
(2000) 07 KAR CK 0034
In the Karnataka High Court
Case No : Writ Petition No. 71 of 2000 (S) .

P.C. Sreeram

APPELLANT

Vs

State of Karnataka and others

RESPONDENT

Date of Decision : 11-07-2000

Acts Referred:

Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 —
Rule 3 (1), 3 (2), 3 (3)

Citation : (2000) ILR (Kar) 3358 : (2000) 6 KarLJ 266 : (2000) 4 KCCR 2473

Hon'ble Judges : Chandrashekaraiyah, J

Bench : Single Bench

Advocate : Sri K. Sreedharfor M/s. Vagdevi Associates, for the Appellant;

Judgement

Chandrashekaraiyah, J.—The petitioner in this writ petition has sought for striking down the Rule 3(3) of the Rules called the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 on the ground that it is arbitrary. Rule 3(1), (2) and (3) of the Rules reads as follows:

"3. (1) Appointment on compassionate grounds under these rules shall not be claimed as a matter of right and shall not be given as a matter of course.

(2) Appointment under these rules shall be restricted to the dependent of a deceased Government servant, the following order of preference namely...

(3) An adopted son or daughter of a deceased Government servant, shall not be eligible for appointment under these rules".

According to the learned Counsel for the petitioner, the rule which excludes adopted son for consideration for appointment on compassionate grounds is arbitrary. The appointment to be made on compassionate grounds is only to provide an employment to the dependents of deceased Government servant who were mainly depending upon his earnings. This rule is virtually an exception to the General Recruitment Rules. Therefore, no person can claim for an appointment on compassionate grounds as a matter of right. Sub-rule (3) of Rule

3 no doubt excludes an adopted son or a daughter for consideration for appointment. Any person adopted may succeed to the estate of the deceased under the personal law, but this itself will not entitle him to get an appointment on compassionate grounds. Therefore, if the adopted son or a daughter is excluded from consideration, it cannot be said that there is any arbitrariness in framing the rules. Further, the learned Counsel for the petitioner also is not able to satisfy, how the said rule is arbitrary.

2. The case of the petitioner is that he is an adopted son of a deceased Government servant and therefore he is to be treated on par with the natural son for the purpose of considering his application for an appointment on compassionate grounds. Annexure-B is the application filed by the petitioner seeking for an appointment on compassionate ground. In the said application, the petitioner has described himself as a (Sakumaga). (Sakumaga) cannot be treated as an adopted son. Along with the said application, the petitioner has also produced a Will executed by the deceased Government servant bequeathing her property to the petitioner. In this Will, the petitioner has not been described as an adopted son. If that is so, even if an adopted son is excluded under the rule, the petitioner since he is not an adopted son, cannot have any grievance so far as the impugned rules are concerned.

3. It is the further case of the petitioner that the authorities were not right in applying new rules so as to reject his application for appointment on compassionate grounds since the rules which were in force as on the date of the application should have been applied. No doubt the rules came into force from the 1996 whereas the petitioner's application for appointment on compassionate grounds is in the year 1994. Since the petitioner cannot be considered as an adopted son, it is immaterial whether the old rules or new rules are applicable. Therefore, there is no substance even in this contention also.

4. Writ petition is rejected.