



CNR: KAHC010047522026

NC: 2026:KHC:37701
WP No. 2187 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 2187 OF 2026 (L-KSRTC)

BETWEEN:

KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
DIVISIONAL CONTROLLER,
DAVANAGERE DIVISION,
DAVANAGERE-01
REPRESENTED BY ITS
CHIEF LAW OFFICER

...PETITIONER

(BY SRI. PRATHEEP K.C., ADVOCATE)

AND:

1. THE ASSISTANT LABOUR COMMISSIONER
AND APPELLATE AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT,
BELLARY DIVISION,
DAVANAGERE-01.
2. THE LABOUR OFFICER AND
CONTROLLING AUTHORITY,
UNDER THE PAYMENT OF GRATUITY ACT,
DAVANAGERE DIVISION,
DAVANAGERE-577002.
3. SRI. B.V.MUDDEGOWDA,
S/O. VIRANNAGOWDA,
AGED ABOUT 85 YEARS,
R/AT THIMMINAKATTE,

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



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RANNEBENNUR TALUK,
HAVERI DISTRICT-581115.

...RESPONDENTS

(BY SRI. K.P.YOGANNA, AGA FOR R1 AND R2;
R3 SERVED AND UNREPRESENTED)

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

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Sri.Pratheep.K.C., counsel for the petitioner and
Sri.K.P.Yoganna., Additional Government Advocate for
respondents 1 and 2 have appeared in person.

Emergent notice to respondent No.3 was ordered. A
perusal of the office note depicts that respondent No.3 is
served and unrepresented. Respondent No.3 has neither
engaged the services of an advocate nor conducted the case as
a party in person.

2. The brief facts are these:



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The third respondent was brought on probation in 1989. He was dismissed from service on account of misconduct in 1996. He raised a dispute in I.D.No.78/1996. The Labor Court vide award dated 05.11.2001 set aside the order of punishment. The Corporation assailed the said award in W.P.No.28409/2002 and the same was disposed of on 29.09.2006. He attained the age of superannuation on 28.02.2005. Strangely, the third respondent filed an application seeking gratuity before the Controlling Authority in 2019. The Controlling Authority vide order dated:31.10.2023 allowed the claim petition. Aggrieved by the order of the Controlling Authority, the Corporation preferred an appeal before the Appellate Authority. The Appellate Authority vide order dated:31.03.2025 modified the claim. 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 petitioner and Additional Government Advocate 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 fourteen years in filing the application seeking gratuity. Therefore, he submits that the orders of the Gratuity Authorities are liable to be set-aside.

Additional Government Advocate 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 orders of the Gratuity Authorities requires interference?

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



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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 third respondent attained the age of superannuation on 28.02.2005. He filed an application seeking gratuity in 2019. The third respondent filed an application seeking condonation of 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, and it was also contended that he had family issues, 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



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by the Controlling Authority to condone the delay is unsustainable in law.

As already noted above, the third respondent attained the age of superannuation in 2005. However, he filed an application in 2019. There is an inordinate delay of almost fourteen years. Therefore, in my view, the application is liable to be rejected on the grounds of delay and laches and is rejected.

Furthermore, it is noted that he was brought on probation on 12.06.1989 and he was removed from service on 29.02.1996. Though he raised a dispute but there was no order for reinstatement and he did not rendered service for a period of ten years. The Controlling Authority has overlooked this aspect of the matter and has erroneously ordered payment of gratuity. 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:31.10.2023 passed by the Controlling Authority vide



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Annexure-A and the order dated:31.03.2025 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.: 73