



CNR: KAHC010728212024

NC: 2026:KHC:45491
WP No. 34266 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 34266 OF 2024 (S-KSRTC)

BETWEEN:

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

...PETITIONER

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

AND:

1. THE ASSISTANT LABOUR COMMISSIONER
AND APPELLATE AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT
DIVISION-4, KARMEEKA BHAWAN,
BANNERUGHATTA ROAD,
BENGALURU - 560 029.
2. THE LABOUR OFFICER AND
CONTROLLING AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT
CHIKKABALLAPURA SUB DIVISION,
CHIKKABALLAPURA - 562101.
3. FAKRUDDIN,
S/O. ABDUL SATTAR SAB,
AGED MAJOR,
R/O. 2ND WARD,
MASIDIGALLI

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



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VEERANDAHALLI,
GOURIBIDANUR TALUK-561208.

...RESPONDENTS

(BY SRI. RAJAKUMAR M., ADVOCATE FOR R1 AND R2;
SRI. M.C.BASAVARAJU, 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

Smt.H.R.Renuka., counsel for the petitioner, and
Sri.Rajakumar.M., Additional Government Advocate for
respondents Nos. 1 and 2, and Sri.M.C.Basavaraju, counsel for
respondent No. 3, appeared in person.

2. The short facts are these:

Respondent No.3 joined the services of the Corporation
on 12.10.1995 and was placed on job training on the same
date. Accordingly, an order was issued on 04.10.1995. He was
brought on probation on 23.03.1998. He attained the age of
superannuation on 29.02.2020. Consequently, the period of
service rendered by respondent No.3 was calculated as under:



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	Years	Months	Days
Total Service	21	11	06
Break in service	-	-	-
Active Service	21	11	06

Gratuity calculated as per gratuity Regulations.

Rs.27990 x 21.11 years = Rs.6,13,448/-

The gratuity amount was paid through RTGS to respondent No.3.

Respondent No. 3 filed an application before the Controlling Authority claiming a difference in gratuity. The Controlling Authority vide order dated 08.02.2023 allowed the claim. Against the said order, the Corporation preferred an appeal before the Appellate Authority, and the Appellate Authority, vide order dated 20.02.2024, dismissed the appeal. Under these circumstances, the Corporation is before this Court and has filed the writ petition on several grounds as outlined in the memorandum of writ petition.



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3. Counsel for the Corporation in presenting her argument contends that the authority has wrongly calculated the number of years of service as 24 years 5 months instead of 21 years 11 months and 06 days. She argued that no doubt, respondent No.3 joined the service of the Corporation; however, he was placed on job training on 12.10.1995. Hence, treating that period as relevant and calculating gratuity on that basis is untenable. She also drew the Court's attention to the Divisional Establishment Order No.30/2020, marked as Ex.P1, to contend that respondent No.3 was brought on probation on 23.03.1998. Urging additional grounds, she submits that the orders of the Gratuity Authorities are liable to be quashed. She placed reliance on the following decisions:

SRI.B.T.RAMANNA GOWDA VS. THE MANAGING DIRECTOR AND OTHERS', W.P.NO.26786/2012 DATED 08.09.2015.

Conversely, Sri.M.C.Basavaraju, counsel for respondent No.3, fairly submits that respondent No.3 joined the service of the Corporation and was put on training on 12.10.1995. However, he submits that the Corporation neither provided



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training nor paid the stipend but extracted work from respondent No.3 as if he were a regular employee. Urging additional grounds, he submits that the Gratuity Authority, after referring to the material record, rightly calculated the gratuity and allowed respondent No.3's claim. Hence, he submits that the petition is devoid of merit. He placed reliance on the following decisions:

(i) CHAIRMAN CUM MANAGING DIRECTOR

VS. CONTROLLING AUTHORITY (1995) ILLJ 381

ORI.

(ii) ARUNACHALAM VS. THE MANAGING

DIRECTOR, SOUTHERN (2001) ILLJ 1457 MAD.

(iii) IREL (INDIA) LIMITED VS. P.N.RAGHAVA

PANICKER

AND

OTHERS

WP(C)NO.2254/2020(F).

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

5. The following points would arise for my consideration, namely, whether the Controlling Authority is



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justified in taking the period of service from 12.10.1995 in calculating the difference in gratuity.

6. The facts are sufficiently stated and do not require reiteration. It is undisputed that Respondent No.3 joined the service of the Corporation on 12.10.1995 and was undergoing job training. He was placed/ brought on probation on 23.03.1998. The Controlling Authority could not have taken 12.10.1995 as the starting date for calculating the difference in gratuity, since Respondent No.3 was placed/ brought on probation only in 1998. Therefore, the Controlling Authority could not have assessed the difference in gratuity by taking the period from 12.10.1995, and the same needs to be quashed. However, the Controlling Authority's order directing the Corporation to pay Rs.11,928/- is to be confirmed.

7. For the reasons stated above, the order of the Controlling Authority, insofar as it relates to taking the period from 12.10.1995, is quashed - the Controlling Authority's order directing the Corporation to pay Rs.11,928/- is confirmed.



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Consequently, the order of the Appellate Authority stands quashed.

8. Resultantly, the writ petition is ***allowed in part.***

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

SS
List No.: 1 Sl No.: 60