HC-KAR

NC: 2026:KHC:59529
WP No. 9751 of 2024

CNR: KAHC010182422024

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. 9751 OF 2024 (L-PG)

BETWEEN:

1. THE ASST. EXECUTIVE ENGINEER
CAUVERY NEERAVARI NIGAMA LTD
ARKAVATHY DAM SUB DIVISION AAROBELE
KANAKAPURA TALUK
RAMANAGARA DISTRICT
RAMANGARA-562117.

2. THE MANAGING DIRECTOR
CAUVERY NEERAVARI NIGAMA LIMITED
ANANDA RAO CIRCLE
BANGALORE-560001.

...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 ACT
RAMANGARA DISTRICT
RAMANAGARA-562159.

SRI. RAYMOND
SINCE DEAD REP. BY HIS LRS

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HAREKOPPA THIMMANNA GOWDA

3. SMT. SAGAYAMARRY
W/O LATE RAYMOND
AGED ABOUT 54 YEARS

4. SMT. SUDHA RANI
D/O LATE RAYMOND
AGED ABOUT 28 YEARS

5. SRI. SUNIL KUMAR
S/O LATE RAYMOND
AGED ABOUT 26 YEARS
ALL ARE RESIDENT OF HAROOBELE VILLAGE
HUYAMBALLI HOBLI, KANAKAPURA TALUK
RAMANAGARA DISTRICT-562117.

…RESPONDENTS

(BY SRI.M RAJAKUMAR, AGA FOR R1 & R2:
R3 TO R5 ARE SERVED AND UNREPRESENTED)

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. ALC BAN-1/PGA(A) /CR-26(A)/2022-23 AND ON THE FILE OF THE R-2 THE LABOUR COMMISSIONER PAYMENT OF GRATUITY AT RAMANAGARA DISTRICT RAMANAGAR TUMKUR IN RESPECT OF DISPUTE NO. KR/PGA/CR-05/2017-18 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

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HAREKOPPA THIMMANNA GOWDA

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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 SLP (Civil) 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 disposed of, with an observation that, if the Apex Court decides the issue in favour of the petitioners and if the

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HAREKOPPA THIMMANNA GOWDA

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 Nos.3 to 5. 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.: 40