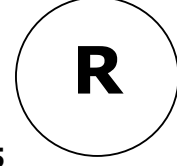




HC-KAR

IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH



DATED THIS THE 14TH DAY OF AUGUST 2025

BEFORE
THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.102208 OF 2025 (S-RES)

BETWEEN:

SMT. LAKSHMAVVA W/O. RAMANNA GOSHELLANAVAR,
AGE ABOUT 48 YEARS, OCC: COOLIE,
R/O: #164, AMBEDKAR NAGAR, SHIRHATTI,
TQ: SHIRHATTI, DIST: GADAG – 582 120.

...PETITIONER

(BY SRI. HEMANTHKUMAR L. HAVARAGI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF TRANSPORT
VIKASA SOUDHA, BENGALURU,
RPTD. BY ITS PRINCIPAL SECRETARY,
PIN – 560 001.
2. THE MANAGING DIRECTOR,
NORTH WEST KARNATAKA STATE
ROAD TRANSPORT CORPORATION,
GOKUL ROAD, HUBBALLI,
DIST: DHARWAD, PIN – 580 001.
3. THE DEPUTY COMMISSIONER,
GADAG, DIST: GADAG, PIN 580 001.
4. THE DIVISIONAL CONTROLLER,
K. S. R. T. C. GADAG DIVISION,
GADAG, DIST: GADAG – 582 120.
5. THE DEPO MANAGER,
NWSKRTC, SHIRAHATTI,
SHRAHATTI, DIST: GADAG.

...RESPONDENTS

(BY SRI. P.N.HATTI, HCGP FOR R1;
SRI. PRASHANT HOSAMANI, ADVOCATE FOR R2 TO R5)





HC-KAR

NC: 2025:KHC-D:10273
WP No. 102208 of 2025

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE 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 AND ALSO TO DIRECT 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.

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

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



- 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.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

AM/- CT-ASC
List No.: 1 SI No.: 30