HC-KAR

NC: 2026:KHC:55388
WP No. 12523 of 2023

CNR: KAHC010300802023

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. 12523 OF 2023 (L-PG)

BETWEEN:

THE ASST EXECUTIVE ENGINEER
CAUVERY NEERAVARI NIGAM LTD.,
NO.3, QUALITY CONTROL SUB DIVISION
KUNIGAL TALUK, TUMKUR-572216.

...PETITIONER

(BY SRI. K S BHEEMAIAH., ADVOCATE)

AND:

1. THE ASST. LABOUR COMMISSIONER
   AND APPELLATE AUTHORITY
   BANGALORE DIVISION-1
   BANGALORE-560029.

2. THE LABOUR COMMISSIONER AND
   CONTROLLING AUTHORITY
   UNDER PAYMENT OF GRATUITY ACT
   TUMKUR DISTRICT, TUMKUR-572101.

3. THE SECRETARY TO THE GOVERNMENT
   WATER RESOURCES DEPARTMENT
   3RD FLOOR, VIKASA SOUDHA
   BANGALORE-560001.

4. SRI G SHIVALINGAIAH
   S/O LATE K H GANGADHARAIAH
   MAJOR
   R/AT NO.383, SHIVA KRUPA
   3RD CROSS, 2ND LINK ROAD
   S I T LAYOUT
   TUMKUR-572102.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

…RESPONDENTS

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

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS ON THE FILE OF R1 ASST. LABOUR COMMISSIONER AND THE APPELLATE AUTHORITY, BANGALORE DIVISION-1, BANGALORE, IN GRATUITY APPEAL NO SAKAABAN-1/PGA (A)/CR-19/2022-23, AND ON THE FILE OF THE R2, THE LABOUR COMMISSIONER, PAYMENT OF GRATUITY, AT TUMKUR, IN RESPECT OF CASE NO. KOT/PGA/CR-111/2018-19 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 28.09.2022 vide Annexure-A passed by respondent No.2 and the order dated 26.05.2023 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,

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

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 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.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 57