



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 35414 OF 2025 (L-PG)

BETWEEN:

M/S. BENGALURU METRO
RAIL CORPORATION LIMITED,
BMTc COMPLEX, K.H.ROAD,
BENGALURU-560 027.
REPRESENTED BY
MR. ROBIN VANARAJ J.,
DEPUTY GENERAL MANAGER (HR).

...PETITIONER

(BY SRI. S.SANTHOSH NARAYAN, ADVOCATE)

AND:

1. SRI. NANDEESH H.V.,
S/O. SRI. H.V.VEERAPPAJI,
AGED ABOUT 34 YEARS,
NO.456/5, 6TH MAIN, 3RD CROSS,
KENGERRI SATELLITE TOWN,
BENGALURU-560 060.
2. THE LABOUR OFFICER AND
CONTROLLING AUTHORITY,
UNDER THE PAYMENT OF GRATUITY ACT,
SUB-DIVISION-07, KARMIKA BHAVAN,
BANNERGHATTA ROAD,
BENGALURU-560029.
3. THE ASSISTANT LABOUR COMMISSIONER AND
APPELLANT AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT, 1972,
DIVISION-03, KARMIKA BHAVAN,



BANNERGHATTA ROAD,
BENGALURU-560029.

...RESPONDENTS

(BY SRI. NAVEEN KUMAR, ADVOCATE FOR
SRI. S.B.MUKKANNAPPA, ADVOCATE FOR R1;
SRI. K.P.YOGANNA, AGA FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Sri.S.Santhosh Narayan., counsel for the petitioner and
Sri.Naveen Kumar., counsel on behalf of Sri.S.B.Mukkannapa.,
for respondent No.1 and AGA for respondents 2 and 3 have
appeared in person.

2. The petition is filed seeking following reliefs:

- i. Set aside the order dated 22/10/2024
passed by the respondent No.2 in case No.LOB-
07/PGA/CR-128/2022-23 at Annexure-D to this
petition.
- ii. Set aside the order dated 22/09/2025
passed by the respondent No.3 in appeal case



no. Assistant Labor Commissioner Bengaluru
Division 3 PGA/APPEAL CR No.108/2024-25 at
Annexure-E to this petition.

iii. Call for records in case No.LOB-
07/PGA/CR-128/2022-23 from the office of 2nd
and 3rd respondent.

iv. Pass appropriate order as deemed fit in
the facts and circumstances of this case in the
interest of justice and equity.

3. The first respondent was appointed by the
petitioner on 09.06.2017. He tendered resignation after 4
years, 9 months and 12 days of service on 19.03.2022.
Strangely, he made an application before the Controlling
Authority seeking gratuity. The Controlling Authority vide order
dated:22.10.2024 determined the gratuity and directed the
petitioner to pay the same. Aggrieved by the same, the
petitioner preferred an appeal before the Appellate Authority.
The Appellate Authority vide order dated:22.09.2025 dismissed
the same. Hence, the petitioner is before this Court.



4. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

5. The facts are sufficiently said and do not require reiteration. The issue falls within a narrow compass and relates to the payment of gratuity to the first respondent.

It is undisputed that the first respondent rendered service for a period of 4 years, 9 months, 12 days and he has not completed 5 years of service as contemplated under Section 4 of the Payment of Gratuity Act, 1972. Suffice it to note that Section 4 of the Payment of Gratuity Act, 1972 postulates the payment of gratuity on the termination of employment due to the reasons stated therein provided the requirement of period of service is satisfied. It is needless to say that Section 4 of the Act provides that gratuity shall be payable to an employee on the termination of his employment after he has rendered continuous service for not less than five years. The Gratuity Authorities have failed to have regard to the relevant considerations and disregarded relevant matters. For the



reasons stated above, the orders of the Gratuity Authorities are liable to be set-aside. Accordingly, it is set-aside.

6. The Writ of Certiorari is ordered. The order dated:22.10.2024 passed by the Controlling Authority vide Annexure-D and the order dated:22.09.2025 passed by the Appellate Authority vide Annexure-E are quashed.

7. Resultantly, the Writ Petition is ***allowed***.

In view of disposal of the Writ Petition, amount in deposit if any is directed to be released/ refunded in favor of the petitioner.

**SD/-
(JYOTI M)
JUDGE**

MRP
List No.: 1 Sl No.: 58