

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT PETITION NO. 106816 OF 2025 (S-KAT)

BETWEEN:

SRI ANAND S/O GUTHEPPA AYATTI
S/O G.B. AYATTI, AGE. 24 YEARS,
OCC. NIL, R/O. NEAR ANI AGASI BANDI ONI,
SAUNDATTI TOWN, TALUK: SAUNDATTI,
DIST. BELAGAVI-591 123.

... PETITIONER

(BY SRI H.M. DHARIGOND, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING, BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER,
BELAGAVI DISTRICT, BELAGAVI-590 001.
3. THE ASSISTANT COMMISSIONER,
BAILHONGAL SUB DIVISION BAILHONGAL,
DIST. BELAGAVI-591 102.
4. THE TAHASILDAR,
SAUNDATTI TALUK, SAUNDATTI,
DIST. BELAGAVI-591 123.

... RESPONDENTS

(BY SRI SHARAD V. MAGADUM, AGA FOR R1 TO R4)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 07-07-2025 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL BELAGAVI IN APPLICATION NO.12712/2024 VIDE ANNEXURE-C AND ALLOW THE APPLICATION FILED BY THE PETITIONER VIDE ANNEXURE-A; A WRIT IN THE NATURE OF MANDAMUS DIRECTS THE SECOND RESPONDENT TO APPOINT THE PETITIONER ON COMPASSIONATE GROUNDS BY CONSIDERING THE REPRESENTATION DATED 16-06-2012 SUBMITTED BY THE PETITIONER VIDE ANNEXURE-A1 IN THE LIGHT OF THE DIRECTION ISSUED BY THIS COURT IN W.P. NO.100001/2023 DATED 14-12-2023 VIDE ANNEXURE-A22 AND ETC.

THIS WRIT PETITION IS COMING ON PRONOUNCEMENT AND THE SAME HAVING BEEN HEARD AND RESERVED FOR ORDER ON 19.02.2026, THIS DAY, **B. MURALIDHARA PAI J.**, MADE THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

CAV ORDER

(PER: THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI)

1. This writ petition has been maintained seeking the following reliefs:

“(A) A writ in the nature of certiorari to quash the impugned order dated 07.07.2025 passed by the

Karnataka State Administrative Tribunal, Belagavi in Application No.12712/2024 vide Annexure-C and allow the application filed by the petitioner vide Annexure-A.

(B) A writ in the nature of mandamus directs the second respondent to appoint the petitioner on compassionate grounds by considering the representation dated 16.06.2012 submitted by the petitioner vide Annexure-A1 in the light of the direction issued by this Hon'ble Court in W.P. No.100001/2023 dated 14.12.2023 vide Annexure-A22.

(C) Any other writ or direction from this Hon'ble Court deems fit under the facts and circumstances of the case, in the interest of justice and equity."

2. The father of the Petitioner herein namely Sri Gutheppa Ayatti was a government servant, working in Revenue Department. He joined the service as D Group employee in the year 1976. He got regular promotions. On 16.06.1998 he was promoted as SDA. While in service, he suffered from RHDC SEVERE AR Disease. As a result, he found it difficult to discharge his duties and as such he gave a representation to 2nd Respondent through proper channel, seeking permission to take voluntary retirement on medical ground and for an appointment to his son i.e. the Petitioner herein, on compassionate ground.

After complying with necessary procedures, he was permitted to take voluntary retirement on medical ground vide Order dated on 31.01.2013.

3. Subsequently, on 05.04.2013, the Petitioner submitted a representation to 2nd Respondent through the office of 4th Respondent, requesting for his appointment on compassionate ground as per the Karnataka Civil Services (Appointment on Compassionate Grounds) (Sixth Amendment) Rules, 2011 (published vide Notification No.DPAR 78 SCA 2011, Bangalore, dated 13.10.2011), (hereinafter referred as '2011 Rules'). When the said representation was pending for consideration, Government issued a Notification dated 25.10.2013 and withdrew the Notification dated 13.10.2011. Afterwards, the Government issued one more Notification dated 07.08.2014 publishing the Karnataka Civil Services (Appointment on Compassionate Grounds) (8th Amendment) Rules, 2014.

