



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 12620 OF 2025 (S-RES)

BETWEEN:

SRI SWAMY S M
AGED ABOUT 32 YEARS
S/O. LATE SRI MAHADEVAIAH,
R/AT 75, BEHIND GHPS SCHOOL,
SHIVALLI VILLAGE, DUDDA HOBALI,
MANDYA TALUK AND DISTRICT-571405

...PETITIONER

(BY SRI. VIJAYA SIMHA REDDY D V., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
AND EXECUTIVE DIRECTOR,
CANARA BANK, HEAD OFFICE,
NO. 86, SPENCER TOWERS,
BENGALURU-560001.
2. THE DEPUTY GENERAL MANAGER,
CANARA BANK,
HRM SECTION,
HRMS DEPARTMENT,
CIRCLE OFFICE/HOSA/SAS, INSP WING,
NO. 86, SPENCER TOWERS,
BENGALURU-560001.
3. THE ASSISTANT GENERAL MANAGER,
CANARA BANK HRM SECTION,
HRMS DEPARTMENT,

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



CIRCLE OFFICE,
NO. 86, SPENCER TOWERS,
BENGALURU-560001.

4. THE MANAGER/SENIOR MANAGER,
CANARA BANK BRANCH,
SOMANAHALLI, MADDUR TALUK,
MANDYA DISTRICT-571405

...RESPONDENTS

(BY SRI. SANTOSH S. NAGARALE, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO CALL FOR RELEVANT RECORDS PERTAINING TO IMPUGNED LETTER REF NO BLC/HRM/20367/E.12/2023 DATED 03.10.2023 VIDE ANNEXURE-G PASSED BY THE 3RD RESPONDENT AND TO ISSUE WRIT OF CERTIORARI TO QUASH THE AFORESAID IMPUGNED LETTER AS THE SAME IS UNJUST, ARBITRARY AND CONTRARY TO THE LAW OF LAND, AND DIRECT THE RESPONDENTS TO CONSIDER THE REQUEST OF THE PETITIONER FOR AN APPOINTMENT ON COMPASSIONATE GROUNDS IN TERMS OF THE SCHEME FOR COMPASSIONATE APPOINTMENT BY ACCEPTING THE APPLICATION DATED 22.03.2022 VIDE ANNEXURE-F OF THE PETITIONER FOR APPOINTMENT ON COMPASSIONATE GROUNDS AND TO ISSUE AN APPOINTMENT ORDER AND EXTEND THE ALL CONSEQUENTIAL BENEFITS ARISING THERETO.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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



ORAL ORDER

1. The petitioner has filed this writ petition, seeking following reliefs:

"To call for relevant records pertaining to impugned letter Ref. No.BLC / HRM / 20367 / E.12 / 2023 dated 03.10.2023 vide Annexure-G passed by the 3rd respondent, and

to issue writ of certiorari to quash the aforesaid impugned letter as the same is unjust, arbitrary and contrary to the law of land, and

direct the respondents to consider the request of the petitioner for an appointment on compassionate grounds in terms of the scheme for compassionate appointment by accepting the application dated 22.03.2022 vide Annexure-F of the petitioner for appointment on compassionate grounds and to issue an appointment order and extend all consequential benefits arising thereto."

2. Brief facts leading rise to the filing of this writ petition are as follows:
3. The father of the petitioner, late Sri Mahadevaiah K. worked as an attender, in Group 'D', regular and permanent post in Canara Bank. He passed away on



08.06.2021 leaving behind his wife, a son (the petitioner), and a daughter. The petitioner has passed S.S.L.C. during June 2008.

4. As per the "*Scheme of Compassionate Appointment*" in Canara Bank, an appointment on compassionate ground would be provided to a dependent family member of a permanent employee in Canara Bank. After the demise of K.Mahadevaiah, the mother of the petitioner submitted an undertaking and requested to provide her son-the petitioner herein, a suitable job in Canara Bank. Thereafter, the petitioner submitted an application in the prescribed form on 22.03.2022 vide Annexure 'F' to respondent No.2 through respondent No.4 well within time. The petitioner and his family members are in a financial distress. Respondent No.3 by the impugned endorsement dated 03.10.2023 letter rejected the application of the petitioner on the ground that the financial condition of the dependent family is



satisfactory, and there are no mitigating factors to consider the request for compassionate appointment. As such, the competent authority has not considered the request for compassionate appointment favourably.

5. The petitioner, aggrieved by the impugned endorsement dated 03.10.2023, vide Annexure 'G' filed this writ petition.
6. The respondents filed a statement of objections, admitting that K. Mahadevaiah worked as a Group "D" employee in the respondent-Canara Bank and he passed away on 08.06.2021. After his demise, his son has submitted an application for appointment on compassionate grounds. It is contended that the dependents are in receipt of net terminal benefits and investments of Rs.21.39 lakhs after clearing outstanding liabilities. The financial condition of the family is satisfactory and not in penury. Hence, the



respondents have rightly issued the impugned endorsement. Hence, prays to dismiss the writ petition.

