



CNR: KAHC010102162015

NC: 2026:KHC:45942
WP No. 51186 of 2015
C/W WP No. 45208 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 51186 OF 2015 (L-KSRTC)

C/W

WRIT PETITION NO. 45208 OF 2015 (L-KSRTC)

IN WP NO.51186/2015

BETWEEN:

KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
KOLAR DIVISION,
KOLAR
BY ITS DIVISIONAL CONTROLLER
REPRESENTED BY ITS
CHIEF LAW OFFICER.

...PETITIONER

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

AND:

1. THE DEPUTY LABOUR COMMISSIONER
AND APPELLATE AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT
REGION - 1, KARMEEKA BHAWAN,
BANNERUGHATTA ROAD,
BENGALURU - 560 029.
2. THE ASSISTANT LABOUR COMMISSIONER
AND CONTROLLING AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT
DIVISION-2, KARMEEKA BHAWAN,
BANNERUGHATTA ROAD, BENGALURU - 560 029.

Digitally signed by
PREMCHANDRA M R

Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010102162015

NC: 2026:KHC:45942
WP No. 51186 of 2015
C/W WP No. 45208 of 2015

3. K.VENKATAPPA,
S/O. KONDAPPA,
ADULT,
R/O. THADIGOL VILLAGE AND POST,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 101.

...RESPONDENTS

(BY SRI. SOMASUNDAR RAO, ADVOCATE FOR
SRI. LAKSHMAN RAO, ADVOCATE FOR C/R3;
SRI. RAJAKUMAR M., AGA FOR R1 AND R2)

IN WP NO.45208/2025

BETWEEN

K.VENKATAPPA,
S/O. LATE KONDAPPA,
AGED ABOUT 73 YEARS,
RETIRED TRAFFIC CONTROLLER,
K.S.R.T.C., CHIKKABALLAPUR DIVISION,
CHIKKABALLAPUR
R/AT THADIGOLA VILLAGE AND POST,
SRINIVASAPURA TALUK, KOLAR DISTRICT.

...PETITIONER

(By SRI. SOMASUNDAR RAO, ADVOCATE FOR
SRI. LAKSHMAN RAO, ADVOCATE)

AND:

- 1 . THE DIVISIONAL CONTROLLER
K.S.R.T.C., CHIKKABALLAPUR DIVISION,
CHIKKABALLAPUR.
- 2 . THE ASSISTANT LABOUR COMMISSIONER
& CONTROLLING AUTHORITY,
DIVISION-2, KARMIKA BHAVAN,
BANNERUGHATTA ROAD,
BENGALURU - 560 029.



CNR: KAHC010102162015

NC: 2026:KHC:45942
WP No. 51186 of 2015
C/W WP No. 45208 of 2015

3 . THE DEPUTY LABOUR COMMISSIONER
& APPELLATE AUTHORITY,
REGION-1, KARMIKA BHAVAN,
BANNERUGHATTA ROAD,
BENGALURU-560 029.

...RESPONDENTS

(BY SMT. H.R.RENUKA, ADVOCATE FOR R1;
SRI. RAJAKUMAR M., AGA FOR R2 AND R3)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING
CERTAIN RELIEFS.

THESE WRIT PETITIONS ARE LISTED FOR HEARING IN,
THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

IN WP No.51186/2015

Smt. H. R. Renuka, counsel for the petitioner; Sri.
Rajakumar. M., AGA for respondents 1 and 2; and Sri. Soma
Sundar Rao, counsel on behalf of Sri. Lakshman Rao, for
caveator/respondent No. 3, appeared in person.

IN WP No.45208/2015

Sri. Soma Sundar Rao., counsel for the petitioner; Smt.
H. R. Renuka., counsel for respondent No. 1; and Sri.



CNR: KAHC010102162015

NC: 2026:KHC:45942
WP No. 51186 of 2015
C/W WP No. 45208 of 2015

Rajakumar. M., AGA for respondents 2 and 3, appeared in person.

