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IN THE HIGH COURT OF KARNATAKAAT DHARWAD

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

AND

THE HON'BLE MRS JUSTICE HEMA KULKARNI

WRIT APPEAL NO.100758 OF 2025 (S-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER,
KKRTC, BALLARI DIVISION,
BALLARI – 583 101.

...APPELLANT

(BY SRI. PRASHANT S. HOSMANI,ADVOCATE)

AND:

1. SMT. MANTAVVA W/O. MANTAPPA LOLASAR,
AGE: 65 YEARS, OCC: HOUSEHOLD,
R/O: ARASANAL GRAM, TQ: MUDDEBIHAL,
DIST: VIJAYPUR – 586124.

2. SRI. SANGANNA S/O. MANTAPPA LOLASAR,
AGE: 34 YEARS, OCC: NIL,
R/O: ARASANAL GRAM, TQ: MUDDEBIHAL,
DIST: VIJAYPUR – 586124

...RESPONDENTS

(BY SRI. RAVI HEGDE,ADVOCATE FOR R1 & R2)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER DATED 19/08/2025 IN W.P.NO.101661/2025 (S-KSRTC) PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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THIS APPEAL, COMING ON FOR PRELIMINARY HEARING
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA
AND
HON'BLE MRS JUSTICE HEMA KULKARNI

ORAL JUDGMENT

(PER: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**)

1. The appellant – Kalyana Karnataka Road Transport Corporation (hereinafter referred to as 'the Corporation' for the sake of brevity) is before this Court calling in question the order dated 19-08-2025 passed by the learned Single Judge in W.P.No.101661 of 2025, whereby the learned Single Judge has directed consideration of the claim of the 2nd respondent for appointment on compassionate grounds, notwithstanding the prescription contained in the Circular governing such appointments in the Corporation.

2. Heard the learned counsel Sri.Prashant Hosmani appearing for the appellant/Corporation and learned counsel Sri.Ravi Hegde for the respondents.

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3. The facts adumbrated are as follows:

3.1 One Veeresh Mantappa Lolasar, son of the 1st respondent, enters the services of the Corporation as a Driver on 18-03-2008 and continues to serve the Corporation until 21-09-2023, when death intervenes and brings his service to an abrupt end. The death of the employee in harness becomes the genesis of the present controversy. The 1st respondent, mother of the deceased employee, submits an application seeking appointment on compassionate grounds, not for herself, but for her other son, the brother of the deceased employee. The Corporation declines the request on the ground that the brother does not fall within the definition of a dependent family member under the Circular governing compassionate appointments. The rejection leads the respondents to knock at the doors of this Court in the aforesaid writ petition.

3.2 The learned Single Judge, accepting the plea of the writ petitioners, allows the petition and directs the

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Corporation to consider and appoint the brother of the deceased employee on compassionate grounds. It is this direction that has driven the Corporation to the portals of this Court in the present appeal.

4. Sri Prashant Hosmani, learned counsel appearing for the appellant/Corporation, would vehemently contend that the learned Single Judge has travelled beyond the precincts of the Circular governing compassionate appointments. He would submit that the Circular defines, with unmistakable precision, the persons who would constitute the family of a deceased employee and those who would qualify as dependents for the purpose of securing compassionate appointment. The brother of the deceased employee, who is admittedly married and residing separately with his own family, does not answer the description of a dependent under the Circular.



5. He would contend that compassionate appointment, being an exception to the constitutional mandate of equality in public employment, cannot be converted into an avenue of employment for persons whom the governing policy consciously excludes. The learned Single Judge, according to the learned counsel, has permitted considerations of sympathy to eclipse the express stipulations of the Circular. He would, therefore, seek setting aside of the order impugned.

6. Per contra, Sri Ravi Hegde, learned counsel representing the respondents, would seek to sustain the order of the learned Single Judge. He would submit that the very soul of compassionate appointment lies in rescuing a family from the sudden financial catastrophe that follows the death of its breadwinner. The deceased employee having lost his wife during his lifetime and having left behind neither wife nor children, the mother and the brother were the surviving relations who looked to him for support.

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7. He would further submit that the brother has placed an affidavit undertaking to maintain and take care of the aged mother. The learned Single Judge, bearing in mind the object and purpose of compassionate appointment, has appropriately directed consideration of the claim. He would, therefore, seek dismissal of the appeal.

8. A skeletal reiteration of the facts, though at the cost of repetition, becomes necessary to unravel the controversy that lies at the heart of the present *lis*.

