

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF OCTOBER, 2022

BEFORE

THE HON' BLE MR. JUSTICE S.G. PANDIT

WRIT PETITION No.33134/2016 (S-RES)

BETWEEN:

SMT.MANJULA.N

...PETITIONER

(BY SRI.K.R.SREENIVASA., ADV.)

AND:

- 1 . THE COMMISSIONER OF POLICE
BANGALORE CITY POLICE
NO.1, INFANTRY ROAD
BENGALURU-560001.
- 2 . DEPUTY COMMISSIONER OF POLICE
CITY ARMED RESERVE FORCE [SOUTH]
ADUGODI, BENGALURU-560030.
- 3 . SMT.RATHNAMMA

...RESPONDENTS

(BY SRI.M.V.RAMESH JOIS, AGA. FOR R1 AND R2; R3 – SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE

IMPUGNED ENDORSEMENT DATED 03.02.2016 ISSUED BY THE RESPONDENT NO.2 AT ANNEXURE-K; AND ETC.,

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioner claiming to be the wife of one deceased H.S.Siddaraju is before this Court praying to quash the endorsement bearing No.02/ಸಿಬ್ಬಂದಿ-1/ಸಿಎಆರ್(ದ)/2013-14 dated 03.02.2016 [Annexure-K] and also for a direction to the respondent No.2 to consider the application of the petitioner at Annexure-F dated 28.07.2014 for appointment on compassionate grounds.

2. Heard the learned counsel Sri.K.R.Sreenivasa for the petitioner and Sri.M.V.Ramesh Jois, learned Additional Government Advocate for the respondent Nos.1 and 2. Perused the writ petition papers.

3. Learned counsel for the petitioner would submit that the petitioner is legally wedded wife of one Late H.S.Siddaraju who was working as Police Constable

in the City Armed Reserve Police Force. Said Late H.S.Siddaraju died on 03.01.2014. Even though the petitioner was legally wedded wife, pensionary benefits were paid to the third respondent. Learned counsel for the petitioner would submit that the petitioner and the third respondent had arrived at settlement dated 17.02.2014 at Annexure-D wherein the third respondent agreed that the petitioner could seek compassionate appointment from the Department. Further, the learned counsel would submit that the petitioner has two children and it is difficult for the petitioner to lead her life. Learned counsel would pray that a direction to consider the case of the petitioner for compassionate appointment under the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 [for short 1996 Rules].

4. Per contra, learned Additional Government Advocate Sri.M.V.Ramesh Jois would submit that the third respondent was nominee to receive pensionary benefits and as such in terms of the nomination made

by Late H.S.Siddaraju, pensionary benefits were settled in favour of the third respondent. Further, he submits that there is no document nor the petitioner has established that she is the legally wedded wife of Late H.S.Siddaraju. It is also submitted that the agreement entered into between the petitioner and the third respondent would not be binding on the respondent Nos.1 and 2. Thus, he prays for dismissal of writ petition.

5 The petitioner claims that she married Late H.S.Siddaraju on 26.06.2000. There is no material on record to establish that the petitioner married Late H.S.Siddaraju nor the petitioner has established her marriage by approaching appropriate Civil Court. Admittedly, the third respondent was nominee of Late H.S.Siddaraju in service records and accordingly, the service benefits are paid to the third respondent. A nominee of a Government servant would be entitled to receive service benefits and to consequential benefits. The petitioner has entered into an agreement with third

respondent in terms of Annexure-D dated 17.02.2014 has no right to claim compassionate appointment or pensionary benefits since she has not established that she is the legally wedded wife of Late H.S.Siddaraju. The agreement entered into between the petitioner and the third respondent would not be binding on the State Government. The said agreement cannot be enforced against the State since they are not parties. The compassionate appointment is covered under 1996 Rules. The Agreement entered into between the petitioner and the third respondent cannot be contrary to 1996 Rules. Moreover, compassionate appointment cannot be claimed as a matter of right.

Thus, I do not find any merit in the writ petition. Accordingly, writ petition stands rejected.

**Sd/-
JUDGE**

NC.