



CNR: KAHC010837702025

NC: 2026:KHC:37699
WP No. 39678 of 2025

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. 39678 OF 2025 (L-PG)

BETWEEN:

DIVISIONAL CONTROLLER,
B.M.T.C., WEST DIVISION,
K.H. ROAD, SHANTHINAGAR,
BENGALURU
REPRESENTED BY ITS
CHIEF LAW OFFICER.

...PETITIONER

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

AND:

1. THE ASSISTANT LABOUR COMMISSIONER
AND THE APPELLATE AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT,
DIVISION 2,
KARMIKA BHAVANA,
BANNERUGHATTA ROAD,
BENGALURU-560079.
2. THE LABOUR COMMISSIONER
AND CONTROLLING AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT,
SUB DIVISION-2,
KARMIKA BHAVANA,
BANNERUGHATTA ROAD,
BENGALURU-560079.
3. C.VENKATESHMURTHY,
S/O. LATE CHIKKAVENKATAIAH,
AGED MAJOR,

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



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R/O. NO.75, 10TH CROSS,
KEREPALYA, HOSAKEREHALLI,
BENGALURU-560085.

...RESPONDENTS

(BY SRI. K.P.YOGANNA, AGA FOR R1 AND R2;
VIDE COURT ORDER DATED 18.03.2026,
NOTICE TO R3 HELD SUFFICIENT)

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.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 order sheet reflects that notice to respondent
No.3 was held sufficient vide order dated:18.03.2026.
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 selected as a Driver in the establishment of the Corporation. He was placed on training with a condition that he is not entitled for gratuity during the period of training. He was placed on probation, thereafter his service was confirmed. He attained the age of superannuation on 31.03.2020. The Corporation determined the gratuity and paid the same accordingly. The third respondent filed an application claiming difference in gratuity before the Controlling Authority on 24.03.2021. The Controlling Authority vide order dated:04.01.2022 determined the difference in gratuity and directed the Corporation to pay the same. Aggrieved by the order of the Controlling Authority, the Corporation preferred an appeal before the Appellate Authority. The Appellate Authority vide order dated:13.09.2022 dismissed the appeal. 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 has urged several contentions.



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Counsel for the petitioner contends that the third respondent was placed on training only with the condition that he was not entitled for gratuity during the period of training and the same shall not be considered as a part of service. Therefore, she submits that the orders of the Gratuity Authorities are liable to be set-aside.

4. Heard, the contentions urged on behalf of the petitioner and perused the Writ papers with utmost care.

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

6. It is pivotal to note that the third respondent was deputed to undergo training for a period of two years from 13.04.1998, he is not entitled for any benefit for this period as per the terms and condition of appointment order, the order clearly stated that the period of service rendered by the third respondent as a trainee will not be considered for any purpose. Therefore, the consideration of the period from 13.04.1998 to 12.12.2000 is contrary to the terms and conditions of appointment. This aspect of the matter has been overlooked by



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the Controlling Authority and has erroneously ordered for gratuity from 13.04.1998. Furthermore, the interest at 10% per annum on the difference in gratuity is erroneous as the third respondent was not entitled gratuity for the period of training. 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:04.01.2022 passed by the Controlling Authority vide Annexure-B and the order dated:13.09.2022 passed by the Appellate Authority vide Annexure-C 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.: 69