

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 28<sup>TH</sup> DAY OF SEPTEMBER, 2018

BEFORE

THE HON'BLE MR.JUSTICE L. NARAYANA SWAMY

**WRIT PETITION No.19473 OF 2010 (L-KSRTC)**

BETWEEN

KARNATAKA STATE ROAD  
TRANSPORT CORPORATION  
BANGALORE CENTRAL DIVISION  
BANGALORE BY ITS  
DIVISIONAL CONTROLLER  
REPRESENTED BY ITS CHIEF LAW OFFICER ...PETITIONER

(BY SMT.NIRMALA, ADV.,)

AND

1. THE DEPUTY LABOUR  
COMMISSIONER AND THE  
APPELLATE AUTHORITY  
UNDER THE PAYMENT OF GRATUITY ACT  
REGIONAL OFFICE  
HASSAN
2. THE ASSISTANT LABOUR COMMISSIONER  
AND CONTROLLING AUTHORITY  
UNDER THE PAYMENT OF GRATUITY ACT  
CHIKKAMANGALUR DIVISION  
CHIKKAMANGALUR
3. DEVAPPA, KSRTC  
RETired TRAFFIC CONTROLLER  
CHRISTIAN COLONY  
MAVINATOPU  
CHIKKAMANGALUR ... RESPONDENTS

(BY SRI LAKSHMINARAYAN, AGA FOR R-1 AND R-2)

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE

ORDER PASSED BY THE SECOND RESPONDENT DATED 31.03.2009 (ANNEXURE – A) AND ORDER PASSED BY THE FIRST RESPONDENT DATED 21.10.2009 (ANNEXURE – C).

THIS WRIT PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:-

**ORDER**

In this writ petition, petitioner has prayed for a writ in the nature of certiorari to quash the order dated 31.03.2009 passed by the second respondent in PGA:SR-104/04/05 Annexure-A and order dated 21.10.2009 passed by the first respondent in PGA:SR-21/09-10 as per Annexure-H.

2. The Divisional Controller, Chikmagalore filed an appeal on 29.05.2009 before the first respondent Deputy Labour Commissioner and Appellate Authority, challenging the order of the second respondent. The said appeal came to be dismissed on 21.10.2009 by confirming the order of the second respondent, against which this petition is filed.

3. The third respondent was the retired employee of the petitioner Corporation. He filed an

application before the second respondent stating that he joined the services of the petitioner Corporation in the year 1968 and retired on 31.01.2002 and has served the Corporation for a period of 34 years and he has to get the additional gratuity amount from the petitioner Corporation by adding the DA component to the basic.

4. The second respondent after going through the documents, records and evidence of the applicant, allowed the application of the third respondent and ordered to the petitioner Corporation to pay the difference of gratuity amount.

5. This Court by an order dated 13.07.2018 granted time to furnish the process fee etc., to serve notice to respondent No.3. Today the matter has come up in the order list for consideration whether time to be granted to take steps in respect of respondent No.3 or not.

6. I have carefully gone through the records placed on record.

7. This case is of 10 years old, before this Court itself it is almost 8 years now. The Competent Authority has passed an order in the year 31.01.2009. Respondent No.3 is the retired Traffic Controller and when a person retires from service, it is his right to get his retirement benefit and the delay in granting the monetary benefit is arbitrary and violation of fundamental right.

8. Under these circumstances, petition against respondent No.3 is to be dismissed. Further it is not a case to be gone into. Petitioner is hereby directed to satisfy the order passed by the 2<sup>nd</sup> respondent within 3 months from the date of receipt of copy of this order.

Accordingly writ petition is dismissed.

**Sd/-  
JUDGE**

HR