4. Subsequently, on 22.12.2015, 2nd Respondent issued an order and rejected the request of the Petitioner for appointment on compassionate ground stating that he is not entitled for the appointment in view of Notification dated 07.08.2014.

5. Aggrieved by the same, the Petitioner approached KSAT in Application No.11860-11861/2016, which came to be dismissed on 12.01.2021. The Petitioner challenged the said order in W.P. No.100001/2023. This Court allowed the writ petition, set aside the order passed by KSAT and directed the Respondents to consider the application of the Petitioner for appointment on compassionate ground in terms of Rules published vide Notification dated 13.10.2011 within a period of 6 months.

6. In spite of such a specific direction, the Respondents did not consider the request of the Petitioner within the stipulated time. Hence, he maintained a contempt petition in CCC No.100149/2024. During its pendency, 2nd Respondent issued two endorsements dated 14.06.2024 and 11.07.2024 and rejected the claim of the Petitioner. Consequently, the contempt petition was dropped reserving liberty to the Petitioner to work out his remedy elsewhere.

7. The Petitioner challenged those endorsements issued by 2nd Respondent before KSAT in Application No.12712/2024. It was dismissed on 07.07.2025 with following observations:

The Medical Certificate produced by the applicant under Annexure-A5 which is in Kannada language and the disease with which father of the applicant was suffering mentioned in the said Medical Certificate is mentioned as "Type IInd DM C old C.C.F and in the application averments filed before this Tribunal wherein the disease with which applicant's father was suffering is mentioned and called as RHDC SEVER AR disease. When the applicant earlier approached this Tribunal along with his father in A.Nos.11860 & 11861/2016 on internal page No.8 at para No.5 of the judgment it is stated by the Tribunal that

"The 2nd respondent on receipt of the said proposal return the proposal by a letter dated 16/07/2012 on considering the medical certificate issued for seeking permission for voluntary retirement by observing as hereunder:

“ಮೇಲ್ಕಂಡ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿ ಶ್ರೀ ಜಿ.ಬಿ.ಆಯಟ್ಟಿ ದ್ವಿದಸ ತಹಶೀಲ್ದಾರ ಕಾರ್ಯಾಲಯ ಸವದತ್ತಿ ಇವರು ವೈದ್ಯಕೀಯ ಕಾರಣದ ಮೇಲೆ ಸ್ವಯಂ ನಿವೃತ್ತಿ ಮಂಜೂರಿ ನೀಡಲು ಹಾಗೂ ಅವರ ಅವಲಂಬಿತ ಮಗನಿಗೆ ಅನುಕಂಪದ ನೇಮಕಾತಿ ನೀಡುವ ಕುರಿತು ಸಲ್ಲಿಸಿದ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಸದರಿಯವರು ಸಲ್ಲಿಸಿದ ವೈದ್ಯಕೀಯ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ 75% ಅಸಮರ್ಥರೆಂದು ನಮೂದಿಸಿರುತ್ತಾರೆ. ಆದರೆ ಸದರಿ ವೈದ್ಯಕೀಯ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ:ಸಿಆಸುಇ/78/ಸೇಆನೇ 2011 ದಿನಾಂಕ: 13.10.2011 ರಲ್ಲಿ 3 ಅ(1) ರ ಪ್ರಕಾರ ಸಾರ್ವಜನಿಕ ಸೇವೆಯ ಮೇಲೆ ಕರ್ತವ್ಯದಲ್ಲಿರುವಾಗ ದೈಹಿಕವಾಗಿ ಅಥವಾ ಮಾನಸಿಕವಾಗಿ ಶಾಶ್ವತವಾಗಿ ಅಸಮರ್ಥರಾಗಿದ್ದಕ್ಕೆ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯಿಂದ ಜಿಲ್ಲಾ ಮತ್ತು ತಾಲೂಕಾ ಮಟ್ಟದಲ್ಲಿ ರಚಿತವಾದ ವೈದ್ಯಕೀಯ ಮಂಡಳಿಯಿಂದ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ ನಿಯಮಗಳು 278(ಎ) ರ ಪ್ರಕಾರ ಹಾಜರಪಡಿಸುವುದು

