



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201140 OF 2026 (L-PG)

BETWEEN:

1. THE CHIEF EXECUTIVE OFFICER,
RURAL DEVELOPMENT AND PANCHAYAT
RAJ DEPARTMENT, M.S.BUILDING,
BENGALURU-560001.
2. THE EXECUTIVE ENGINEER,
PRE DIVISION, RAICHUR,
NEAR DIST. COURT COMPLEX, RAICHUR-584101.
3. THE ASSISTANT EXECUTIVE ENGINEER,
SUB-DIVISION, OPP TALUK PRE PANCHAYAT OFFICE,
DEV DURGA DIST. RAICHUR-584111.

...PETITIONERS

(BY SRI. SANJAY M. JOSHI, ADVOCATE)

AND:

1. SRI DAMODAR S/O SANJEEV RAO,
AGE: 69 YEARS,
OCC: RETIRED GOVERNMENT EMPLOYEE,
R/O NEAR APMC, CV COLONY,
NEW BUS STAND ROAD, TQ. DEV DURGA,
DIST. RAICHUR- 584111.
2. THE CONTROLLING AUTHORITY UNDER
THE PAYMENT OF GRATUITY ACT,



AND THE LABOUR OFFICER AT RAICHUR,
AZAD NAGAR RAICHUR-584101.

3. THE APPELLATE AUTHORITY,
UNDER THE PAYMENT OF GRATUITY ACT,
AND THE ASSISTANT LABOUR COMMISSIONER,
THE LABOUR OFFICES AT KALABURGI,
ITI COMPOUND, KALABURGI-585101.

...RESPONDENTS

(BY SRI SHESHADRI JAISHANKAR M., AGA FOR R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO 1. CALL FOR THE ENTIRE RECORDS IN THE PGA NO. KAAARAA/UUPAKAA/CR/14/2018 FROM THE RESPONDENT NO.2 AND THE ENTIRE RECORDS IN PGA NO. SKAAAKA/UUPAKAA/APPELU/CR/27/2025 AND: A) ISSUE AN ORDER / DIRECTION IN NATURE OF WRIT OF CERTIORARI AND QUASH THE IMPUGNED ORDER AT ANNEXURE C VIZ., THE IMPUGNED JUDGMENT AND AWARD DATED 11-04-2023 UNDER THE PGA 1972 AND IN KAAARAA/UUPAKAA/CR/14/2018 PASSED PGA NO. BY THE CONTROLLING AUTHORITY AND THE LABOUR OFFICER RAICHUR, DIRECTING THE PAYMENT OF RS. 2,98,538/-, TO BE PAID WITH INTEREST AT 10% P.A. B) ISSUE AN ORDER / DIRECTION IN NATURE OF WRIT OF CERTIORARI AND QUASH THE IMPUGNED ORDER AT ANNEXURE E PASSED BY THE ASSISTANT LABOUR COMMISSIONER, KALABURGI IN PGA NO. SKAAAKA/UUPAKAA/APPELU/CR/27/2025 THE APPEAL FILED BY THE PETITIONERS HEREIN, REJECTING C) TO ISSUE AN ORDER, A DIRECTION IN THE NATURE OF WRIT OF MANDAMUS AGAINST THE RESPONDENT NO. 2 AND 3 TO REFUND THE AMOUNT RS.2,98,538/- WITH INTEREST EITHER BY RETURNING THE AMOUNT DEPOSITED OR BY PROCESS OF RECOVERY OF THE ASSETS OF THE RESPONDENT NO.1 AS ARREARS OF LAND REVENUE, OR BY ATTACHING THE PENSION DUE TO THE RESPONDENT NO.1 BY THE GOVERNMENT WITH



INTEREST AT 10% P.A. TILL THE DATE OF REALIZATION OF THE AMOUNT RELEASED TO THE RESPONDENT NO. 1. D) PASS ANY OTHER ORDER IN THE INTEREST OF JUSTICE AND EQUITY AS THIS HON'BLE COURT MAY DEEM FIT, CONSIDERING THE FACTS AND CIRCUMSTANCE OF THE CASE AND EARLIER JUDGMENTS OF THE HON'BLE SUPREME COURT.

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

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

ORAL ORDER

1. The question that arises for consideration in this Writ Petition is:

Whether the Appellate Authority under Section 7(7) of the Payment of Gratuity Act, 1972 [for brevity, 'the Act of 1972] can condone the delay beyond the period of 120 days and entertain the appeal filed under Section 7(7) of the Act of 1972?

2. This Court in W.P.No.201246/2024 has considered the aforesaid question and has answered in the negative.



3. In view of the aforesaid, this writ petition is disposed of in terms of the order passed in W.P.No.201246/2024 on 17.03.2026.

4. Accordingly, the following:

ORDER

The writ petition is ***dismissed.***

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SVH
List No.: 2 Sl No.: 18
CT:PK