



CNR: KAHC010042202020

NC: 2026:KHC:44694
WP No. 10569 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 10569 OF 2021 (L-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER
K.S.R.T.C., BENGALURU
CENTRAL DIVISION,
SHANTHINAGARA
BANGALORE - 560 027
HERE IN REPRESENTED BY
THE CHIEF LAW OFFICER,
KSRTC, CENTRAL OFFICES,
K H ROAD, SHANTHINGARA
BANGALORE - 560 027

...PETITIONER

(BY SRI. SANJEEV B.L., ADVOCATE)

AND:

1. SRI K.M. MURUGESH,
S/O. SRI K.J. MALLIKARJUNAPPA,
AGED ABOUT 69 YEARS,
R/O NO.81, ASARE JNANABHARATHI
2ND LAYOUT, 1ST MAIN ROAD,
NEAR AMMA ASHRAMA
AND CIRCLE, ULLALA MAIN ROAD
BENGALURU - 560 087
2. THE LABOUR OFFICER
AND GRATUITY CONTROLLING
AUTHORITY, SUB DIVISION 4,
KARMIKA BHAVAN,
BANNERGHATTA ROAD,
BENGALURU - 560 029

Digitally signed by
PREMCHANDRA M R
Location, HIGH
COURT OF
KARNATAKA



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3. THE ASSISTANT LABOUR COMMISSIONER
AND APPELLATE AUTHORITY
UNDER THE PAYMENT GRATUITY ACT,
BANGALORE DIVISION 4, KARMIKA
BHAVAN, BANNERGHATTA ROAD
BENGALURU - 560 029

...RESPONDENTS

(BY SRI. RUDRAPPA P., ADVOCATE FOR R1
SRI. RAJA KUMAR .M., AGA FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR FINAL HEARING,
THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.B.L.Sanjeev., counsel for the petitioner,
Sri.Rudrappa.P., counsel for respondent No.1 and
Sri.Rajakumar.M., AGA for respondents 2 and 3 have appeared
in person.

2. The brief facts are these:

The first respondent was an employee of the Corporation.
He retired from service on 31.05.2012. The Corporation
determined the gratuity and paid the same accordingly. After a



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lapse of almost four years, the first respondent filed an application claiming difference in gratuity before the Controlling Authority on 28.06.2016. The Controlling Authority vide order dated:17.01.2019 determined the difference in gratuity and directed the Corporation to pay the same. Aggrieved by the order of the Controlling Authority, the Corporation preferred an appeal before the Appellate Authority. The Appellate Authority vide order dated:08.11.2019 confirmed the order of the Controlling Authority. The orders of the Gratuity Authorities are called into question in this Writ Petition on several grounds as set-out in the Memorandum of Writ Petition.

3. Counsel for the respective parties urged several contentions.

Counsel appearing on behalf of the Corporation in presenting his arguments vehemently contended that the Controlling Authority erred in entertaining the application. He argued by saying that there is an inordinate delay of almost four years in filing the application claiming difference in gratuity. Therefore, he submits that the orders of the Gratuity Authorities are liable to be set-aside.



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Counsel for respondent No.1 justified the orders of the Gratuity Authorities and submits that the Writ Petition is devoid of merits and the same may be dismissed.

Heard, the contentions urged on behalf of the respective parties and perused the Writ papers with utmost care.

4. The point that requires consideration is whether the Controlling Authority is justified in entertaining the application claiming difference in gratuity beyond the period of limitation?

5. It is pertinent to note that Rule 10 of Payment of Gratuity (Central) Rules, 1972 and also Rule 10 of Karnataka Payment of Gratuity Rules, 1973 prescribes a time frame of 90 days to file an application claiming difference in gratuity. If the application is filed beyond 90 days, the Controlling Authority may accept the application on sufficient cause being shown by the applicant after the expiry of the specified period.

6. Reverting to the facts of the case, the first respondent retired from service on 31.05.2012. He filed an application claiming difference in gratuity on 28.06.2016. The first respondent filed an application seeking condonation of



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delay contending that he had requested the Corporation to pay difference in gratuity on several occasions, but the Corporation did not respond to his request, hence there is a delay in filing the application. The Corporation filed a detail statement of objections and prayed for the dismissal of the application on the grounds of delay and laches. The Controlling Authority condoned the delay on the ground that the Payment of Gratuity Act is a beneficial legislation and the denial of the gratuity would cause prejudice and injustice to the workman. This is incorrect. The reason is apparent. The applicant was not diligent in approaching the Authority well in time. Hence, the Controlling Authority ought to have considered the financial repercussions on the Corporation. Hence, the reason assigned by the Controlling Authority to condone the delay is unsustainable in law.

As already noted above, the first respondent retired from service on 31.05.2012. However, he filed an application on 28.06.2016. There is an inordinate delay of almost four years. Therefore, in my view, the application is liable to be rejected on the grounds of delay and laches and is rejected. Since the



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application is rejected on the grounds of delay and laches, there is nothing to discuss on the merits of the case. For the reasons stated above, the orders of the Gratuity Authorities are liable to be quashed. Accordingly, it is quashed.

7. The Writ of Certiorari is ordered. The order dated:17.01.2019 passed by the Controlling Authority vide Annexure-A and the order dated:08.11.2019 passed by the Appellate Authority vide Annexure-B are quashed.

8. Resultantly, the Writ Petition is ***allowed***.

In view of disposal of the Writ Petition, amount in deposit if any is directed to be released/ refunded in favor of the Corporation.

**Sd/-
(JYOTI M)
JUDGE**

MRP
List No.: 1 Sl No.: 69