ಹಾಗೂ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸಂಬಂಧಿಸಿದ ದಾಖಲಾತಿಗಳೊಂದಿಗೆ ಕಳುಹಿಸಲು ಸೂಚಿಸಿ ಸದರಿಯವರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿ ಮರಳಿ ಕಳುಹಿಸಲಾಗಿದೆ.”

Looking to the Endorsement under Annexure-A26 dated 11.07.2024 what is observed by the 2nd respondent-Deputy Commissioner, Belagavi on internal page No.2 of the said Endorsement reads as under:

“ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ಅನುಕಂಪದ ಆಧಾರದ ಮೇಲೆ ನೇಮಕಾತಿ) (6ನೇ ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು 2011 ರಲ್ಲಿ “ವೈದ್ಯಕೀಯ ಕಾರಣಗಳ ಮೇಲೆ ನಿವೃತ್ತರಾದ ಸರ್ಕಾರಿ ನೌಕರ” ಎಂದರೆ

ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯಿಂದ ಜಿಲ್ಲಾ ಮತ್ತು ತಾಲೂಕು ಮಟ್ಟದಲ್ಲಿ ರಚಿತವಾದ ವೈದ್ಯಕೀಯ ಮಂಡಳಿಯೂ ನೀಡಿದ ಪ್ರಮಾಣ ಪತ್ರದನ್ವಯ ಸಾರ್ವಜನಿಕ ಸೇವೆಯ ಮೇಲೆ ಕರ್ತವ್ಯದಲ್ಲಿರುವಾಗ ದೈಹಿಕವಾಗಿ ಅಥವಾ ಮಾನಸಿಕವಾಗಿ ಶಾಶ್ವತವಾಗಿ ಅಸಮರ್ಥರಾಗಿ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ ನಿಯಮಗಳನ್ವಯ 1ನೇ ಜನವರಿ 2010 ರಂದು ಅಥವಾ ತದನಂತರ ವೈದ್ಯಕೀಯ ಕಾರಣಗಳ ಮೇಲೆ ನಿವೃತ್ತರಾದ ಸರ್ಕಾರಿ ನೌಕರ ಎಂದು ವ್ಯಾಖ್ಯಾನಿಸಲಾಗಿದೆ.

ಈ ಪ್ರಕರಣದಲ್ಲಿ ಶ್ರೀ ಜಿ.ಬಿ. ಆಯಟ್ಟಿ ಇವರಿಗೆ ವೈದ್ಯಕೀಯ ಮಂಡಳಿ ಬೆಳಗಾವಿ ಇವರು ನೀಡಿದ ಪ್ರಮಾಣ ಪತ್ರದ ಪ್ರಕಾರ IInd DMC Old CCF ಪರಿಣಾಮವಾಗಿ ಶಾಶ್ವತವಾಗಿ ಅಸಮರ್ಥರಾಗಿರುವುದಿಲ್ಲ. ಮತ್ತು ಸದರಿ ಅಸಮರ್ಥತೆಯೂ ಸರ್ಕಾರಿ ಕೆಲಸದ ನಿರ್ವಹಣೆಯಿಂದ ಉಂಟಾಗಿದೆ ಎಂದು ಪರಿಗಣಿಸಲು ಬರುವುದಿಲ್ಲ. ಕಾರಣ ಜಿ.ಬಿ. ಆಯಟ್ಟಿ ಇವರು ವೈದ್ಯಕೀಯ ಆಧಾರದ ಮೇಲೆ ಸ್ವಯಂ ನಿವೃತ್ತಿ ಪಡೆದಿದ್ದು ಆತನ ಕುಟುಂಬದ ಯಾವುದೇ ಒಬ್ಬರಿಗೆ ಅನುಕಂಪದ ಆಧಾರದ ಮೇಲೆ ನೇಮಕಾತಿ ನೀಡಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ.