9. The 1st respondent is the mother of the deceased employee, Veeresh, who had served the Corporation as a Driver from 18-03-2008 until his death on 21-09-2023. The employee was married. His wife, however, predeceased him on 09-04-2022. The marriage had not been blessed with children. Thus, when the employee breathed his last, he left behind neither a

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surviving spouse nor any children. The mother and his brother remained.

10. The mother was, at the relevant point in time, aged about 65 years, while the brother was aged about 34 years. The mother, understandably, did not seek employment for herself. She sought appointment for her other son, the brother of the deceased employee. The brother was admittedly married and residing separately with his own family. An affidavit came to be placed on record by the brother undertaking that, if appointed on compassionate grounds, he would look after and maintain the mother.

11. The learned Single Judge, placing emphasis upon the circumstance that the wife of the deceased employee had predeceased him, that there were no children and that the brother had undertaken to take care the mother, allowed the writ petition by the following order:

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- "2. Petitioner No.1 is the mother and Petitioner No.2 is the brother of deceased Veeresh Mantappa Lolasar, who was employed as a driver with Respondent Corporation on 18.3.2008. He having expired in harness on 21.9.2023, an application having been made for appointment on compassionate basis by the Petitioners seeking for appointment of Petitioner No.2-brother of the deceased, the said application came to be rejected vide endorsement dated 4.11.2024 at Annexure-D on the ground that the deceased Veeresh Mantappa Lolasar was married and as such, no employment on compassionate basis could be provided to his brother.
3. Sri. Ravi Hegde, learned counsel for the Petitioners would submit that though there is no dispute of Veeresh Mantappa Lolasar having been married, his wife Sunanda predeceased him on 9.4.2022 without any children and the said Veeresh Mantappa Lolasar was taking care of his mother and brother and as such, he submits that appointment on compassionate basis ought to have been provided to his brother, who is also looking after the mother.
4. Sri. Prakash Hosamani, learned counsel for the Respondent, however, contends that as per the policy of the Respondent - Road Transport Corporation, if the deceased were to be married, compassionate employment cannot be provided for anyone else other than the wife and children.
5. Heard Sri.Ravi Hegde, learned counsel for the petitioner and Sri.Prakash Hosmani, learned counsel for the respondent and perused papers.

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6. A short question that would arise for consideration in the matter is whether a deceased employee's spouse were to predecease him, could the Road Transport Corporation even then contend that a compassionate appointment cannot be granted to any other relative of the deceased employee?
7. The ambit and purport of appointment on a compassionate basis is to ensure that the family of the deceased employee is taken care of and the exigencies due to the death ought not to result in a financial burden to the family. In the present matter, the Road Transport Corporation does not deny compassionate appointment but only contends that Petitioner No.2 could not be granted a compassionate appointment since the deceased employee was married. However, the fact remains that the spouse of the deceased employee had predeceased him on 9.4.2022, and they do not have any children who could seek a compassionate appointment.
8. Petitioner No.1-mother, and Petitioner No.2-brother, are living together, and after the death of the spouse, the deceased employee was taking care of both his mother and brother. In that view of the matter, I am of the opinion that Petitioner No.2, having undertaken to take care of Petitioner No.1, the mother, the application of Petitioner No.2 for appointment on a compassionate basis ought to have been considered by the Respondent in a proper perspective.
9. Hence, I answer the point framed by holding that if the spouse of the employee had predeceased the employee and there are no children, the mere marriage of the deceased

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employee cannot be a ground to reject an application for compassionate appointment. In that background, I pass the following:

ORDER

- i) The Writ Petition is allowed.
- ii) A certiorari is issued. The endorsement dated 4.11.2024 bearing No.KA.KA.RA.SABA.VI/SIBBANDI/ R-1/ 2608/ 2024 at Annexure-D is quashed.
- iii) Respondent-Corporation is directed to consider the application of Petitioner No.2 and appoint Petitioner No.2 on compassionate grounds to a suitable post as per his qualification within a period of twelve weeks from the date of receipt of a copy of this order.
- iv) Liberty is, however, reserved to Petitioner No.1 to move for cancellation of the above order in the event of Petitioner No.2 not taking care of Petitioner No.1."

12. The facts narrated hereinabove are neither in the realm of dispute nor do they admit of any ambiguity. What emerges with striking clarity is that the deceased employee, though married, had lost his wife even before his own demise and had left behind no children. The

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mother survives him. The brother, for whom compassionate appointment is sought, is himself married, aged about 34 years and residing separately with his own family.

13. The question that therefore falls for consideration is not whether the plight of an aged mother deserves sympathy. It undoubtedly does. The question is whether sympathy, however profound, can confer an entitlement to public employment upon a person who does not fall within the definition of a dependent under the governing Circular.

