



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. 202504 OF 2022 (L-PG)

BETWEEN:

THE DIVISION CONTROLLER,
N.E.K.R.T.C KALABURGI DIVISION,
KALABURAGI,
(REPRESENTED BY CHIEF LAW OFFICER).

...PETITIONER

(BY SRI. DEEPAK V BARAD, ADVOCATE)

AND:

1. THE DEPUTY LABOUR COMMISSIONER,
AND APPELLATE CONTROLLING AUTHORITY,
UNDER THE PAYMENT OF GRATUITY ACT,
AT KALBURAGI-585102.
2. THE ASSISTANT LABOUR COMMISSIONER,
AND CONTROLLING AUTHORITY,
UNDER THE PAYMENT OF GRATUITY ACT,
AT KALABURAGI-585102.
3. MD. HUSSAIN S/O KHASIM ALI,
AGE ABOUT 64 YEARS,
OCC: RETIRED EMPLOYEES,
R/O H.NO. 7-1-31, MOULANA KASIMPUR GALLI,
NEAR DARGAH TQ ALAND,
DIST KALBURAGI 585102

...RESPONDENTS

(BY SHESHADRI JAISHANKAR M., AGA FOR R1 AND R2
SRI SACHIN M. MAHAJAN, ADVOCATE FOR R3)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT IN THE NATURE OF CERTIORARI THEREBY QUASHING THE IMPUGNED ORDER DATED 27.05.2022 PASSED BY THE 2ND RESPONDENT IN ಪ್ರಕರಣ ಸಂಖ್ಯೆ: ಸಕಾಅಕ/ಪಿಜಿಎ/ಅಪೀಲು/ಸಿಆರ್-27/2021-22 AS AT ANNEXURE- C TO THE WRIT PETITION. B) ISSUE A WRIT IN THE NATURE OF CERTIORARI THEREBY QUASHING THE IMPUGNED ORDER DATED 16.03.2021 PASSED BY THE 1ST RESPONDENT IN ಸಂಖ್ಯೆ/ಕಾಅಕ/ಉಪಾಕಾ/ಸಿಆರ್-225/2016 AS AT ANNEXURE- A TO THE WRIT PETITION. C) ISSUE ANY OTHER WRIT, ORDER OR DIRECTION AS THIS HONOURABLE COURT DEEMS FIT IN VIEW OF THE FACTS AND CIRCUMSTANCES OF THE CASE STATED ABOVE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, 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.: 28