



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20<sup>TH</sup> DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

**WRIT PETITION NO.27347 OF 2023(S-RES)**

**BETWEEN:**

...PETITIONER

(BY SMT.AVANI CHOKSHI, ADVOCATE)

**AND:**

- 1 . CANARA BANK  
HAVING ITS HEAD OFFICE AT NO.112, JC ROAD,  
BENGALURU-560002  
REPRESENTED BY ITS MANAGING DIRECTOR  
AND CEO
- 2 . CANARA BANK  
PM SECTION, HR WING, NO.112, JC ROAD  
BENGALURU-560002  
REPRESENTED BY ITS DEPUTY GENERAL MANAGER

3 . CANARA BANK  
HRC SECTION CIRCLE OFFICE, NO.86,  
SPENCER TOWERS, MG ROAD  
BENGALURU-560001  
REPRESENTED BY ITS  
ASSISTANT GENERAL MANAGER

...RESPONDENTS

(BY SRI.T P MUTHANNA, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO SETTING ASIDE THE LETTER DTD 15.06.2023 BEARING NO. BLC/HRM/20295/E.12/2023 ISSUED BY THE R-3 (ANNX-B) THE LETTER DTD 5.10.2023 BEARING REF NO. BLC/HRM/20366/E.12/2023 ISSUED BY THE R-3 (ANNX-F) AND LETTER DTD 10.10.2023 BEARING REF NO. HRWPM/3B/7668/2023/SS ISSUED BY R-2 (ANNX-G) AND DIRECT THE R-1 TO GRANT APPOINTMENT ON COMPASSIONATE GROUNDS TO THE PETITIONER AS SOUGHT FOR BY HER IN HER REPRESENTATIONS DTD 29.05.2023 NIL AND 18.09.2023 (PLACES AS ANNEX-A, C AND D, E RESPECTIVELY).

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 16.02.2024, COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

The captioned petition is filed by married daughter of deceased employee assailing the letter dated 15.6.2023 issued by respondent No.3 as per Annexure-B; letter dated 5.10.2023 issued by respondent No.3 and the letter dated 10.10.2023 issued by respondent No.2, rejecting the application filed by petitioner seeking appointment on compassionate grounds.

2. Petitioner's father was serving in respondent-Bank as a Clerk who died in harness on 6.10.2022. Petitioner submitted an application for compassionate appointment. Respondent-Bank vide endorsement dated 15.6.2023 as per Annexure-B, letter dated 5.10.2023 as per Annexure-F and letter dated 10.10.2023 as per Annexure-G has rejected the application on the ground that petitioner is a married

daughter and therefore, cannot claim to be dependant on her father.

3. The petitioner is assailing the impugned letters as per Annexures-"B, F and G" on following grounds:

*"1. The instant petition has been preferred by the Petitioner, who is a married daughter of a deceased employee of the Respondent bank, being aggrieved by the rejection of compassionate appointment on the sole ground that she is married.*

*2. The scheme for compassionate appointment of the Respondent bank considers dependent family members for compassionate appointment as defined in the following terms:*

*"The term dependant family member means*

*3.1.1 Spouse, or*

*3.1.2 Wholly dependent son (including legally adopted son); or*

*3.1.3 Wholly dependent daughter (including legally adopted daughter); or*

*3.1.4 Wholly dependent brother or sister in the case of unmarried employee."*

*3. The scheme does not, in its terms, exclude married daughter from the ambits of the term 'dependent family member', and any daughter is entitled if she is wholly dependent. Hence, the test is of dependence and not of marital status. In view of the fact that the objective of compassionate appointment is beneficial, the fact that unmarried daughters have not been excluded from the definition of 'dependant family member must be given a literal, purposive and beneficial Interpretation.*

*4. That the Respondent bank has violated the scheme and issued impugned letter stating that "married daughter is not covered under compassionate appointment scheme norms" (Annexure F at Page 26 of the Petition]. The Respondent has not tested dependency of the Petitioner as per applicable norms.*

*5. That on facts, the Petitioner is a wholly dependant daughter and the following aspects have been pleaded:*

*a. Prior to the death of her father, the Petitioner's parents were living with her and her family.*

*b. The husband of the Petitioner is a street vendor, and his earning is totally insufficient to meet the needs of the family.*

*c. The Petitioner has three daughters aged 11 years, 5 years and 3 years respectively.*

*d. The Petitioner was wholly dependent on the earnings of her father, Late Shri Kaverappa M for the subsistence of her family and herself.*

*The Petitioner has been unable to secure gainful employment.*

*e. Prior to his death, the Petitioner's father had taken loans to the extent of 10,00,000/- (Rupees Ten Lakh only) which are required to be repaid.*