14. The answer to the aforesaid question must necessarily be found within the four corners of the Circular governing compassionate appointments in the Corporation. The Circular delineates the expression 'dependent' and defines the family members who would be eligible to seek appointment upon the death of an



employee in harness. The relevant portion of the Circular reads as follows:

“11 ವ್ಯಾಖ್ಯಾನ:

(1)(b) ಖಂಡದ ಬದಲಾಗಿ, ಈ ಮುಂದಿನದನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು.

"(b) "ಕರ್ನಾಟಕ ರಾಜ್ಯ ರಸ್ತೆ ಸಾರಿಗೆ ಸಂಸ್ಥೆಯ ಮೃತ ನೌಕರರ ಅವಲಂಬಿತ" ಎಂದರೆ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ರಸ್ತೆ ಸಾರಿಗೆ ಸಂಸ್ಥೆಯ ಮೃತ ನೌಕರನೊಂದಿಗೆ ವಾಸವಾಗಿದ್ದ ಮತ್ತು ಆತನಿಗೆ ಅವಲಂಬಿತರಾಗಿದ್ದ ಮತ್ತು ನೀತಿಯ ಅಂಶ ಸಂಖ್ಯೆ 4(1) ರ ವಿವರಣೆಗಳಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಷರತ್ತುಗಳನ್ನು ಪೂರೈಸಿರುವ ಆತನಕುಟುಂಬದ ಸದಸ್ಯರು.

(1)(C) ಸಂಸ್ಥೆಯ ಮೃತ ನೌಕರರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ "ಕುಟುಂಬ" ಎಂದರೆ:-

- (i) ಮೃತ ಪುರುಷ ವಿವಾಹಿತ ನೌಕರನಾದ ಸಂದರ್ಭದಲ್ಲಿ ಆತನ ಮೇಲೆ ಅವಲಂಬಿತರಾಗಿದ್ದ ಮತ್ತು ಆತನೊಂದಿಗೆ ವಾಸವಾಗಿದ್ದ ಆತನ ವಿಧವಾ ಪತ್ನಿ, ಮಗ ಮತ್ತು ಮಗಳು (ಅವಿವಾಹಿತೆ/ವಿವಾಹಿತೆ/ವಿಚ್ಛೇದಿತೆ/ವಿಧವೆ);
- (ii) ಮೃತ ಮಹಿಳಾ ವಿವಾಹಿತ ನೌಕರಳಾದ ಸಂದರ್ಭದಲ್ಲಿ, ಆಕೆಯ ಮೇಲೆ ಅವಲಂಬಿತರಾಗಿದ್ದ ಮತ್ತು ಆಕೆಯೊಂದಿಗೆ ವಾಸವಾಗಿದ್ದ ಆಕೆಯ ಮಗ, ಮಗಳು (ಅವಿವಾಹಿತೆ/ವಿವಾಹಿತೆ/ವಿಚ್ಛೇದಿತೆ/ವಿಧವೆ), ಮತ್ತು ವಿಧುರ ಪತಿ;
- (iii) ಮೃತ ಪುರುಷ ಅವಿವಾಹಿತ ನೌಕರನಾದ ಸಂದರ್ಭದಲ್ಲಿ ಆತನ ಮೇಲೆ ಅವಲಂಬಿತರಾಗಿದ್ದ ಮತ್ತು ಆತನೊಂದಿಗೆ ವಾಸವಾಗಿದ್ದ ಆತನ ಸಹೋದರ ಅಥವಾ ಸಹೋದರಿ;
- (iv) ಮೃತ ಮಹಿಳಾ ಅವಿವಾಹಿತ ನೌಕರಳಾದ ಸಂದರ್ಭದಲ್ಲಿ, ಆಕೆಯ ಮೇಲೆ ಅವಲಂಬಿತರಾಗಿದ್ದ ಮತ್ತು ಆಕೆಯೊಂದಿಗೆ ವಾಸವಾಗಿದ್ದ ಆಕೆಯ ಸಹೋದರ ಅಥವಾ ಸಹೋದರಿ.”

15. A plain reading of the afore-quoted Circular would leave little room for interpretative ingenuity. The Circular draws a conscious distinction between the family

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of a married deceased employee and that of an unmarried deceased employee. In the case of a married male employee, the specified eligible dependents are the widow and children, subject to the conditions stipulated therein. In the case of an unmarried male employee, a dependent brother or sister residing with the employee may fall within the fold of eligibility.

16. The distinction is neither accidental nor inconsequential. It is a distinction consciously engrafted into the policy. The deceased employee in the case at hand was admittedly married. The fact that his wife predeceased him cannot, by any interpretative exercise, transform a married employee into an unmarried employee for the purpose of bringing his brother within the ambit of the Circular.

