

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5030 OF 2014  
(Arising out of SLP(C) No. 26804 of 2013)

NAGAMMA & ORS.

Appellants

VERSUS

D.G. & I.G. OF POLICE & ORS.

Respondents

O R D E R

1. Leave granted.

2. What could have been a matter of great pleasure and satisfaction for the original post-holder, namely, late Siddappa, has now only become a question of pound, shilling and pence, for the family can at best get some family pension, if it is found Siddappa was deemed to have been in service till he breathed his last.

3. Late Siddappa was appointed as an Armed Police Constable with the condition that he should qualify in Kannada Language Examination before he could complete the period of probation. Though he appeared on two occasions, the success could not come in his way. Despite the same he continued in service for a period of 9 years. Thereafter, the authorities discharged him from the service in exercise of the power under Karnataka Civil Services (Probation) Rules, 1977.

2

4. Being dissatisfied, he approached the Karnataka Administrative Tribunal, Bangalore and during the pendency of the application, he expired and his legal representatives were brought on record. However, the Tribunal did not accept the prayer and eventually, the application was dismissed on 15.9.2009. Failure to succeed in the application compelled the appellants

herein to file review, but the same also did not bring any success.

5. Aggrieved by the order passed by the Tribunal, the appellants herein filed writ petition in the High Court, which was dismissed.

6. Learned counsel for the appellants has submitted that as late Siddappa, had attained the age of 45 years, the State Government could have granted exemption under Rule 5(4) of the Karnataka Civil Services (Service and Kannada Language Examinations) Rules, 1974. Learned counsel for the State seriously opposed the same.

7. Rule 5(4) of the Rules reads as follows:

"A government servant allotted or deemed to have been allotted to serve in connection with the affairs of the State of Karnataka under Section 115 of States Reorganisation Act, 1956, who has attained the age of 45 years shall be exempt from passing the Kannada language examination under these rules."

8. On a perusal of the aforesaid Rule, we are of

3

the considered opinion that such a relaxation should have been granted to Siddappa inasmuch as at the time of discharge he had already attained the age of 45

years. Accordingly, as a natural corollary, he would

have been deemed to continue in service till his death

i.e. 05.11.2004. The consequence of the aforesaid is

that the present appellants shall be entitled to get

the family pension as per Rules and that apart, they

shall also be entitled to get the arrears of salary

for the period of one year. The authorities shall

quantify the benefits and pay the same to the

appellants within a period of three months from today.

The Family Pension shall be worked out along with

other statutory dues and be paid along with arrears

