ್ಲೇಖ 06 ರ ಪತ್ರದಲ್ಲಿ "ಉದ್ಯೋಗಿಯ ಪತ್ನಿಯಾದ ನನ್ನ ವಯಸ್ಸು 47 ವರ್ಷ 02 ತಿಂಗಳು ಪೂರ್ಣಗೊಂಡಿದ್ದು, ಅನುಕಂಪ ಆಧಾರದ ನೇಮಕಾತಿಗೆ ಅರ್ಹರಾಗುವುದಿಲ್ಲ" ಅಂತಾ ಹಿಂಬರಹವನ್ನು ನೀಡಿದ್ದು ಇರುತ್ತದೆ.

ಹೀಗಿರುತ್ತ, ಈ ಕುರಿತು ಗೌರವಾನ್ವಿತ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರಾದ ತಮ್ಮಲ್ಲಿ ನಾನು ಭೇಟಿಯಾಗಿ ಸಮಸ್ಯೆಯನ್ನು ನಿವೇದಿಸಿಕೊಂಡ ವೇಳೆ, ತಾವು ನನಗೆ ಕರುಣೆ ತೋರಿ, ಸಂಸ್ಥೆಯ ನಿರ್ವಾಹಕ ಹುದ್ದೆ ನಿರ್ವಹಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು ಇರುತ್ತದೆ. ಆದರೆ, ನನ್ನ ದೈಹಿಕ ಸ್ಥಿತಿಯು ಅತೀಯಾದ ಸಾರಿಗೆ ಪ್ರಯಾಣಕ್ಕೆ ಹೊಂದಿಕೆಯಾಗದೇ ಇರುವುದರಿಂದ ಮತ್ತು 13 ವರ್ಷ ವಯೋಮಾನದ ನನ್ನ ಒಬ್ಬನೇ ಮಗ ವಿರಾಟ ಜಿ. ಕೊಂಡಾಯಿ ಇತನ ಭವಿಷ್ಯದ ದೇಖರೇಖೆ ನೋಡಿಕೊಳ್ಳುವ ಜವಾಬ್ದಾರಿ ನನ್ನ ಒಬ್ಬಳ ಮೇಲೆಯೇ ಇರುವುದರಿಂದ ದಯಮಾಡಿ ನನಗೆ ಸಂಸ್ಥೆಯಲ್ಲಿ ಸೆಕ್ಯೂರಿಟಿ ಕರ್ತವ್ಯ ಅಥವಾ ಕ್ಲರಿಕಲ್ ಸಂಬಂಧಿತ ಕರ್ತವ್ಯಕ್ಕೆ ಪರಿಗಣಿಸಲು ದಯಾಳುಗಳಾದ ತಮ್ಮಲ್ಲಿ ವಿನಂತಿಸಿಕೊಳ್ಳುತ್ತೇನೆ. ನನ್ನ ಗಂಡ ದಿ|| ಗಣೇಶರಾವ್ ನಾಗೇಂದ್ರ ಕೊಂಡಾಯಿ ಬ್ಯಾಡ್ಜ್ ನಂ. 51 ಧಾರವಾಡ ಘಟಕ ರವರು ಮೃತಪಟ್ಟು ಈಗಾಗಲೇ ಒಂದೂವರೆ ವರ್ಷಗಳು ಕಳೆದಿದ್ದು, ಉದ್ಯೋಗಿಯನ್ನೇ ಅವಲಂಬಿಸಿದ್ದ ನಮಗೆ ಬೇರೆ ಯಾವುದೇ ಆದಾಯವಿಲ್ಲದೇ ಇರುವುದರಿಂದ ನಮ್ಮ ಆರ್ಥಿಕ ಪರಿಸ್ಥಿತಿ ಹದಗೆಡುತ್ತಿದ್ದು, ಅದಷ್ಟು ಬೇಗನೇ ಸಂಸ್ಥೆಯಲ್ಲಿ ಸೆಕ್ಯೂರಿಟಿ ಅಥವಾ ಕ್ಲರಿಕಲ್ ಸಂಬಂಧಿತ ನೌಕರಿಯನ್ನು ಮಂಜೂರಿಸಬೇಕೆಂದು ಈ ಮೂಲಕ ದಯಾಳುಗಳಾದ ತಮ್ಮಲ್ಲಿ ಕಳಕಳಿಯ ಪ್ರಾರ್ಥನೆ."

