HC-KAR

NC: 2026:KHC:55395
WP No. 11969 of 2023

CNR: KAHC010282582023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 11969 OF 2023 (L-PG)

BETWEEN:

THE ASST. EXECUTIVE ENGINEER
CAUVERY NEERAVARI NIGAM LIMITED
NO. 9, HEMAVATHI CANAL SUB-DIVISION
GUBBI TALUK, TUMKUR-572 216.

...PETITIONER

(BY SRI. K S BHEEMAIAH., ADVOCATE)

AND:

1. THE ASST. LABOUR COMMISSIONER
   AND APPELLATE AUTHORITY
   BANGALORE DIVISION-1
   BANGALORE-560 029.

2. THE LABOUR COMMISSIONER
   AND CONTROLLING AUTHORITY
   UNDER PAYMENT OF GRATUITY ACT
   TUMKUR DISTRICT, TUMKUR-572 101.

3. THE SECRETARY TO THE GOVERNMENT
   WATER RESOURCES DEPARTMENT
   3RD FLOOR, VIKASA SOUDHA
   BANGALORE-560 001.

4. SRI. GIRIAPPA
   S/O. LATE DASAPPA
   MAJOR

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HAREKOPPA THIMMANNA GOWDA

RESIDENT OF RAMACHANDRAPURA
KASABA HOBLI, TIPATUR TALUK
TUMKUR DISTRICT
TUMKUR-572 201.

…RESPONDENTS

(BY SRI.M RAJA KUMAR, AGA FOR R1 TO R3:
R4 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER AT ANNEXURE-A DATED: 15.09.22, PASSED BY THE R2, THE LABOUR COMMISSIONER AND GRATUITY AUTHORITY, TUMKUR, IN CASE NO.KAAT/PGA/CR-113/2018-19, AND THE ORDER DTD 29.04.2023 WHICH IS AT ANNEXURE-B, PASSED BY THE R1 THE ASST LABOUR COMMISSIONER AND THE APPELLATE AUTHORITY, AT MYSORE IN APPEAL NO.SAKAABAN-1/PGA(A)/CR-21/2022-23 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 15.09.2022 vide Annexure-A passed by respondent No.2

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and the order dated 29.04.2023 vide Annexure-B passed by the respondent No.1.

2. The learned counsel for the petitioner 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 petitioner 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 petitioner and if the Apex Court declares that the period prior to the regularization would not count for the calculation of the gratuity, it is open for the Controlling Authority to refund the amount in favour of the petitioner. In case, if the

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petitioner fails before the Apex Court, the Controlling Authority is directed to release the amount in favour of respondent No.4. 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

CM
LIST NO.: 1 SL NO.: 55