ಎರಡನೆಯದಾಗಿ ಶ್ರೀ ಬಿ.ಜಿ.ಆಯಟ್ಟಿ ಇವರು ಸ್ವಯಂ ನಿವೃತ್ತಿಯನ್ನು 59 ವಯಸ್ಸಿನಲ್ಲಿ ಪಡೆದಿದ್ದು ಸರ್ಕಾರದಿಂದ ನಿವೃತ್ತಿ ಪಿಂಚಣಿ ಪಡೆಯುತ್ತಿದ್ದಾರೆ. ಆದುದರಿಂದ ದೈಹಿಕ ಅಸಮರ್ಥತೆಯಿಂದ ಸ್ವಯಂ ನಿವೃತ್ತಿ ಪಡೆದು ತನ್ನ ಕುಟುಂಬದ ಸದಸ್ಯರ ಮೇಲೆ ಅವಲಂಬಿತನಾಗಿರುತ್ತಾನೆ ಎಂದು ಪರಿಗಣಿಸಲು ಬರಲಾರದು.

ಮೂರನೆಯದಾಗಿ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ನಿರ್ಣಯಿತ ತೀರ್ಪು V.M.Satyanarayan Vs. Superintending Engineer AMRP Circle and others (2008) 13 SCC 749 ರಲ್ಲಿ ಸರ್ಕಾರಿ ನೌಕರನು ದೈಹಿಕ ಅಸಮರ್ಥತೆಯ ಕಾರಣ ವೈದ್ಯಕೀಯ ಸ್ವಯಂ ನಿವೃತ್ತಿಯನ್ನು ತನ್ನ ಸೇವಾ ಅವಧಿಯ ಕೊನೆಯ ಭಾಗದಲ್ಲಿ ಪಡೆದುಕೊಂಡಿದ್ದರೆ ಆತನ ಅವಲಂಬಿತರು ಅನುಕಂಪದ ಆಧಾರದ ಮೇಲೆ ನೇಮಕಾತಿ ಪಡೆದುಕೊಳ್ಳಲು ಅರ್ಹರಿರುವುದಿಲ್ಲ ಎಂದು ಆದೇಶಿಸಲಾಗಿದೆ.

ಮೇಲ್ಕಂಡ ಕಾರಣಗಳಿಂದ ಈ ಪ್ರಕರಣದಲ್ಲಿ ನೌಕರನ ಮಗನಾದ ಶ್ರೀ ಆನಂದ ಗುತ್ತೇಪ್ಪ ಆಯಟ್ಟಿ ಇವರಿಗೆ ಅನುಕಂಪದ ಆಧಾರದ ಮೇಲೆ ನೇಮಕಾತಿ ನೀಡಲು ಅವಕಾಶ ಇರುವುದಿಲ್ಲ ಎಂದು ತಿಳಿಸಿ ನಿಮ್ಮ ಮನವಿಯನ್ನು ವಿಲೇಗೆ ತರಲಾಗಿದೆ.”

According to the observation made by the Deputy Commissioner, Belagavi, the father of the applicant was not at all permanently disabled because of the said disease. Even in this regard we have perused the Medical Certificate under Annexure-A5, here, so far as ತಾತ್ಕಾಲಿಕ/ಶಾಶ್ವತವಾಗಿ ಸಮರ್ಥರಾಗಿರುತ್ತಾರೆಂದು/ಅಸಮರ್ಥರಾಗಿರುತ್ತಾರೆಂದು, so far as the word ಅಸಮರ್ಥರಾಗಿರುತ್ತಾರೆಂದು there is a right mark put by the Board, but there is no marking for temporary/permanent disability. Apart from that as per the requirement of the Notification dated 13.10.2011 under Annexure-A9 on internal page No.2 at the

end and continued on internal page No.3, it is mentioned as under:

