HC-KAR
CNR: KAHC010219652024

NC: 2026:KHC:60934
WP No. 11315 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 11315 OF 2024 (L-PG)

BETWEEN:

1. THE ASSISTANT EXECUTIVE ENGINEER
CAUVERY NEERAVARI NIGAMA LIMITED
HEMAVATHI DAM SUB-DIVISION
GORUR, HASSAN AND DISTRICT-573120.

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

...PETITIONERS

(BY SRI. K S BHEEMAIAH., ADVOCATE)

AND:

1. THE ASST LABOUR COMMISSIONER
AND APPELLATE AUTHORITY
CHIKKAMAGALURU DIVISION
CHIKKAMAGALUR-577101

2. THE LABOUR COMMISSIONER
CONTROLLING AUTHORITY
CHIKKAMAGALURU DIVISION
CHIKKAMAGALUR-577101

3. SMT FATHIMMA
W/O LATE BASHA

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HAREKOPPA THIMMANNA GOWDA

MAJOR,
H.R.P COLONY
GORUR VILLAGE, KATAYA HOBLI
HASSAN DISTRICT-573120.

…RESPONDENTS

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

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, DTD 31.01.2024, CHIKKAMAGALURU DIVISION, CHIKKAMAGALUR, IN RESPECT OF APPEAL NO. ALC/CKM/PGA/APL-37/2017-18 AND ON THE FILE OF THE R-2 THE LABOUR COMMISSIONER, PAYMENT OF GRATUITY, CHIKKAMAGALURU DIVISION, RESPECT OF DISPUTE NO. SKAAC/PGA/SR-170/2012-13 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 Articles 226 and 227 of the Constitution of India, challenging the order dated 24.02.2015 vide Annexure-A passed by respondent No.2

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and the order dated 31.01.2024 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 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

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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.

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HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

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LIST NO.: 1 SL NO.: 38