

The Chief Traffic Manager vs Sri Shanmukhaiah

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Court : Karnataka

Decided On : Oct-29-2025

Judge : Jyoti M

Appeal No. : WP/13205/2017

Appellant : The Chief Traffic Manager

Respondent : Sri Shanmukhaiah

Judgement :

-1-

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. 13205 OF 2017 (L-PG) BETWEEN: THE CHIEF TRAFFIC MANAGER, B.M.T.C., CENTRAL OFFICES, SHANTHINAGAR, BENGALURU - 560 027. HEREIN REPRESENTED BY ITS CHIEF LAW OFFICER. PETITIONER (BY SRI. SANJEEV B.L., ADVOCATE) AND:

1. SRI. SHANMUKHAIAH,

S/O. SRI. R.K.RAJASHEKARAIAH, AGE: ABOUT 57 YEARS, NO.14/1, ONASHRI NILAYA, Digitally signed by 8TH CROSS, WILSON GARDEN, THEJAS KUMAR N

BENGALURU - 560 027. Location: HIGH COURT OF KARNATAKA 2. THE ASSISTANT LABOUR COMMISSIONER AND CONTROLLING AUTHORITY UNDER PAYMENT OF GRATUITY ACT, BENGALURU DIVISION - 4, KARMIKABHAVAN, BANNERGHATTA ROAD, BENGALURU - 560 029.

3. THE DEPUTY LABOUR COMMISSIONER

AND APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, BENGALURU REGION - 2, -2- KARMIKABHAVAN, BANNERGHATTA ROAD, BENGALURU - 560 029. RESPONDENTS (BY SRI. RAJENDRA K.R., AGA FOR R2 AND R3; V/O DATED 13/08/2018 NOTICE TO R1 HELD SUFFICIENT) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS. THIS WRIT PETITION IS LISTED FOR HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Sanjeev.B.L., counsel for the petitioner and Sri.Rajendra.K.R., AGA for respondents 2 and 3 have appeared in person.

2. A perusal of the office note depicts notice to

respondent No.1 is held sufficient vide order dated 13.08.2018. Respondent No.1 has neither engaged the services of an advocate nor conducted the case as a party in person.

3. The brief facts are these:

Sri.R.Shanmukhaiah - the first respondent joined the services of the Corporation in 1985. He opted voluntary retirement from service on 08.02.2013. The Corporation determined the gratuity and paid the same accordingly. -3- Strangely, the first respondent filed an application claiming difference in gratuity before the Controlling Authority on 22.06.2014. The Controlling Authority vide order dated 28.07.2015 determined the difference in gratuity and directed the Corporation to pay the same. Aggrieved by the order of the Controlling Authority, the Corporation

preferred an appeal before the Appellate Authority. The Appellate Authority vide

order dated 26.11.2016 dismissed the appeal and confirmed

the order passed by the Controlling Authority. The orders of the Gratuity Authorities are called into question in this Writ Petition on several grounds as set-out in the Memorandum of Writ Petition.

4. Sri.B.L.Sanjeev., counsel appearing on behalf of the Corporation in presenting his arguments vehemently contended

that the Controlling Authority erred in entertaining the application. He argued by saying that there is a delay of one year in filing the application claiming difference in gratuity. Therefore, he submits that the orders of the Gratuity Authorities are liable to be set-aside. Sri.Rajendra.K.R., AGA for respondents 2 and 3 justified the orders of the Gratuity Authorities and submits that the Writ Petition is devoid of merits and the same may be dismissed. -4- Heard, the contentions urged on behalf of the respective parties and perused the Writ papers with utmost care.

5. 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?

6. 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.

7. Reverting to the facts of the case, the first respondent opted voluntary retirement from service on 08.02.2013. He filed an application claiming difference in

gratuity on 22.06.2014. The first respondent filed an application seeking condonation of delay contending that he had requested the Corporation to pay difference in gratuity on several occasions, but the Corporation did not respond to his request. He has also contended that he was unwell and hence, there is a delay in filing the application. The Corporation filed a

-5- detail statement of objections and prayed for the dismissal of the application on the grounds of delay and laches. The Controlling Authority accepted the contentions of the first respondent and condoned the delay. This is incorrect. The

reason is apparent. The applicant was not diligent in approaching the Authority well in time. There is nothing on record to show that the first respondent requested the Corporation to pay difference in gratuity and no medical documents are furnished to show that he was unwell. Hence, the Controlling Authority ought to have considered the financial repercussions on the Corporation. Hence, the reason assigned

by the Controlling Authority to condone the delay is unsustainable in law. As already noted above, the first respondent took

voluntary retirement from service on 08.02.2013. However, he filed an application on 22.06.2014. There is an inordinate delay of one year four months. Therefore, in my view, the application filed by the workman is liable to be rejected on the grounds of delay and laches. Since the application is rejected on the grounds of delay and laches, there is nothing to discuss on the merits of the case. Accordingly, it is rejected. For the reasons

-6- stated above, the orders of the Gratuity Authorities are liable to be set-aside. Accordingly, they are set-aside.

8. The Writ of Certiorari is ordered. The order dated 28.07.2015 passed by the Controlling Authority in Pgt AS:

PDA-4/fJ/Dg-151/2013-14 vide Annexure-A and the order

dated 26.11.2016 passed by the Appellate Authority in AS:GPD-02/GP/Dg-96/2015-16 vide Annexure-B are quashed.

9. 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 TKN List No.: 1 SI No.: 53

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