*f. The Petitioner is also taking care of her mother, who is residing with her, without any assistance.*

*g. The pension amounts being received by the petitioner's mother are wholly insufficient to meet the needs of the family, and the family is in a situation of dire penury.*

*h. Prior to the death of the Late Shri Kaverappa M, the Petitioner's mother met a tragic road accident and was seriously injured, and has been rendered immobile. Huge debts have also been incurred in this regard. Hence, she nominated the petitioner to be appointed for compassionate appointment.*

*i. Petitioner is aged 34 years and has B.Com qualification, and is ready to accept any suitable post.*

4. In support of her contention, she has placed reliance on the following judgments:

*"1. The State of West Bengal and Ors. Vs. Purnima Das – (2017) 4CALLT238 (HC).*

*2. State of UP Vs. Neha Srivastava - (Order of the Supreme Court dated 23.07.2019 in SLP (C) 22646/2016).*

*3. Boppana Padmanjani Vs. The State of Andhra Pradesh – MANU/AP/2133/2022.*

*4. State of Punjab & Ors. Vs. Amarjit Kaur – MANU/PH/0045/2023.*

*5. Satyabhama Biswal Vs. State of Odisha and Ors – MANU/OR/1355/2023.”*

5. Per contra, learned counsel appearing for respondents-Bank has countered the claim of the petitioner. While supporting the impugned letter, he would contend that petitioner's claim is rejected not on the ground that she is a married daughter, but on the ground that she being a married daughter cannot claim as a dependant daughter. By filing a memo, he has brought to the notice of this Court that petitioner's mother has received terminal benefits i.e. SPF, gratuity, differential SPF, PL Encashment and GTLI

Policy. In the said memo, the details of the pension received by the petitioner's mother is also indicated.

6. The learned counsel for the respondents-Bank has relied on following judgments:

*"1.Indian Bank and others Vs. Promila and another - (2020) 2 SCC 729.*

*2.W.P.No.11957/2023 [Megha J .vs. Life Insurance Corporation of India]*

*3.W.A.No.891/2023 [Megha J .vs. Life Insurance Corporation of India]*

*4.Civil Appeal No.6938/2022 [State of Maharashtra & Another .vs. Madhuri Maruti Vidhate]*

*5.Civil Appeal No.5122/2011 [The Director of Treasuries in Karnataka and another .vs. V. Somyashree]"*

7. Heard the learned counsel for the petitioner and learned counsel appearing for respondents-Bank.

8. The judgments cited by the learned counsel for the petitioner are not applicable to the present set



of facts. The petitioner's contention that the letter/endorsement rejecting petitioner's representation on the ground that she is a married daughter leads to discrimination on the ground of gender and therefore, contravenes Article 15 of the Constitution.

9. The respondents-Bank has formulated a compassionate appointment scheme. Clause (3) of the said Scheme reads as under:

*"3. Dependent Family Member:  
3.1.1 Spouse; or*

*3.1.2 Wholly dependent son (including legally adopted son); or*

*3.1.3 Wholly dependent daughter (including legally adopted daughter); or*

*3.1.4 Wholly dependent brother or sister in the case of unmarried employee."*

10. On bare perusal of the definition of the term "dependant family member", which is culled out

supra, it no where discriminates between a son and a daughter. Eligibility to seek appointment on compassionate ground when it comes to the legal heirs of the deceased is rather simplified by the Bank under the scheme. The eligibility criteria to seek appointment either for a son or a daughter is contemplated under clause 3.1.2 and 3.1.3. The scheme clearly contemplates that whether a son or a daughter, needs to be wholly dependant to seek appointment on compassionate grounds.

11. The respondents-Bank, while determining the eligibility of petitioner, having found that she is a married daughter has rejected the application on the ground that she is not wholly dependant on the deceased. While asserting her eligibility and her dependency, if the authority has looked into her marital status, that in itself will not constitute a discrimination.

12. The petitioner's plea regarding the financial circumstances of her husband, including his occupation as a street vendor, and her assertion that he is unable to maintain her, cannot serve as grounds for compassionate appointment. Such pleas, although sympathetic, are not germane to the eligibility criteria for compassionate appointment, which primarily revolves around the immediate financial crisis faced by the family following the demise of the deceased.

