



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201942 OF 2025 (L-PG)

BETWEEN:

1. HYDERABAD KARNATAKA EDUCATION SOCIETY,
SAACA BUILDING, PDA ENGINEERING COLLEGE
CAMPUS, KALABURAGI - 585102
REPRESENTED BY ITS PRESIDENT,
SHASHIL S/O GANGADAR NAMOSHI.
2. THE PRINCIPAL,
HKE SOCIETY POLYTECHNIC COLLEGE,
NEAR AIWAN-E-SHAHI,
KALABURAGI -585102.

...PETITIONERS

(BY SRI. RAJKUMAR SHANTKUMAR KADGANCHI, ADVOCATE)

AND:

1. SRI SURYAKANT S/O MALKANNA KINDAGI,
AGE: MAJOR, OCC: RETD. INSTRUCTOR,
R/O PLOT NO.24/5 R.B.MALU APARTMENT,
INDUSTRIAL ARE JEWARGI CROSS
KALABURAGI – 585102.
2. THE LABOUR OFFICER AND CONTROLLING
AUTHORITY
KALABURAGI – 585103.

Digitally signed
by SWETA
KULKARNI
Location: HIGH
COURT OF
KARNATAKA



3. THE ASSISTANT LABOUR COMMISSIONER
APPELLATE AUTHORITY KALABURAGI DIVISION
KALABURAGI- 585103

...RESPONDENTS

(NOTICE TO R2 AND R3 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A) ISSUE A WRIT OF CERTIORARI FOR QUASHING THE ORDER PASSED BY HONOURABLE ASSISTANT LABOUR COMMISSIONER KALABURAGI IN APPEAL NO. 70/2024 DATED 27.05.2025 VIDE ANNEXURE-D FOR THE REASONS STATED IN THE ACCOMPANYING AFFIDAVIT STATED HEREIN ABOVE. B) PASS ANY SUCH ORDERS OR DIRECTION UNDER THE CIRCUMSTANCE COURT DEEMS FIT.

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

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

ORAL ORDER

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 disposed of on 17.03.2026.

4. Accordingly, the following:

ORDER

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

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

NMS
List No.: 2 Sl No.: 7