

(2017) 04 KAR CK 0019
In the Karnataka High Court
Case No : 7924 of 2017 (S-KAT)

Y.R. Raghu

APPELLANT

Vs

State of Karnataka and another

RESPONDENT

Date of Decision : 03-04-2017

Acts Referred:

[Karnataka Civil Services \(Appointment on Compassionate Grounds\) Rules, 1996](#), [Rule 3\(3\)](#), [Rule 2\(1\)\(a\)](#), [Rule 2\(1\)\(a\)\(ii\)](#)

Citation : (2017) 04 KAR CK 0019

Hon'ble Judges : H.G. Ramesh, John Michael Cunha

Bench : DIVISION BENCH

Advocate : D.N. Nanjunda Reddy, Vijaya Simha Reddy D.V

Judgement

1. The short question that arises for determination in this case is as to whether "step son" of a deceased Government servant is eligible for appointment under the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996?

2. The petitioner is the step son of the deceased Smt. Sujatha, who was a Government servant. The deceased Smt. Sujatha was married. The question is whether the petitioner can be considered as "Dependent of the deceased Government servant" as defined in Rule 2(1)(a)(ii) of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 ("the Rules" for short).

3. Sri D.N. Nanjunda Reddy, learned Senior Counsel appearing for the petitioner contended that "son" referred to in Rule 2(1)(a)(ii) includes step son. To examine the contention, it is relevant to refer to Rule 2 of the Rules which reads as follows: "2. Definitions.-(1) In these rules, unless the context otherwise requires.-

(a) "Dependent of the deceased Government servant" means. -

(i) in the case of deceased male Government servant, his widow, son, unmarried daughter and widowed daughter who were dependent upon him and were living with him; and

(ii) in the case of a deceased female Government servant, her widower, son, unmarried daughter and widowed daughter who were dependent upon her and were living with her;

(iii) in the case of deceased male unmarried Government Servant, his unmarried brother, unmarried or widowed sister who were dependent upon him and were living with him; and

(iv) in the case of deceased female unmarried Government Servant, her unmarried brother, unmarried or widowed sister who were dependent upon her and were living with her.

(b) "Family" in relation to a deceased Government servant means his or her spouse and their son, unmarried daughter and widowed daughter, unmarried brother, unmarried or widowed sister who were living with him.

(2) Words and expressions used but not defined shall have the same meaning assigned to them in the Karnataka Civil Services (General Recruitment) Rules, 1977."

(emphasis supplied)

4. The word "son" referred to in Rule 2(1)(a) of the Rules is preceded by the words "his" or "her". Further, as per Rule 3(3) of the Rules, an adopted son or daughter of a deceased Government Servant shall not be eligible for appointment under the Rules. Therefore, the word "son" referred to in Rule 2(1)(a) shall mean a biological son of the deceased Government servant and not his or her step son. Accordingly, we find no error in the impugned order of the Karnataka State Administrative Tribunal to warrant interference. The writ petition is accordingly dismissed. Petition dismissed.