



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 24<sup>TH</sup> DAY OF MARCH, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD**

**AND**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**WRIT APPEAL NO. 100118 OF 2026 (S-RES)**

**BETWEEN:**

1. THE STATE OF KARNATAKA,  
BY ITS SECRETARY,  
DEPARTMENT OF  
URBAN DEVELOPMENT,  
M. S. BUILDING,  
DR. AMBEDKAR VEEDHI,  
BANGALORE – 01.
2. THE DIRECTOR/COMMISSIONER  
MUNICIPAL ADMINISTRATION,  
9<sup>TH</sup> FLOOR,  
VISHWESHARAIHA TOWER,  
BANGALORE – 560 001.
3. THE DEPUTY COMMISSIONER,  
DHARWAD – 580 001.
4. THE PROJECT DIRECTOR,  
DIST URBAN DEVELOPMENT CELL,  
DHARWAD – 580 001.

... APPELLANTS

(BY SRI. SHARAD V. MAGADUM, AGA)



**AND:**

1. SMT. MANJULA  
W/O. BASAVARAJ KATTIMANI,  
AGED 44 YEARS.
2. NINGAPPA  
S/O. BASAVARAJ KATTIMANI,  
AGED 24 YEARS.
3. ARUNA  
D/O. BASAVARAJ KATTIMANI,  
AGED 19 YEARS.

ALL ARE  
R/O: 464, VADDARA CHAVANI,  
KHASBAG,  
BELAGAVI – 590 003.

4. THE CHIEF OFFICER,  
ALNAVAR TOWN MUNICIPAL COUNCIL,  
ALNAVAR,  
DIST: DHARWAD – 581 103.

...RESPONDENTS

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.107198/2023 DATED 13.09.2024. GRANT SUCH OTHER RELIEFS AS THIS HON'BLE COURT DEEMS FIT UNDER THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT APPEAL, COMING ON FOR PRELIMINARY HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD  
AND  
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



**ORAL JUDGMENT**

(PER: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD)

The respondents, who are the wife and the children of Sri Basavaraj Kattimani, have partially succeeded in their challenge to the communication and the endorsement [*appended as Annexures-M and N to the memorandum of writ petition*] issued by the second and third appellants. The writ Court, by the impugned order dated 13.09.2024, has quashed these impugned communication and endorsement with the following relief:

*“9. Taking note of ratio laid down by Hon’ble Supreme Court in case of **Ashok Kumar Sharma Vs. Oberoi Flight Services** reported in (2010) 1 SCC 142, even in case, it would not be appropriate to issue a direction for regularization, it would be appropriate to order payment of lump-sum compensation of Rs.2,00,000/-, writ petition is allowed in part with a direction to respondents to re-consider petitioners’ request for regularization of services of Basavaraj Kattimani only for purposes of availing terminal benefits to petitioners-dependents or in*



*alternative to pay lump-sum compensation of Rs.2,00,000/- to them.”*

2. Sri Sharad V. Magadum, the learned Additional Government Advocate, while arguing for condonation of delay in filing the appeal, submits that the writ Court has issued the directions as aforesaid on an erroneous reading of the impugned Communication and the Endorsement, and the learned Additional Government Advocate, inviting this Court’s attention to *paragraph 8* of the impugned order, submits that the writ Court has observed that the Communication and the Endorsement relate only to the request for compassionate appointment while it cannot be disputed that these also refer to why the respondents’ request for regularization of services of Sri Basavaraj Kattimani after his demise cannot be considered.

3. The question of condonation of delay and entertaining the writ appeal is considered in the light of the following circumstances:



- [a] It is undisputed that Sri Basavaraj Kattimani had worked, though as a daily wager, for a period of over 12 years continuously.
- [b] He, like his compatriots, had filed a representation for regularization.
- [c] His compatriots/colleagues have been extended the benefit of regularization but by the time the decision was taken Sri Basavaraj Kattimani died.
- [d] The respondents have pursued their application for retrial benefits as a regularized employee and also for compassionate appointment.

4. The writ Court has categorically opined that it would not be appropriate to issue a direction for regularization, and it has only observed that the authorities must consider admitting the respondents to the retrial benefits or a lumpsum of Rs.2,00,000/- in the light of the decision in **Ashok Kumar Sharma Vs. Oberoi Flight Services**<sup>1</sup> This Court, in these

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<sup>1</sup> (2010)1 SCC 142



circumstances, is not persuaded to opine that there is any irregularity that would justify interference condoning the delay in filing the appeal. As such, the application for condonation of delay [the other pending applications] and the appeal are ***rejected***.

**Sd/-**  
**(B.M. SHYAM PRASAD)**  
**JUDGE**

**Sd/-**  
**(SHIVASHANKAR AMARANNAVAR)**  
**JUDGE**

KMS / CT: ASC  
List No.: 2 Sl No.: 4