ವಿವರಣೆ:- ಈ ನಿಯಮಗಳ ಉದ್ದೇಶಕ್ಕಾಗಿ.-

(1) “ವೈದ್ಯಕೀಯ ಕಾರಣಗಳ ಮೇಲೆ ನಿವೃತ್ತರಾದ ಸರ್ಕಾರಿ ನೌಕರ ಎಂದರೆ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯಿಂದ ಜಿಲ್ಲಾ ಮತ್ತು ತಾಲ್ಲೂಕು ಮಟ್ಟದಲ್ಲಿ ರಚಿತವಾದ ವೈದ್ಯಕೀಯ ಮಂಡಳಿಯು ನೀಡಿದ ಪ್ರಮಾಣ ಪತ್ರದನ್ವಯ ಸಾರ್ವಜನಿಕ ಸೇವೆಯ ಮೇಲೆ ಕರ್ತವ್ಯದಲ್ಲಿರುವಾಗ ದೈಹಿಕವಾಗಿ ಅಥವಾ ಮಾನಸಿಕವಾಗಿ ಶಾಶ್ವತವಾಗಿ ಅಸಮರ್ಥರಾಗಿ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ ನಿಯಮಗಳನ್ವಯ 1ನೇ ಜನವರಿ 2010 ರಂದು ಅಥವಾ ತದನಂತರ ವೈದ್ಯಕೀಯ ಕಾರಣಗಳ ಮೇಲೆ ನಿವೃತ್ತರಾದ ಸರ್ಕಾರಿ ನೌಕರ.”

So this disability of the father of the applicant must occasion during the course of employment, while he was on duty. But, looking to the pleadings, there is no specific mention as such, exactly at what point of time and what place when father of the applicant was that disability happened to him. Even in the Medical Certificate under Annexure-A5 also there is no such mention as such. Therefore, requirement of Notification of the Government under Annexure-A9 is also not complied in this case. We do not find any illegality or infirmity in the impugned Endorsements under Annexure-A26 & 27.”

8. Sri H.M.Dharigond, learned Counsel for the Petitioner vehemently submitted that the father of the Petitioner was suffering from serious ill-health because of which he was not in a position to discharge his duties and took voluntary retirement from service on medical ground. He submitted that the 2nd Respondent and KSAT miserably failed to consider relevant

documents and Government Notifications and rejected the request of the Petitioner for appointment under compassionate ground against the mandate of law. He further submitted that the family of the Petitioner is badly in need of compassionate appointment and the Respondents have unnecessarily caused delay in giving him appointment, the right accrued to him under Notification dated 13.10.2011. He also submitted that 2nd Respondent has extended benefits based on 2011 Rules and issued appointment orders to others and it is a clear case of discrimination against the Petitioner.

9. Per Contra, Sri Sharad V. Magadum, learned Additional Government Advocate submitted that the certificate issued by the Medical Board does not state whether the disability found in the father of the Petitioner was of temporary nature or permanent, which is essential to determine the eligibility of the Petitioner to seek appointment on compassionate ground. As such, he supported the rejection of the Petitioner's application by 2nd Respondent and KSAT.

10. In the background of above narrated factual aspects and the contentions of both sides, the material question that would arise for consideration of this Court is whether the

Petitioner entitled to seek appointment on compassionate ground.

11. Rule 3A of 2011 Rules, reads as under:

"3A. Appointment of dependents of Government Servant retired on medical grounds. –

(1) xxx.....xxx

(2) *All conditions of eligibility, conditions of appointment and the procedure of application and appointment except rule 9 as applicable to dependents of deceased Government servant under these rules shall mutatis mutandis apply to the dependents of the Government servant retired on medical grounds with effect from the date of his retirement on medical grounds.*

Provided that all eligible dependents of Government servant retired on medical grounds on the date of commencement of the Karnataka Civil Services (Appointment on Compassionate Grounds) (Sixth Amendment) Rules, 2011 may apply within one year from the date of commencement of the said rules.