9. This is also met by another endorsement, of the same kind, depicting that the compassionate appointment cannot be granted as the petitioner was 47 years, 2 months and 24 days, as on the date of death of the sole breadwinner of the family. The aforesaid endorsements have driven the petitioner to this Court in the subject petition.

10. In an identical circumstance, the Co-ordinate Bench of this Court interpreting this very scheme in W.P. No.102208 of 2025, disposed on 14th August 2025, has held as follows:



1. *The petitioner is before this Court seeking for the following reliefs:*

- A. *A writ in the nature of certiorari to quash the impugned endorsements bearing no. VAAKARASAA/ GAVI/ SIBBANDI/ NEMAKA/ 514 dated 18/06/2022, no. VAAKARASAA/ GAVI/ SIBBANDI/ NEMAKA/2340 dated 09/12/2022 and no. VAAKARASAA/ GAVI/SIBBANDI/NEMAKA /2440 dated 23/11/2023, issued by the respondent no.4, Annexures-F, G and H respectively.*
 - B. *A writ in the nature of mandamus directing the respondent No.4 to appoint the petitioner as 'D' group employee in the 5th respondent office on compensatory ground, in the interest of justice and equity.*
 - C. *Issue any other writ or direction, which this Hon'ble Court deems fit under the facts and circumstances of the case, in the interest of justice and equity.*
2. *The petitioner's husband namely Shri Ramanna Goshellanavar, had been employed by respondent No.2/Road Transport Corporation and he was working as a controller at respondent No.5/Depot Manager expired on 25.06.2021 and it is in that background that the petitioner being his wife had applied for being appointed on a compassionate basis in Class-D on account of her education qualification only satisfying the requirement of such a post.*
3. *The said application came to be rejected by the respondents on the ground that she had crossed the age of 45 years and as such, was not eligible for being appointed on a compassionate basis. It is challenging the same, the petitioner is before this Court.*



4. *The submission of Shri Hemanthkumar L.Havaragi., learned counsel for the petitioner is that the petitioner is the wife of the deceased employee of respondent No.2/Road Transport Corporation, they do not have any children and there is no one else who can take care of her and in that background, her livelihood being affected, she is required to be appointed on a compassionate basis.*
5. *Shri Prashant Hosamani., learned counsel for respondent Nos.2 to 5 submits that, insofar as a person belonging to Scheduled Caste category, the upper age limit for being appointed is 40 years, which has been now relaxed by a period of 5 more years, and in the event of the applicant for compassionate appointment being aged within 45 years, the same would have been considered in case of a person belonging to Scheduled Caste category like that of the petitioner. But since the petitioner as on the date of the application made was 45 years 7 months she did not qualify even for the relaxation. He therefore submitted that the*
6. *impugned order passed is proper and correct and there is no interference required at the hands of this Court. 6. Heard Shri Hemanthkumar L.Havaragi., learned counsel for the petitioner, Shri P.N.Hatti., learned High Court Government Pleader for respondent No.1-State and Shri Prashant Hosamani., learned counsel for respondent Nos.2 to 5.*
7. *This is one more sad case of denial of compassionate appointment on the ground that the widow of the employer in this case, respondent No.2/the Road Transport Corporation, has crossed the upper age limit mandated by the employer. The purpose of appointing a person on a compassionate basis is to ensure that the livelihood of the dependants of the deceased employee continues without any hardship, without any problem and*



offers security to an employee of the employer that even after his expiry, his dependents would be taken care of by the employer.