13. Furthermore, it is pertinent to draw upon the judgment of the division bench of this Court in the case of ***Mrs. Megha.J .vs. Life Insurance Corporation of India (LIC) and another [W.A.No.891/2023(S-RES),DD.27.9.2023]***, which elucidates the legal interpretation of dependency and the rationale behind precluding married daughters from eligibility for compassionate appointment. Para 4 of the judgment reads as under:

*"4. Learned Single Judge has rightly relied upon the Apex Court decision in State of Maharashtra vs. Madhuri Maruti Vidhate AIR 2022 SC 5176 to the effect that a married daughter residing in the matrimonial home ordinarily cannot be treated as a dependent on her father. Our scriptures injunct "bharta rakshati yavvane..." literally meaning that it is the duty of husband to provide maintenance to his dependent wife. That is how our legislations too are structured e.g., Section 125 of the Code of Criminal Procedure, 1973 (applicable to all regardless of religions), Sections 24 & 25 of the Hindu Marriage Act, 1955 (applicable to Hindus, in a broad sense of the term), Section 37 of the Divorce Act, 1869 (applicable to Christians), Section 40 of the Parsi Marriage and Divorce Act, 1936 (applicable to Parsis), Section 20 of the Protection of Women from Domestic Violence Act, 2005 (applicable to all persons regardless of religion and marital status), Sections 36 & 37 of the Special Marriage Act, 1954, The Muslim Women (Protection of Rights on Marriage) Act, 2019 (applicable to Muslims wives), etc., have been structured. No binding rule or ruling that guarantees right of maintenance to the married daughter residing with the husband qua the father, is brought to our notice."*

The judgment emphasizes the duty of a husband to provide maintenance to his wife and reaffirms the principle that compassionate appointment is intended to alleviate the immediate financial distress of the

deceased's family, rather than confer entitlements or privileges based on marital status.

14. The petitioner's argument posits parity between married/unmarried daughters and married sons in the context of compassionate appointment eligibility. However, this assertion overlooks the fundamental distinction between inheritance rights and compassionate appointment criteria. While the principle of equality among daughters and sons may find resonance in matters of inheritance or succession, it does not translate directly to eligibility for compassionate appointment. The principles governing compassionate appointment eligibility pivot on considerations of dependency, financial need, and the humanitarian imperative to alleviate acute distress, rather than notions of birthright or inheritance. Therefore, the petitioner's plea for parity between married/unmarried daughters and married sons in the

context of compassionate appointment lacks legal merit and is not supported by the prevailing legal framework.

15. Furthermore, the eligibility for compassionate appointment is contingent upon a demonstration of severe hardship and an inability to maintain oneself or one's family in the absence of the deceased. Importantly, the eligibility criteria for compassionate appointment do not draw a distinction between married/unmarried daughters and married sons. Instead, the focus is on identifying individuals who were dependent on the deceased for their day-to-day expenses and who would consequently face significant financial adversity in the absence of the deceased's support. Therefore, the object of compassionate appointment is firmly rooted in addressing the immediate financial crisis faced by families following the demise of a family member,

without conferring appointment as a matter of right or inheritance. This principle transcends marital distinctions and is guided by the overarching objective of extending support to individuals who are genuinely in need due to their dependency on the deceased for day-to-day expenses.

16. Additionally, it is worth noting that the dependents of the deceased have already obtained terminal benefits. The counsel for the respondent-bank has submitted the specifics of the terminal benefits and pension received by the deceased's wife. It would be beneficial for this court to extract the aforementioned memo, which reads as under:

"SN	Terminal benefits	Amount in Rs.	Date of Credit
1	Gratuity	6,80,732.12/-	29.11.2022
2	SPF	4,59,951/-	27.10.2022
3	Differential SPF	5,667/-	31.03.2023
4	PL Encashment	3,02,706.49/-	27.02.2023
5	GTLI Policy	15,00,000/-	16.11.2022

*Further, Smt.Ratnamma W/o Late Kaverappa is receiving monthly family pension of Rs.28,272/- per month (As December, 2023)."*

These benefits, presumably provided by the deceased's employer, are typically intended to provide a measure of financial security to the family following the employee's demise. This monthly family pension represents a significant source of financial support for the deceased's family. It is intended to provide ongoing financial assistance to the family following the loss of the deceased's income. Given the existence of this substantial monthly pension, coupled with the receipt of terminal benefits, it can be reasonably inferred that the financial needs of the deceased's family, are being adequately met.

17. It is pertinent to acknowledge that while the Apex Court has consistently ruled that the receipt of terminal benefits and pension cannot serve as grounds to deny compassionate appointment, the primary objective of compassionate appointment, which is to address the immediate financial distress



faced by the family following the demise of a family member, appears to have been met. The substantial compensation received by the dependents ensures their financial stability and ability to sustain themselves without necessitating additional support through compassionate appointment.

18. For the reasons stated supra, I am not inclined to grant any indulgence. Hence, I pass the following:

**ORDER**

The writ petition is dismissed.

Sd/-  
JUDGE

\*alb/-