Explanation.- *For the purpose of these rules,*

(i) "Government servant retired on medical grounds" means a Government servant who on the ground of bodily or mental infirmity is permanently incapacitated while on duty for public service and retired on medical grounds as per the provisions of

the Karnataka Civil Services Rules on or after the 1st day of January, 2010, as certified by the Medical Board constituted by the Department of Health and Family Welfare at district and taluk level."

12. The endorsement issued by Respondent No.2 for rejecting the representation of the Petitioner (produced at Annexure-A26 to the application), reads as under :

“ಈ ಪ್ರಕರಣದಲ್ಲಿ ಶ್ರೀ ಜಿ.ಬಿ. ಆಯಟ್ಟಿ ಇವರಿಗೆ ವೈದ್ಯಕೀಯ ಮಂಡಳಿ ಬೆಳಗಾವಿ ಇವರು ನೀಡಿದ ಪ್ರಮಾಣ ಪತ್ರದ ಪ್ರಕಾರ Type IInd – DMC Old CCF ಪರಿಣಾಮವಾಗಿ ಶಾಶ್ವತವಾಗಿ ಅಸಮರ್ಥರಾಗಿರುವುದಿಲ್ಲ. ಮತ್ತು ಸದರಿ ಅಸಮರ್ಥತೆಯೂ ಸರ್ಕಾರಿ ಕೆಲಸದ ನಿರ್ವಹಣೆಯಿಂದ ಉಂಟಾಗಿದೆ ಎಂದು ಪರಿಗಣಿಸಲು ಬರುವುದಿಲ್ಲ. ಕಾರಣ ಜಿ.ಬಿ. ಆಯಟ್ಟಿ ಇವರು ವೈದ್ಯಕೀಯ ಆಧಾರದ ಮೇಲೆ ಸ್ವಯಂ ನಿವೃತ್ತಿ ಪಡೆದಿದ್ದು ಆತನ ಕುಟುಂಬದ ಯಾವುದೋ ಒಬ್ಬರಿಗೆ ಅನುಕಂಪದ ಆಧಾರದ ಮೇಲೆ ನೇಮಕಾತಿ ನೀಡಲು ಅವಕಾಶ ವಿರುವುದಿಲ್ಲ.

ಎರಡನೆಯದಾಗಿ ಶ್ರೀ ಬಿ.ಜಿ.ಆಯಟ್ಟಿ ಇವರು ಸ್ವಯಂ ನಿವೃತ್ತಿಯನ್ನು 59 ವಯಸ್ಸಿನಲ್ಲಿ ವಡೆದಿದ್ದು, ಸರ್ಕಾರದಿಂದ ನಿವೃತ್ತಿ ಪಿಂಚಣಿ ಪಡೆಯುತ್ತಿದ್ದಾರೆ. ಆದುದರಿಂದ ದೈಹಿಕ ಅಸಮರ್ಥತೆಯಿಂದ ಸ್ವಯಂ ನಿವೃತ್ತಿ ಪಡೆದು ತನ್ನ ಕುಟುಂಬದ ಸದಸ್ಯರ ಮೇಲೆ ಅವಲಂಬಿತನಾಗಿರುತ್ತಾನೆ ಎಂದು ಪರಿಗಣಿಸಲು ಬರಲಾರದು.

