HC-KAR
CNR: KAHC010584342023

NC: 2026:KHC:55390
WP No. 25065 of 2023

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. 25065 OF 2023 (L-PG)

BETWEEN:

1. THE ASST. EXECUTIVE ENGINEER
CAUVERY NEERAVARI NIGAM LIMITED
NO.15, HLBC SUB DIVISION
NAGAMANGALA TALUK
MANDYA DISTIRCT-571432.

2. THE MANAGING DIRECTOR
CAUVERY NEERAVARI NIGAM LIMITED
CAUVERY BHAVAN COMPLEX
GOKULAM 4TH STAGE
MYSURU-571114.

...PETITIONERS

(BY SRI. K S BHEEMAIAH., ADVOCATE)

AND:

1. THE ASST LABOUR COMMISSIONER
AND APPELLATE AUTHORITY
MYSORE DIVISION, MYSORE-570023.

2. THE LABOUR COMMISSIONER
CONTROLLING AUTHORITY
UNDER PAYMENT AND GRATUITY ACT
MANDYA-571432.

3. SRI SHIVALINGE GOWDA
MAJOR
S/O LATE ANKE GOWDA
WARD NO.4, BEHIND GENERAL HOSPITAL
T B LAYOUT, NAGAMANGALA TOWN
MANDYA DISTRICT-571432.

...RESPONDENTS

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HAREKOPPA THIMMANNA GOWDA

(BY SRI. M RAJA KUMAR., AGA FOR R1 & R2:
SRI. K. GOVINDARAJ, ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO-CALL FOR THE RECORDS ON THE FILE OF R1, THE ASST. LABOUR COMMISSIONER AND THE APPELLATE AUTHORITY, AT MYSORE, IN APPEAL NO.ALCM/PGA/APPEAL/CR-14/2022-23, AND THEREBY REJECTED APPEAL OF THE PETITIONERS HEREIN ON THE FILE OF THE R2, THE LABOUR COMMISSIONER, MANDYA, IN RESPECT OF CASE NO.LOM/PGA/CR-33/2020 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 03.08.2022 vide Annexure-A passed by respondent No.2 and the order dated 21.08.2023 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, the entire gratuity amount given prior to the date of

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HAREKOPPA THIMMANNA GOWDA

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.: 66