



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 24<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY**

**WRIT PETITION NO. 200613 OF 2024 (L-PG)**

**BETWEEN:**

VIJAYAKUMAR  
S/O DATTATREYA,  
AGED ABOUT 68 YEARS,  
OCCUPATION RETIRED GOVERNMENT SERVANT,  
R/o C/O GOVINDRAO VITHALRAO KULKARNI,  
RUKMA MANDIR, BHARPET, ALAND,  
TALUKA ALAND, DISTRICT KALABURAGI.

...PETITIONER

(BY SRI. GANESH SUBHASHCHANDRA KALBURGI, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
DEPARTMENT OF PUBLIC WORKS,  
REP/BY ITS PRINCIPAL SECRETARY,  
VIKAS SOUDHA, BENGALURU-560001.
2. THE ASSISTANT EXECUTIVE ENGINEER  
PWD SUB-DIVISION, ALAND,  
TALUKA ALAND, DISTRICT KALABURAGI – 585 302.

...RESPONDENTS

(BY SRI. VEERANAGOUDA M.BIRADAR, AGA)

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by SACHIN  
Location: HIGH  
COURT OF  
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO A) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, DIRECTING THE RESPONDENTS TO COMPLY WITH THE STATUTORY MANDATE OF SEC. 4 OF PAYMENT OF GRATUITY ACT, 1972 IN TERMS OF ORDER DATED 11.11.2019 PASSED BY THE LABOUR OFFICER AND CONTROLLING OFFICER UNDER PAYMENT OF GRATUITY ACT, 1972 KALABURAGI SUB-DIVISION KALABURAGI AS PER ANNEXURE-A; B) ANY OTHER ORDER, WRIT OR DIRECTION MAY BE ISSUED AS DEEMED NECESSARY IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

### **ORAL ORDER**

This writ petition under Article 226 and 227 of the Constitution of India is filed seeking for the following reliefs:

- a) Issue a writ of mandamus or any other appropriate writ, directing the respondents to comply with the statutory mandate of Sec. 4 of Payment of Gratuity Act, 1972 in terms of order dated 11-11-2019 passed by the Labour Officer and Controlling Officer under Payment of Gratuity act, 1972 Kalaburagi Sub-Division Kalaburagi as per Annexure-A;*
- b) any other order, writ or direction may be issued as deemed necessary in the facts and*



*circumstances of the case, in the interest of justice.*

2. Heard the learned counsel for the petitioner and learned Additional Government Advocate for respondent Nos.1 and 2.

3. Petitioner who has retired from service on 31.05.2025 appears to have filed an application before the Labour Officer and Controlling Authority, Kalaburagi Division, claiming payment of gratuity amount. The said application in proceedings bearing No.ಕಾಅಕ/ಉಪಾಕಾ/ಸಿಆರ್-149/2016 was allowed on 11.11.2019 and it was held that petitioner was entitled for a gratuity amount of Rs.3,02,035/- with interest. Grievance of the petitioner is that the order passed by the Controlling Authority at Annexure-A dated 11.11.2019 is not complied till date. It appears that petitioner has already approached the Controlling Authority and has filed an application with a prayer to issue certificate under Section 8 of the Payment



of Gratuity Act, 1972 for the purpose of enabling him to recover the gratuity amount under the order at Annexure-A dated 11.11.2019.

4. Under the circumstances, I am of the opinion that, if this writ petition is disposed of directing the Labour Officer and Controlling Authority under the Payment of Gratuity Act 1972, Kalaburagi Division to consider the application of the petitioner at Annexure-H dated 19.04.2023 for issuance of a recovery certificate the same would serve the ends of justice. Accordingly, the following order:

- i) Writ petition is ***disposed of*** directing the Labour Officer and Controlling Authority under the Payment of Gratuity Act, 1972, Kalaburagi Division to consider the petitioner's prayer for issuance of recovery certificate so as to enable him to recover the gratuity amount with interest as per the order at Annexure-A dated 11.11.2019 as



expeditiously as possible and pass appropriate orders in accordance with law, not later than a period of two months from the date of receipt of copy of this order.

- ii) Petitioner is at liberty to file a fresh application for issuance of the recovery certificate before the competent authority along with the copy of this order.

**Sd/-**  
**(S.VISHWAJITH SHETTY)**  
**JUDGE**