- 8. *In the present case, admittedly the petitioner is the wife of the employee who has expired in harness and she does not have any children who can look after her. Though the submission of Shri Prashant Hosamani, learned counsel for respondent No.2 to 5 is that the upper age limit has been crossed, the same would have to be humanely considered by taking into account the surrounding circumstances. In the event of the deceased employee and the petitioner having any children, since they would have been within 45 years they would have qualified for appointment on a compassionate basis.***
- 9. *This is a case where the widow has crossed the upper age limit prescribed by the respondents and she has no one to look after her.***
- 10. *In such cases, such a strict implementation of the upper age limit would only cause injustice and would not be in the interest of social justice which is required to be advanced by an authority under the State. In that view of the matter, taking into account the special circumstances, namely that the petitioner is a widow who has no one to look after her, I am the considered opinion that the order which has been passed by the respondents is not humane and has in fact caused injustice to the widow of a deceased employee of the Road Transport Corporation. As such, I pass the following:***



ORDER

- i. Writ petition is allowed.*
- ii. A certiorari is issued. The impugned endorsements dated 18.06.2022, 09.12.2022 and 23.11.2023 issued by respondent No.4 at Annexures-F, G and H are quashed.*
- iii. Respondent No.4 is directed to appoint the petitioner as a 'D-group employee' with respondent No.5 without reference to the upper age limit as per the usual terms of service conditions applicable to a class-D employee in respondent No.2.*
- iv. The Managing Director of respondent No.2/Road Transport Corporation is also requested to look into these kinds of matters to formulate an appropriate humane policy, which would be in the best interest of the employees and their family members in the event of the employee expiring during the course of employment."*

11. The Co-ordinate Bench holds that merely because the age of the applicant, seeking for appointment on compassionate grounds, is beyond 43 years, the appointment cannot be denied, and has directed the appointment to be considered without reference to the upper age limit, and has further directed that cases of this kind need, to be regulated by formulating a humane policy. I am in respectful agreement with what the Co-ordinate Bench has held, but I deem it appropriate to amplify the order. It becomes apposite to refer to the judgment of the Apex Court in



the case of **Canara Bank vs. Ajithkumar G.K.**¹, which considers the entire spectrum of the law regarding compassionate appointment right from **Umeshkumar Nagpal vs. State of Haryana**² upto **State of West Bengal vs. Debabrata Tiwari**³. The Apex Court formulates certain issues and sub-issues. One of the sub-issue formulated is whether on a cut-off age under the scheme, without looking into the circumstances as to when one would need compassionate appointment, the application cannot be rejected. The Apex Court has held as follows:

"34. *Whether relaxation in age ought to have been granted is the next sub-issue. A contention raised on behalf of the respondent, and which succeeded, was to the effect that since he was overaged only by eight months on the date of death of his father, he should have been granted relaxation of age for which power was conferred by the scheme of 1993. We are conscious that there is substance in the contention on behalf of the respondent that this issue is no longer open to be decided here. The decision initially taken that the respondent was over-aged had been set aside in the first round of litigation and, therefore, the principle of res judicata is indeed attracted.*

35. *However, the point having been argued at some length, our views on interpretation of the scheme of 1993 could be of some worth for courts deciding similar such issue in future. **We are in agreement with learned counsel for the appellant that the question of relaxation would arise only when the claimant***

¹ 2025 SCC OnLine SC 290

² (1994) 4 SCC 138

³ (2025) 5 SCC 712



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satisfies the other requirements of the scheme of 1993 for compassionate appointment. What seems to be logical is that no dependant, who otherwise satisfies all criteria for compassionate appointment including suitability, should be told off at the gate solely on the ground of age-bar. If the age of the claimant is found to be within the relaxable limit, discretion is available to be exercised in an appropriate case. Relaxation of age is a step to be taken in the final stages of the entire process and it would arise for consideration provided all other conditions for appointment are satisfied. If in a given case, such as this, that the family of the deceased is not found to be indigent, the first threshold is not crossed and thereby, the process does not progress any further. In such a case, it would be in idle formality to consider whether relaxation of age should be granted.

XXXXXXXXXX

42. While reasoning that the stand of the appellant was unjustified, the coordinate bench had the occasion to consider several decisions of this Court and ultimately held as follows:

"19. Insofar as the contention of the appellant Bank that since the respondent's family is getting family pension and also obtained the terminal benefits, in our view, is of no consequence in considering the application for compassionate appointment. Clause 3.2 of the 1993 Scheme says that in case the dependant of the deceased employee to be offered appointment is a minor, the Bank may keep the offer of appointment open till the minor attains the age of majority. This would indicate that granting of terminal benefits is of no consequence because even if terminal benefit is given, if the applicant is a minor, the Bank would keep the appointment open till the minor attains majority.

