HC-KAR
CNR: KAHC010182412024

NC: 2026:KHC:60978
WP No. 9721 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 9721 OF 2024 (L-PG)

BETWEEN:

1. THE ASST. EXECUTIVE ENGINEER
CAUVERY NEERAVARI NIGAMA LTD.,
ARKAVATHY DAM SUB DIVISION
AAROBELE KANAKAPURA TALUK
RAMANAGAR DISTRICT
RAMANAGARA- 562117.
(GOVERNMENT UNDERTAKING CR)

2. THE MANAGING DIRECTOR
CAUVERY NEERAVARI NIGAMA LIMITED
ANANDA RAO CIRCLE
BANGALORE – 560001
(GOVERNMENT UNDERTAKING CR).

…PETITIONERS

(BY SRI. K S BHEEMAIAH., ADVOCATE)

AND:

1. THE ASST. LABOUR COMMISSIONER
AND APPELLATE AUTHORITY
BANGALORE DIVISION - 1
BANGALORE – 560001.

2. THE LABOUR COMMISSIONER
CONTROLLING AUTHORITY
UNDER PAYMENT OF GRATUITY

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

RAMANAGARA DISTRICT
RAMANAGARA – 562159.

SRI SHIVARAJU
SINCE DEAD BY HIS LRS

3. SMT. KEMPAMMA
W/O LATE SHIVARAJU
AGED ABOUT 60 YEARS

4. SRI DYAVEGOWDA
S/O LATE SHIVARAJU
AGED ABOUT 43 YEARS

5. SMT. RENUKA
D/O LATE SHIVARAJU
AGED ABOUT 40 YEARS

6. SMT. RATHNAMMA
D/O LATE SHIVARAJU
AGED ABOUT 38 YEARS

R3 TO R6 ARE R/OF HAROOBELE VILLAGE
HUYAMBALLI HOBLI
KANAKAPURA TALUK
RAMANAGARA DISTRICT – 562117

…RESPONDENTS

(BY SRI.M RAJAKUMAR, AGA FOR R1 & R2:
SRI. Y.K. NARAYANA SHARMA., ADVOCATE FOR R3, R5 & R6, R4 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS ON THE FILE OF R-1 THE ASST. LABOUR COMMISSIONER AND THE APPELLATE AUTHORITY AT BANGALORE IN RESPECT OF APPEAL NO. KARGOVBAN-1/PGA(A)/CR-24/2022-23 AND ON THE FILE OF THE R-2 THE LABOUR COMMISSIONER, PAYMENT OF GRATUITY, AT RAMANAGAR DISTRICT, RAMANAGAR TUMKUR IN RESPECT OF DISPUTE NO.KR/PGA/CR-01/2017-18 AND ETC.

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HAREKOPPA THIMMANNA GOWDA

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 Articles 226 and 227 of the Constitution of India, challenging the order dated 09.11.2022 vide Annexure-A passed by respondent No.2 and the order dated 19.02.2024 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 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

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HAREKOPPA THIMMANNA GOWDA

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 LRs. of respondent-Shivaraju. Till then, the Controlling Authority is directed to keep the amount in a fixed deposit.

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HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

HA
LIST NO.: 1 SL NO.: 51