17. Marriage is a fact in the life of the employee; the death of the spouse does not obliterate that fact. Widowhood or widowerhood



cannot be judicially equated with never having been married, merely to confer an eligibility which the policy does not contemplate. The brother, therefore, cannot claim the benefit of a provision expressly fashioned for the dependent brother or sister of an unmarried deceased employee.

18. **The object of compassionate appointment is undoubtedly laudable. It is conceived as a measure of immediate succour to a family suddenly deprived of its breadwinner. It seeks to alleviate the financial distress that descends upon the dependents when death unexpectedly snatches away the earning member of the family. But the benevolence underlying the scheme cannot be permitted to become an instrument for dismantling the scheme itself. Compassion is the foundation of the scheme; eligibility is its boundary. The foundation cannot be invoked to demolish the boundary.**

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19. To stretch the definition of a dependent beyond its express contours, so as to accommodate every near, dear or distant relation of the deceased employee, would be to convert a narrowly tailored exception into an expansive entitlement. Such an interpretation would not advance the object of compassionate appointment; it would defeat the very discipline upon which the scheme rests.

20. **The Courts, while interpreting a scheme of compassionate appointment, cannot substitute their own perception of compassion for the conditions prescribed by the employer. Judicial sympathy cannot rewrite an administrative policy. Equitable considerations, however appealing, cannot manufacture an eligibility where none exists. The law does not command the Court to be bereft of compassion. It commands that compassion, when translated into a direction for public employment, must remain within the limits prescribed by law.**



21. The case at hand presents precisely such a situation. The brother of the deceased employee is married. He has his own family. He resides separately. He does not satisfy the definition of a dependent under the governing Circular. The mere circumstance that he has sworn to an affidavit undertaking to maintain the aged mother cannot elevate him into the category of an eligible dependent.

22. An undertaking to maintain one's mother may reflect a familial obligation. It may even be a commendable assurance. But it cannot become the juridical foundation for securing an appointment in public employment contrary to the governing policy. **A moral obligation cannot, by the mere filing of an affidavit, metamorphose into a statutory or policy-based entitlement.** If such undertakings were to become the touchstone of eligibility, the carefully prescribed conditions of compassionate appointment would be rendered otiose.



Every person falling outside the scheme could seek entry into its fold by professing an intention to maintain a surviving relation of the deceased employee. That would open a door which the policy has deliberately kept closed.

23. The learned Single Judge has proceeded on the premise that, since the wife of the deceased employee had predeceased him and there were no children, the brother ought to be considered for compassionate appointment upon his undertaking to maintain the mother. The reasoning, though undoubtedly animated by considerations of compassion, overlooks the fundamental distinction between the object of a policy and the eligibility prescribed for availing its benefit.

24. The object of the scheme cannot be read in isolation from its express terms. The object explains why the scheme exists; the eligibility conditions determine to whom it applies. One cannot be employed to obliterate the other.



25. The learned Single Judge, in our considered view, has permitted the equitable consideration of providing succour to the aged mother to override the clear prescription of the Circular. In doing so, the order impugned enlarges the class of eligible dependents beyond what the Corporation has contemplated. **Compassionate appointment cannot become compassionate recruitment. Nor can a Court, moved by the hardship of an individual, create a new class of beneficiaries under the guise of interpreting an existing one.**

26. **Before parting, we deem it appropriate to observe that compassionate appointment is a concession born of necessity, not a right born of relationship. Its purpose is to rescue a dependent family from sudden destitution, not to perpetuate employment within a family by succession. Compassion must remain the soul of the scheme, but the law must remain its sentinel.**



27. In the light of the foregoing analysis, we are of the considered view that the learned Single Judge has fallen into an error warranting interference at our hands. The brother of the deceased employee, who is married, residing distantly and not being a dependent within the meaning of the Circular, cannot claim appointment on compassionate grounds merely on the strength of an undertaking to maintain his mother.

28. For the foregoing reasons, the following:

ORDER

- (i) The Writ Appeal is **allowed**.
- (ii) The order dated 19-08-2025 passed by the learned Single Judge in W.P.No.101661 of 2025 stands **set-aside**.
- (iii) The rejection of the claim for compassionate appointment by the appellant/Corporation stands sustained.

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(iv) It is made clear that the observations herein are confined to the claim for compassionate appointment under the governing Circular and shall not prejudice any other benefit, if otherwise admissible to the legal heirs of the deceased employee in accordance with law.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

**Sd/-
(HEMA KULKARNI)
JUDGE**

JTR & VNP
CT: ASC
List No.: 1 Sl No.: 30