

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 3<sup>RD</sup> DAY OF APRIL 2017**

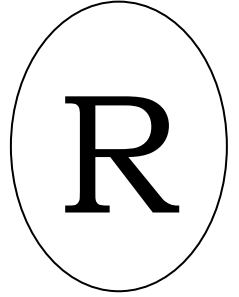
**PRESENT**

**THE HON'BLE MR. JUSTICE H.G.RAMESH**

**AND**

**THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA**

**WRIT PETITION NO.7924/2017 (S-KAT)**



**BETWEEN:**

SRI Y.R.RAGHU  
S/O Y.R.RAMALINGAIAH  
AGED ABOUT 41 YEARS  
R/AT NO.1537, 4<sup>TH</sup> E MAIN ROAD  
MARIYAPPANAPALYA  
SRIRAMPURAM POST  
BANGALORE-560 021

... PETITIONER

(BY SRI D.N.NANJUNDA REDDY, SENIOR ADVOCATE &  
SRI VIJAYA SIMHA REDDY D.V., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY  
DEPARTMENT OF LAND RECORD  
AND SURVEY SETTLEMENT  
VIDHANA SOUDHA  
BANGALORE-560 001

2. THE COMMISSIONER  
LAND RECORDS AND SURVEY SETTLEMENT  
K.R.CIRCLE  
BANGALORE-560 001

... RESPONDENTS

(GOVERNMENT ADVOCATE - SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT DATED 02.04.2011 (ANNEXURE-H) ISSUED BY RESPONDENT NO.2 & THE ORDER DATED 27.09.2016 (ANNEXURE-M) PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION NO.5019 OF 2011 AND TO DIRECT THE RESPONDENTS TO APPOINT THE PETITIONER UNDER COMPASSIONATE GROUNDS BY EXTENDING ALL CONSEQUENTIAL BENEFITS ARISING THERETO.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, **H.G.RAMESH J.**, MADE THE FOLLOWING:

**ORDER**

**H.G.RAMESH, J. (Oral):**

- 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 word '*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.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

LB