



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

WRIT PETITION NO. 14704 OF 2020 (L-KSRTC)

BETWEEN:

KARNATAKA STATE ROAD
TRANSPORT CORPORATION
TUMKUR DIVISION, TUMKUR
BY ITS DIVISIONAL CONTROLLER,
REPRESENTED BY ITS CHIEF LAW OFFICER.

...PETITIONER

(BY SMT. H.R.RENUKA, ADVOCATE)

AND:

1. THE ASSISTANT LABOUR COMMISSIONER
AND APPELLATE AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT,
DIVISION-1, KARMEEKA BHAVAN,
BANNERGHATTA ROAD,
BENGALURU - 560 029.
2. THE ASSISTANT LABOUR COMMISSIONER
AND CONTROLLING AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT,
TUMKUR SUB-DIVISION
TUMKUR - 572 137.
3. NARASIMHAIAH
S/O LATE HALAPPA
SINCE DECEASED
REPRESENTED BY HIS LR
- 3(A) RANGATHAYI
W/O LATE NARASIMHAIAH



MAJOR IN AGE
R/O GOWDAGERE VILLAGE AND POST,
SIRA TALUK,
TUMKUR DISTRICT - 572 137.

...RESPONDENTS

(BY SRI. RAJENDRA K.R., AGA FOR R1 AND R2;
R3(A) SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Smt.H.R.Renuka., counsel for the petitioner and
Sri.Rajendra.K.R., AGA for respondents 1 & 2 have appeared
in person.

The third respondent Narasimhaiah died during the
pendency of the Writ Petition. Hence, his legal representative
was brought on record as respondent No.3(a). She has
received the notice, however, she has neither engaged the
services of an advocate nor conducted the case as a party in
person.

2. The short facts are these:



The third respondent since deceased Sri.Narasimhaiah was appointed as a Conductor in the establishment of the Corporation in 1983. He sought voluntary retirement on 11.01.2013. The period of service rendered by the third respondent for the purpose of payment of gratuity was calculated as under:

	YEARS	MONTHS	DAYS
Total number of years of service	29	08	09
Break in service	06	04	25
Total	23	03	14

Gratuity was calculated as under in terms of Regulation:

$$\text{Rs.16,640} \times 23.3 \text{ years} = \text{Rs.3,86,880/-}$$

The Corporation paid the gratuity to the workman. However, the third respondent moved an application before the Controlling Authority claiming difference in gratuity on 22.04.2015. The Controlling Authority vide order dated 28.05.2018 allowed the application. Aggrieved by the order



of the Controlling Authority, the Corporation preferred an appeal before the Appellate Authority. The Appellate Authority vide order dated 15.10.2019 dismissed the appeal. The orders of Gratuity Authorities are called into question in this Writ Petition on several grounds as set out in the Memorandum of Writ Petition.

3. Counsel for the petitioner and AGA urged several contentions.

Smt.H.R.Renuka., counsel appearing on behalf of the Corporation in presenting her arguments vehemently contended that the Controlling Authority erred in entertaining the application. She argued by saying that there is an inordinate delay of almost two years three months in filing the application claiming difference in gratuity. Therefore, she submits that the orders of the Gratuity Authorities are liable to be set-aside.

AGA justified the orders of the Gratuity Authorities and submits that an appropriate order may be passed.



Heard, the arguments and perused the Writ papers with utmost care.

4. The point that requires consideration is whether the Controlling Authority is justified in entertaining the application claiming difference in gratuity beyond the period of limitation?

5. It is pertinent to note that Rule 10 of Payment of Gratuity (Central) Rules, 1972 and also Rule 10 of Karnataka Payment of Gratuity Rules, 1973 prescribes a time frame of 90 days to file an application claiming difference in gratuity. If the application is filed beyond 90 days, the Controlling Authority may accept the application on sufficient cause being shown by the applicant after the expiry of the specified period.

Reverting to the facts of the case, the workman opted voluntary retirement and retired from service on 11.01.2013. He filed an application claiming difference in gratuity on 22.04.2015. The applicant sought for condonation of delay. The Corporation filed a detail statement of objections. The



Controlling Authority condoned the delay on the ground that the third respondent had approached the Corporation claiming difference in gratuity, however the Corporation did not respond to his request. The reasons assigned to condone the delay is unsustainable in law. The reason is apparent. The law contemplates that the application must be filed within 90 days. However, the workman has not filed the application well in time. The Controlling Authority ought to have considered the financial repercussions on the Corporation.

As already noted above, the workman voluntarily retired from service on 11.01.2013. However, he filed an application on 22.04.2015. There is an inordinate delay of two years and three months. Therefore, in my view, the application filed by the workman is liable to be rejected on the grounds of delay and laches. Accordingly, it is rejected. For the reasons stated above, the orders of the Gratuity Authorities are liable to be set-aside. Accordingly, they are set-aside.



6. The Writ of Certiorari is ordered. The order dated:28.05.2018 passed by the Controlling Authority vide Annexure-B and the order dated:15.10.2019 passed by the Appellate Authority vide Annexure-D are quashed.

7. Resultantly, the Writ Petition is ***allowed***.

Because of disposal of the Writ Petition, pending interlocutory applications if any are disposed of, interim direction if any stands discharged and amount in deposit, if any, is directed to be released/ refunded in favor of the Corporation.

SD/-
(JYOTI MULIMANI)
JUDGE

MRP,KMV
List No.: 1 Sl No.: 15