



CNR: KAHC010132882023

NC: 2026:KHC:44574
WP No. 5989 of 2023

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. 5989 OF 2023 (L-PG)

BETWEEN:

T. THIMMARAYAPPA
S/O LATE THAMMANNA,
AGED ABOUT 72 YEARS,
R/AT IGLURU, CHANDAPURA
POST, ANEKAL TALUK,
BANGALORE RURAL
DISTRICT - 560 099.
PETITIONER NOT CLAIMED
SENIOR CITIZEN BENEFIT

...PETITIONER

(BY SRI. M.C. BASAVARAJU, ADVOCATE)

AND:

1. THE DEPUTY LABOUR COMMISSIONER
AND APPELLATE AUTHORITY, REGION-II,
KARMIKA BHAVANA, BANNERGHATTA
ROAD, BANGALORE - 560 029.
2. THE ASSISTANT LABOUR COMMISSIONER
AND CONTROLLING AUTHORITY,
DIVISION-1, KARMIKA BHAVANA,
BANNERGHATTA ROAD,
BANGALORE - 560 029
3. THE DIVISIONAL CONTROLLER
KSRTC,
RAMANAGARA DIVISION,
RAMANAGARA - 562 159.

...RESPONDENTS

(BY SRI. RAJAKUMAR M., AGA FOR R1 & 2



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SRI. B.L. SANJEEV, ADVOCATE FOR 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 PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.M.C.Basavaraju., counsel for the petitioner; Sri.Rajakumar.M., AGA for respondents 1 and 2; and Smt.H.R.Renuka., counsel, along with Sri.B.L.Sanjeev., counsel for respondent No.3, appeared in person.

2. The short facts are these:

It is stated that the petitioner was selected and appointed as a badli conductor by the Corporation on 05.03.1980. He was brought on probation with effect from 02.03.1982. He retired from service on 30.06.2011. He filed an application before the Controlling Authority seeking a difference in gratuity in 2011. The Controlling Authority, vide order dated 07.06.2013, partly allowed the claim petition. Against the said order, both the



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Corporation and the workman preferred an appeal before the Appellate Authority. The Appellate Authority confirmed the order of the Controlling Authority. Under these circumstances, the workman has preferred the petition on several grounds as set out in the memorandum of the writ petition.

3. Counsel for the respective parties urged several contentions.

Counsel for the petitioner, in presenting his arguments, relied on the judgment in Bangalore Metropolitan Transport Corporation Vs. The Deputy Labor Commissioner and the Appellate Authority and others, in W.A.No.1503/2009.

Counsel for the Corporation contended that the petitioner has failed to substantiate that he was appointed as badli in 1979. It was also argued that the service extract register at Annexure-A reflects that he was appointed as badli on 05.03.1980. She drew the court's attention to Annexure-A to contend that the workman has failed to prove that he has worked continuously for 240 days. It was also contended that the period shown in the service register will not entitle him to



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claim that he has worked continuously for 240 days; the petitioner has failed to substantiate that he has worked as badli conductor from 1979. She prayed for the dismissal of the petition.

4. Heard the arguments and perused papers with care.

5. Suffice it to note that the petitioner claims that he was appointed as a badli conductor in the Corporation in 1980, brought on probation in 1982, and retired from service in 2011. He claims the difference in gratuity by filing an application before the Controlling Authority, contending that he was appointed as a badli in 1979. A perusal of the order of the Controlling Authority clearly shows that the authority, noting that nothing was on record and that the petitioner did not produce any documents to show that he was appointed as a badli in 1979, rejected the claim for difference in gratuity from 1979. Moreover, Annexure-A is of no help to the petitioner, since it does not reflect that he worked continuously for 240 days.



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The decision relied upon by the counsel for the petitioner is not applicable to the facts and circumstances of the present case, as it relates to a regular period, not a period of badli. Hence, it is not a case of a badli workman.

6. Resultantly, the writ petition is ***dismissed***.

Because of the dismissal of the Writ Petition, any interim order stands discharged, and pending interlocutory applications, if any, are disposed of.

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

MRP
List No.: 1 Sl No.: 39