

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF OCTOBER, 2018**

**PRESENT**

**HON'BLE MR.JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE**

**AND**

**HON'BLE MRS.JUSTICE S. SUJATHA**

**WRIT PETITION NO.26538 OF 2018 (L-RES) (PIL)**

**BETWEEN:**

SRI NAGARAJ.T.V.,  
S/O SRI RAMAIAH.T.V.,  
NO.27, II MAIN ROAD  
M.S.R LAYOUT, RAMAMURTHINAGAR  
BANGALORE-560016.

... PETITIONER

(BY SRI.NAGARAJ.T.V. – PARTY-IN-PERSON)

**AND:**

THE CHIEF GENERAL MANAGER  
STATE BANK OF INDIA  
P.P.G. DEPT., LOCAL HEAD OFFICE  
ST. MARK'S ROAD  
BANGALORE-560001.

... RESPONDENT

THIS WRIT PETITION FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT RESPONDENT SBI TO PAY TO ME GRATUITY BALANCE OF RS.1,53,012/- ELIGIBLE AS ON 24.05.2010 FOR THE REASONS AS STATED ABOVE AND ETC.,

THIS PETITION COMING ON FOR ORDERS THIS DAY,  
**CHIEF JUSTICE** MADE THE FOLLOWING:

**ORDER**

Having regard to the circumstances of the case, the office objections are waived.

Having examined the matter in its totality, we find that the petitioner seeks to state the grievance as regards his entitlement to gratuity. The petitioner is said to have retired from the services of the State Bank of India as Deputy Manager on 28.02.2007. The grievance of the petitioner is that he was entitled to gratuity amount of Rs.5,03,012/-, but was paid only Rs.3,50,000/-; and according to him, such gratuity amount was enhanced with the amendment of Section 4(3) of the Payment of Gratuity Act, 1972 ('the Act of 1972') to a sum of Rs.10,00,000/- with effect from 24.05.2010.

The petitioner has pointed out that he made application to the State Bank of India seeking payment of the balance of gratuity amount, but the employer refused; and thereafter, he made a complaint to the Public Grievance Department, Central Government, but to no avail.

The petitioner has also pointed out that he has filed the petition in the Permanent Lok Adalath at Bengaluru on 13.08.2014, but the Permanent Lok Adalath also rejected his petition on 12.07.2016, while observing that he was required to submit the matter to the Chief Labour Commissioner, Bengaluru. The petitioner has further pointed out that, as observed by the Permanent Lok Adalath, he filed a complaint before the Chief Labour Commissioner, Bengaluru on 08.11.2017, but the Chief Labour Commissioner rejected his complaint by order dated 14.11.2017. This order dated 14.11.2017 reads as under:-

*“With reference to your representation dated 8.11.2017 it is informed that at the time of your retirement the ceiling limit under Payment of Gratuity Act 1972 was Rs.3,50,000/-. Since it has been paid, there is no cause in your application. Hence, your representation is returned herewith.”*

Seeking to challenge the aforesaid order dated 14.11.2017 and also seeking to submit that the matter involves the question of law on the interpretation of the Act of 1972, the petitioner seeks to maintain the present petition as public interest litigation.

The reliefs claimed herein are for direction to the State Bank of India to pay the balance of gratuity amount to the petitioner and also to pay the gratuity to every such retired employee, whose position is similar to him, to serve larger interest of retired persons of the State Bank of India.

Having examined the matter and having heard the petitioner, appearing in person, we have expressed reservations in entertaining this petition as public interest litigation, while pointing out to the petitioner that the present petition essentially relates to his personal cause of action and personal claim of gratuity; and such a matter cannot partake the character of public interest litigation. However, the petitioner seeks to submit that he has approached the authorities concerned and having been denied the relief, he has no option, but to approach this Court. The petitioner also submits that the matter involves interpretation of provisions of law affecting the large number of persons and therefore, it has been framed and presented as public interest litigation.

The submissions do not make out any case for entertaining this matter as public interest litigation.

It is evident from the record that the petitioner is claiming amount of gratuity, over and above what has been paid to him. In regard to such claim of the petitioner, evidently, the matter is of personal grievance of the petitioner. As regards interpretation of law, in relation to such service matter, ordinarily, interpretation is to be made in a case based on the cause of action of an individual but for that reason, such a matter does not become and cannot become a public interest litigation.

For what has been discussed hereinabove, we are not inclined to entertain this matter as public interest litigation and therefore, this petition is required to be dismissed.

However, in the interest of justice, we deem it appropriate to leave it open for the petitioner in taking recourse to appropriate remedy in accordance with law against the aforesaid order dated 14.11.2017 as also on his claim for gratuity. In the interest of justice, it is also made clear that we have not pronounced on the merits of the case either way and the present petition is being dismissed only for the reason that the present matter is not a public interest

litigation and hence, dismissal of this petition would not otherwise be of any prejudice to the petitioner.

With the aforesaid observations, this petition stands dismissed.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

PMR