HC-KAR

NC: 2026:KHC:55389
WP No. 18003 of 2023

CNR: KAHC010418462023

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. 18003 OF 2023 (L-PG)

BETWEEN:

1. THE ASSISTANT EXECUTIVE ENGINEER
CAUVERY NEERAVARI NIGAM LIMITED
NO. 5, HEMAVATHI LEFT BANK CANAL
K.R. PETE TALUK, MANDYA DISTRICT-571 426.

2. THE MANAGING DIRECTOR
CAUVERY NEERAVARI NIGAM LIMITED
CAUVERY BHAVAN COMPLEX
GOKULAM, 4TH STAGE, MYSURU-571 114.

...PETITIONERS

(BY SRI. K S BHEEMAIAH., ADVOCATE)

AND:

1. THE ASSISTANT LABOUR COMMISSIONER
AND APPELLATE AUTHORITY
MYSORE DIVISION
MYSORE-570 023.

2. THE LABOUR COMMISSIONER
CONTROLLING AUTHORITY
UNDER PAYMENT OF GRATUITY ACT
MANDYA-571 401.

3. SRI. NINGA
MAJOR
S/O. BORAIAH
MANDAGERE, K.R. PETE
MANDYA DISTRICT-571 426.

...RESPONDENTS

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HAREKOPPA THIMMANNA GOWDA

(BY SRI.M RAJA KUMAR, AGA FOR R1 AND R2:
R3 IS SERVED)

THIS WP IS FILED UNDER ARTICLE 226 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 MYSORE IN APPEAL NO. SKAM/PGA/APPEAL/CR-15/2021-22 WHICH IS AT ANNEXURE-B AND ON THE FILE OF THE R-2 THE LABOUR COMMISSIONER AND GRATUITY AUTHORITY MANDYA IN CASE NO. LOM-2/PGA/CR/28/2017 WHICH IS AT ANNX-A QUASHING THE ORDER AT ANNEXURE-A 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 04.11.2021 vide Annexure-A passed by respondent No.2 and the order dated 12.04.2023 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,

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HAREKOPPA THIMMANNA GOWDA

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, it is open for the Controlling Authority to refund the amount in favour of the petitioners. In case, if the petitioners fail 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

CM
LIST NO.: 1 SL NO.: 59