



CNR: KAHC010084582018

NC: 2026:KHC:54740
WP No. 28064 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 28064 OF 2018 (L-KSRTC)

BETWEEN:

SRI. B HANUMAIAH
S/O LATE BASAPPA
AGED ABOUT 54 YEARS
SIDIHOSAKOTE VILLAGE AND POST
ANEKAL TALUK
BENGALURU URBAN DISTRICT-562106

...PETITIONER

(BY SRI. KANTHARAJA V., ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
BMTCL, SOUTH DIVISION
SHANTHINAGAR
BENGALURU-560027

...RESPONDENT

(BY SMT. H.R. RENUKA., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS PASSED BY THE THIRD ADDITIONAL LABOUR COURT, BENGALURU IN APPLICATION NO.03/2017 DATED: 02.03.2018 VIDE ANNEXURE-A TO THE W.P. AND FURTHER ALLOW THE ENTIRE CLAIM FILED BEFORE THE LABOUR COURT AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA





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ORAL ORDER

1. In this writ petition, the petitioner has called in question the order dated 02.03.2018 passed by the Presiding Officer, III Addl. Labour Court, Bengaluru (for short 'Labour Court') in Application No.3/2017 filed under Section 33C(2) of the Industrial Disputes Act, 1947 (for short 'ID Act'), whereby the said application filed by the petitioner has been dismissed.

2. The case of the petitioner is that he was working as a Driver with the respondent-Corporation from 18.04.1987 and his services was confirmed on 01.03.1991. As he was suffering from medical condition causing lower backache, he opted for voluntary retirement under the Voluntary Retirement Scheme and submitted his resignation on 29.01.2013. The respondent-Corporation accepted his resignation on 27.06.2014 and gave effect to his resignation on 13.11.2013. The respondent paid retirement benefits of Rs.6,00,000/- on 14.02.2015 and, in addition, an amount of Rs.1,13,379/- towards leave



encashment was paid on 15.11.2014. The grievance of the petitioner is that, since his resignation was accepted on 13.11.2013, his wages ought to have been calculated up to that date. It is further contended that there was a delay in settling his retirement benefits and that no interest was paid for the delayed period. Hence, the petitioner claimed a total sum of Rs.7,72,670/- along with interest at the rate of 18% per annum. Accordingly, he filed an application before the Labour Court in Application No.3/2017 under Section 33C(2) of the ID Act. By the impugned order, the said application came to be dismissed. Being aggrieved by the same, the present petition has been filed.

3. Learned counsel appearing for the petitioner submits that the petitioner submitted his resignation under the Voluntary Retirement Scheme on 29.01.2013 and the same was given effect to by the respondent-Corporation on 13.11.2013 onwards. Therefore, the petitioner is entitled to wages upto 13.11.2013, the date from which



his resignation was given effect to. He further submits that the retirement benefit of Rs.6,00,000/- was paid only on 14.02.2015 and the leave encashment amount of Rs.1,13,379/- was paid on 15.11.2014. Since there was delay in settling the said amounts, the petitioner is entitled to interest for the delayed period. The Labour Court has not properly considered these aspects and has dismissed the application filed by the petitioner under Section 33C(2) of the ID Act.

4. Per contra, learned counsel appearing for the respondent-Corporation submits that, though the petitioner submitted his resignation on 29.01.2013, he was not prevented from continuing in service till acceptance of his resignation. However, from 29.01.2013 onwards, the petitioner did not attend to his duties. Hence, he is not entitled to claim wages for the said period. With regard to the delay in settlement of the retirement benefits, she submits that the Committee had



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taken a decision to accept the resignation of the petitioner on 27.06.2014. Therefore, the amount became due to the petitioner only after 30 days from the said date and, consequently, he is not entitled to claim interest from 13.11.2013.

5. Heard the learned counsel for the parties and perused the writ papers.

6. It is not in dispute that the petitioner was working as a Driver with the respondent-Corporation from 18.04.1987. It is also not in dispute that he opted for voluntary retirement under the scheme on 29.01.2013 and that, thereafter, he did not attend to his duties. The respondent-Corporation considered the case of the petitioner for voluntary retirement before the Committee on 27.06.2014. The said consideration was based on the medical reports submitted by the Medical Board following the medical examination of the petitioner conducted on 13.11.2013 by the Corporation. From 29.01.2013 to



13.11.2013 and till acceptance of his resignation on 27.06.2014, admittedly, the petitioner did not work. Therefore, the Labour Court was justified in holding that the petitioner was not entitled to claim wages for the said period on the principle of 'no work, no pay', particularly when the petitioner had failed to establish that he was prevented from discharging his duties by the respondent-Corporation during the said period.

7. The only question that remains for consideration is with regard to the petitioner's claim for interest on the retirement benefits.

8. Learned counsel appearing for the petitioner submits that the petitioner is entitled to interest on the retirement benefits from 13.11.2013, the date from which his resignation was given effect to.

9. Per contra, learned counsel appearing for the respondent submits that, under the scheme, the petitioner



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would become entitled to interest only after expiry of 30 days from the date on which the order accepting his resignation was passed.

10. Thus, there is a dispute between the parties with regard to the date from which the petitioner would be entitled to interest on the retirement benefits. Except to the aforesaid issue, in all other respects, the Labour Court was justified in dismissing the application filed by the petitioner under Section 33C(2) of the ID Act.

11. Accordingly, the following order is passed:

ORDER

- a) Writ petition is disposed of.
- b) Insofar as the claim for interest on the retirement benefits of the petitioner is concerned, liberty is reserved to the petitioner to submit a representation to the respondent-Corporation,



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enclosing all relevant documents, within four weeks from the date of receipt of a copy of this order.

c) The respondent-Corporation is directed to consider the said representation in accordance with law and communicate its decision to the petitioner within three months from the date of submission of the representation.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 23