...

22. Considering the scope of the scheme 'Dying in Harness Scheme 1993' then in force and the facts and circumstances of the case, the High



Court rightly directed the appellant Bank to reconsider the claim of the respondent for compassionate appointment in accordance with law and as per the Scheme (1993) then in existence. We do not find any reason warranting interference."

43. *In our considered view, the objectives of the scheme of 1993 and the requirements of disclosure relating to financial condition and the details of liabilities of the deceased employee in the prescribed formats (Annexures I and II, respectively) would leave none in doubt about the intention of the policy makers. Overcoming the immediate financial difficulties on account of sudden stoppage of the main source of income and existence of indigent circumstances necessitating employment to one of the dependants being at the heart of the scheme of 1993, it is difficult, if not impossible, to accept it as a valid proposition of law that grant of terminal benefits cannot be of any consequence since paragraph 3.2 of the scheme of 1993 permits the offer of appointment to be kept open till such time the surviving minor dependant, who is to be offered appointment, attains majority. To our mind, what paragraph 3.2 postulates is that, despite there being indigent circumstances necessitating appointment, the object of compassionate appointment thereunder should not be frustrated for mere absence of an eligible dependant family member. The offer would be kept open for such minor to attain majority, whereafter he would be offered appointment subject to suitability, and once he accepts the appointment, he would be under an obligation to look after the other indigent family members. **Although paragraph 3.2 may not be wholly in sync with the objective of overcoming immediate financial difficulties, it has to be seen as a benevolent clause extending the benefit of compassionate appointment even beyond reasonable limits, obviously to cover exceptional cases, for ensuring the right of the family members of the deceased employee to live with human dignity. The idea for incorporation of this clause in the scheme of 1993 cannot be confused with grant/release of terminal benefits. Both operate in different arena and,***



therefore, we respectfully disagree with the reasoning in paragraph 19 of Canara Bank (supra).

44. As pertinently held in B. Kishore (supra), indigence of the dependants of the deceased employee is the fundamental condition to be satisfied under any scheme for appointment on compassionate ground and that if such indigence is not proved, grant of relief in furtherance of protective discrimination would result in a sort of reservation for the dependents of the employee dying-in-harness, thereby directly conflicting with the ideal of equality guaranteed under Articles 14 and 16 of the Constitution. Also, judicial decisions abound that in deciding a claim for appointment on compassionate grounds, the financial situation of the deceased employee's family must be assessed. In a situation otherwise, the purpose of the scheme may be undermined; without this evaluation, any dependent of an employee who dies while in service might claim a right to employment as if it is heritable.

45. The ratio decidendi of all these decisions have to be read in harmony to achieve the noble goal of giving succour to the dependants of the employee dying-in-harness, who are genuinely in need, and not with the aim of giving them a post for another post. One has to remember in this connection the caution sounded in Umesh Kumar Nagpal (supra) that as against the destitute family of the deceased there are millions of other families which are equally, if not more, destitute."

(emphasis supplied)

12. The Apex Court holds that the need for compassionate appointment should be the consideration by any Corporation or the employer while rejecting or accepting the application. No such analysis has been made in the case at hand,



as is directed by the Apex Court, in the aforesaid judgment. Therefore, the petition deserves to succeed on the sole score that the Corporation will have to now reconsider the application, of the petitioner seeking appointment on compassionate grounds with regard to a relaxable age limit or the extendable age limit, owing to the circumstances that the applicant has narrated, in two of the representations submitted by her. In that light, the petition deserves to succeed albeit in part.

13. For the aforesaid reasons, the following:

ORDER

- (i) The petition is allowed.
- (ii) The endorsements dated 17.01.2025 and 10.05.2025 vide Annexures-H and K respectively issued by respondent No.2 stand quashed.
- (iii) The matter is remitted back to the hands of the Corporation to reconsider the application of the petitioner seeking appointment on compassionate grounds within an outer limit of



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eight weeks from the date of receipt of a copy
of this order.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

VNP/CT-ASC
List No.: 1 SI No.: 51