HC-KAR

NC: 2026:KHC:59528
WP No. 9517 of 2024

CNR: KAHC010175492024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 9517 OF 2024 (L-PG)

BETWEEN:

1. THE ASST. EXECUTIVE ENGINEER
CAUVERY NEERAVARI NIGAM LIMITED
HEMAVATHI DAM SUB-DIVISION
GORUR, HASSAN DISTRICT-573 120.

2. THE MANAGING DIRECTOR
CAUVERY NEERAVARI NIGAM LIMITED
CAUVERY BHAVAN COMPLEX
ANANDA CIRCLE, BANGALORE-560 009.

...PETITIONERS

(BY SRI. K S BHEEMAIAH., ADVOCATE)

AND:

1. THE ASST. LABOUR COMMISSIONER
AND APPELLATE AUTHORITY
CHIKKAMANGALUR DIVISION
CHIKKAMAGALURU-577 101.

2. THE LABOUR COMMISSIONER
CONTROLLING AUTHORITY
UNDER PAYMENT OF GRATUITY ACT
CHIKKAMAGALURU-577 101.

3. SRI. HANUMANTHEGOWDA
MAJOR
S/O LATE KALEGOWDA
RESIDENT OF NYMANAHALLI
HALEKOTE HOBLI
HOLENARASIPURA TALUK
HASSAN DISTRICT-573 211.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

…RESPONDENTS

(BY SRI.M RAJAKUMAR, AGA. FOR R1 & R2:
R3 SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS ON THE FILE OF RESPONDENT NO. 1 THE ASST. LABOUR COMMISSIONER AND THE APPELLATE AUTHORITY, AT MYSORE, IN APPEAL NO. ALC/CKM/PGA/APL-60/2017-18, AND THEREBY REJECTED APPEAL OF THE PETITIONERS HEREIN AND THE FILE OF THE R2 THE LABOUR COMMISSIONER, CHIKKAMAGALUR, IN RESPECT OF CASE NO. ALCC/PGA/SR-39/2013-14 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

ORAL ORDER

This writ petition is filed under Article 226 of the Constitution of India, challenging the order dated 30.03.2016 vide Annexure-A passed by respondent No.2 and the order dated 04.10.2023 vide Annexure-B passed by the respondent No.1.

2. The learned counsel for the petitioners submits that the question as to whether the period prior to regularization would be counted for the purpose of payment of gratuity is pending before the Apex Court in Diary No. 9156/2023 and he further contended that as per the order passed by the Controlling Authority, the entire

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HAREKOPPA THIMMANNA GOWDA

gratuity amount given prior to the date of regularization has been deposited by the petitioners before the Controlling Authority while filing the appeal.

3. Since similar issue is pending before the Apex Court in the above stated petition, this writ petition stands disposed of, with an observation that, if the Apex Court decides the issue in favour of the petitioners and if the Apex Court declares that the period prior to the regularization would not count for the calculation of the gratuity, the Controlling Authority shall refund the amount in favour of the petitioners. In case, the petitioners fail before the Apex Court, the Controlling Authority is directed to release the amount in favour of respondent No.3. Till then, the Controlling Authority is directed to keep the amount in a fixed deposit.

Digitally Signed by NARENDRA PRASAD HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 39