7. Heard the learned counsel for the petitioner, and the learned counsel for the respondents.
8. Learned counsel for the petitioner submits that the petitioner has mentioned in the application that the petitioner and his family members are in a financial distress and the petitioner is entitled to the appointment on compassionate grounds. He also submits that the retirement benefits cannot be considered as financially stable. He further submits that the respondents, while rejecting the application for the appointment on compassionate grounds have not assigned any reasons. He submits that the impugned endorsement may be set aside and a direction be issued to the respondents to reconsider the application of the petitioner within a time bound.



Hence, on these grounds, he prays to allow the writ petition.

9. *Per contra*, the learned counsel for the respondents fairly concedes that while rejecting the application for the appointment on compassionate grounds, no reasons were assigned. However, he submits that, if a reasonable time is granted, the respondents would reconsider the application of the petitioner in accordance with law. Hence, he prays to dispose of the petition accordingly.
10. Perused the records and considered the submissions of the learned counsel for the parties.
11. It is not in dispute that K.Mahadevaiah worked in the respondent-Canara Bank as a Group "D" employee and he passed away on 08.06.2021 leaving behind him, his wife, the petitioner, and a daughter. The dependants of the late K.Mahadevaiah do not have any regular source of income for their livelihood.



The petitioner submitted an application to the respondent-Bank for the appointment on compassionate grounds. The respondents, without assigning any reasons, have rejected the application on the ground that the petitioner and his family are in a financially sound condition and the financial condition of the dependent family members is satisfactory, and there are no mitigating factors to consider the request for appointment on compassionate grounds.

12. The Hon'ble Apex Court in ***Govind Prakash Verma vs. Life Insurance Corporation of India***, reported in ***2005 (10) SCC 289***, held as under:

"6. In our view, it was wholly irrelevant for the departmental authorities and the learned Single Judge to take into consideration the amount which was being paid as family pension to the widow of the deceased (which amount, according to the appellant, has now been reduced to half) and other amounts paid on account of



terminal benefits under the Rules. The scheme of compassionate appointment is over and above whatever is admissible to the legal representatives of the deceased employee as benefits of service which one gets on the death of the employee. Therefore, compassionate appointment cannot be refused on the ground that any member of the family received the amounts admissible under the Rules.

So far as the question of gainful employment of the elder brother is concerned, we find that it had been given out that he has been engaged in cultivation. We hardly find that it could be considered as gainful employment if the family owns a piece of land and one of the members of the family cultivates the field. This statement is said to have been contradicted when it is said that the elder brother had stated that he works as a painter. This would not necessarily be a contradiction much less leading to the inference drawn that he was gainfully employed somewhere as a painter. He might be working in his field and might casually be getting work as painter also. Nothing has been indicated in the enquiry



report as to where he was employed as a regular painter. The other aspects, on which the officer was required to make enquiries, have been conveniently omitted and not a whisper is found in the report submitted by the officer. In the above circumstances, in our view, the orders passed by the High Court are not sustainable. The respondents have wrongly refused compassionate appointment to the appellant. The inference of gainful employment of the elder brother could not be acted upon. The terminal benefits received by the widow and the family pension could not be taken into account."

13. In the instant case, respondent No.3, without considering the proposition of law laid down by the Hon'ble Apex Court in ***Govind Prakash Verma*** (*supra*) has rejected the application made by the petitioner. Further, respondent No.3 has not assigned any reasons for issuing the impugned endorsement. Thus, the impugned endorsement dated 03.10.2023 vide Annexure "G" issued by



respondent No.3 is contrary to the proposition of law laid down by the Hon'ble Apex Court in the case of ***Govind Prakash Verma*** referred *supra*.

14. Further, the respondent-Canara Bank has not applied its mind while passing the impugned endorsement. The matter requires reconsideration by the respondent Bank. Hence, the impugned endorsement dated 03.10.2023 vide Annexure "G" issued by respondent No.3 is liable to be set aside.
15. In view of the above discussion, I proceed to pass the following order:

ORDER

- (i) The writ petition is ***allowed***;
- (ii) The impugned endorsement dated 03.10.2023 issued by respondent No.3 vide Annexure "G" is set aside.
- (iii) The respondents are directed to consider the application of the petitioner vide Annexure "F" in



terms of the proposition of law laid down by the Apex Court in the case of **Govind Prakash Verma** (*supra*) and pass an appropriate order in accordance with law within eight weeks from the date of receipt of a copy of this order.

- (iv) In view of the disposal of the petition, pending interlocutory applications, if any, stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

RK
CT:KHV

List No.: 1 Sl No.: 2