2. The short facts are these:

The third respondent/ workman joined the services of the Corporation as a Conductor in 1963. He attained the age of superannuation on 31.10.1994. The gratuity payable to the workman, as per the regulation, in the sum of Rs.73,260/- was paid. Strangely, in 2009, he filed an application before the Controlling Authority seeking the difference in gratuity for a period of 31.1 years. The Controlling Authority, vide order dated 16.06.2010, rejected the claim petition on the ground of delay and laches. Respondent No.3 filed an appeal, and the appeal was remanded to reconsider the matter on the merits of the case. After remand, the Controlling Authority, vide order dated 07.05.2014, allowed the claim in part. Against the said order, the workman and the Corporation preferred an appeal. The Appellate Authority, vide order dated 06.06.2015, dismissed both the appeals. Under these circumstances, the Corporation and the workman have preferred these writ



CNR: KAHC010102162015

NC: 2026:KHC:45942
WP No. 51186 of 2015
C/W WP No. 45208 of 2015

petitions on several grounds as set out in the memorandum of the writ petitions.

3. Counsel for the respective parties urged several contentions.

Counsel for the Corporation argues that there was an excessive 15-years delay in filing the claim petition, and therefore, the Authorities were wrong to condone this delay. She further contends that the Authorities overlooked the well-established legal principle that a person/s who neglects his/their rights for 15 years cannot later seek to enforce them.

Next, she argues that due to the 15-year delay, the Corporation was unable to provide the documents supporting the break-in-service of 03 years, 03 months, and 27 days.

She relied on the judgment in *BMTC Vs. The Deputy Labor Commissioner and others* in W.P.No.33640/2010, disposed of on 30.08.2011, to argue that a co-ordinate bench had previously considered a similar issue. That bench held that if the workman delays submitting a claim before the Controlling Authority, the employer is not legally required to maintain the



CNR: KAHC010102162015

NC: 2026:KHC:45942
WP No. 51186 of 2015
C/W WP No. 45208 of 2015

employee's service records for more than 14 to 15 years. Counsel notes that in this case, the workman retired in 1994 but only filed a claim in 2009, demonstrating an excessive delay. Therefore, counsel contends that the orders by the Gratuity Authorities should be quashed and requests that the petition filed by the Corporation be granted.

Conversely, the workman's counsel argues that the petition was filed solely to have the days counted as 30 instead of 15. He further contends that the Controlling Authority's decision to count the days as 15 instead of 30 is incorrect, and therefore, it should be overturned. He requests that the workman's writ be upheld and the Corporation's writ be dismissed.

4. Heard the arguments and perused the papers with utmost care.

5. The point that requires consideration is whether the orders of the Gratuity Authorities require interference.

6. The facts are clearly stated and need no repetition. The core issue is narrow. It is undisputed that the third



CNR: KAHC010102162015

NC: 2026:KHC:45942
WP No. 51186 of 2015
C/W WP No. 45208 of 2015

respondent was an employee of the Corporation and reached retirement age in 1994. However, he surprisingly filed a claim with the Controlling Authority in 2009, nearly 15 years later. Records show that initially, the claim was rejected due to delay and laches. After remand, the Controlling Authority considered the arguments and allowed the claim, despite the Corporation's specific objection that the delay prevented them from producing necessary documents. This decision is unreasonable. The reason is simple and apparent. If the workman delays submitting a claim before the Controlling Authority, the employer is not legally required to maintain the employee's service records for more than 15 years. Because of the delay, the Corporation could not produce documents in support of the break-in-service.

It is undisputed that the workman retired in 1994, but he filed a claim in 2009, after about 15 years. In the present case, he delayed his rights for more than 15 years. Additionally, the Gratuity Authorities reportedly overlooked important issues and ignored relevant facts.



CNR: KAHC010102162015

NC: 2026:KHC:45942
WP No. 51186 of 2015
C/W WP No. 45208 of 2015

The Controlling Authority should have rejected the claim, while the Appellate Authority should have upheld the Corporation's appeal.

7. The Writ of Certiorari is ordered. The order dated:07.05.2014 passed by the Controlling Authority, and the order dated:06.06.2015 passed by the Appellate Authority, in so far as rejecting the Corporation's appeal, are quashed. The dismissal of the appeal filed by the workman is confirmed.

8. Resultantly, the Writ Petition filed by the Corporation is ***allowed***, and the writ petition filed by the workman is ***dismissed***.

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

Sd/-
(JYOTI M)
JUDGE

MRP
List No.: 1 Sl No.: 58