ಮೂರನೆಯದಾಗಿ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ನಿರ್ಣಯಿತ ತೀರ್ಪು V.M.Satyanarayan V/S Superintending Engineer AMRP Circle and Others (2008) 13 SCC 749 ರಲ್ಲಿ ಸರ್ಕಾರಿ ನೌಕರನು ದೈಹಿಕ ಅಸಮರ್ಥತೆಯ ಕಾರಣ ವೈದ್ಯಕೀಯ

ಸ್ವಯಂ ನಿವೃತ್ತಿಯನ್ನು ತನ್ನ ಸೇವಾ ಅವಧಿಯ ಕೊನೆಯ ಭಾಗದಲ್ಲಿ
ಪಡೆದುಕೊಂಡಿದ್ದರೆ ಆತನ ಅವಲಂಬಿತರು ಅನುಕಂಪದ ಆಧಾರದ ಮೇಲೆ
ನೇಮಕಾತಿ ಪಡೆದುಕೊಳ್ಳಲು ಅರ್ಹರಿರುವುದಿಲ್ಲ ಎಂದು ಆದೇಶಿಸಲಾಗಿದೆ.”

13. Admittedly, the father of the Petitioner was permitted to take voluntary retirement on medical ground based on a certificate dated 4.9.2012 issued by the Medical Board, District Hospital, Belagavi. Under the said certificate, the Medical Board certified that the father of Petitioner was suffering from Type II DM with old CCF and that he is permanently incapacitated to render his service in future.

14. Undisputedly, the father of Petitioner was aged about 59 years as on the date when he underwent assessment about his physical stability to perform his duties. On such assessment, the Medical Board came to definite conclusion that he is permanently incapacitated on account of his illness noted in the certificate. There was no dispute regarding genuineness or authenticity of the medical certificate, which unambiguously certified about bodily infirmity of the father of Petitioner. As such, in our view, either 2nd Respondent or KSAT could have tried to find fault with it for want of clarity regarding nature of incapacity/infirmity.

15. In the representation seeking for permission to take voluntary retirement, the father of Petitioner (produced at Annexure-A to the application) has specifically stated that he was seeking voluntary retirement on account of "RHDC severe AR disease". It stands for "Rheumatic Heart Disease (RHD) presenting with severe aortic regurgitation (AR)", which is a serious health issue and often a chronic condition. Further, the full form of 'CCF' used in the certificate issued by Medical Board is "Congestive Cardiac Failure". Thus, it becomes clear that the father of Petitioner had sought permission for voluntary retirement on genuine medical ground and on account of his incapacity to perform his duties.

16. Additionally, the Petitioner has produced two documents (annexed to the application as Annexures-A19 and 21) to show that in one case 2nd Respondent has extended the benefit of appointment on compassionate ground to one Sri Basavaraj Shivaji Nandurkar vide his Order dated 04.01.2016 under 2011 Rules and in another case High Court of Karnataka has issued direction to concerned to consider similar request of one Sri B. Ramacharan vide its Order dated 01.02.2017 passed in W.P. No.111083/2014. The respondents have not disputed

these factual aspects. In the said circumstances 2nd Respondent could not have discriminated the Petitioner by rejecting his request for appointment on compassionate ground, which was available to him under 2011 Rules.

17. As already noted, the Petitioner submitted his representation on 05.04.2013 with necessary documents requesting an appointment on compassionate ground as per 2011 Rules. The said application was kept pending for more than four years and ultimately it was rejected on 22.12.2015 by assigning untenable reason. The respondents did not act swiftly even thereafter, in spite of a specific direction issued by this Court vide Order dated 14.12.2023 in W.P. No.100001/2023. The materials on record make it clear that the respondents have failed to process the Petitioner's representation in compliance with 2011 Rules, which has resulted substantial injustice to the Petitioner and his family.

18. Under these circumstances, this Court proceeds to pass the following:

ORDER

- (i) The writ petition is allowed.

- (ii) The Order dated 7.7.2025 passed by the Karnataka State Administrative Tribunal, Belagavi in Application No.12712/2024 (produced at Annexure C) is quashed and the application filed by the Petitioner (produced at Annexure A) is allowed.
- (iii) The 2nd Respondent is directed to consider the representation dated 16.6.2012 for his appointment on compassionate ground under 2011 Rules and to issue appointment order, within a period of three months from the date of this order.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**