PGA: CR: No. {40}/{41}

**BEFORE THE LABOUR OFFICER AND CONTROLLING AUTHORITY UNDER P.G.ACT,** {7} **, AT:** {7}

1. Shri. {1} S/o. {2} …Petitioner

V.S

1., The D.C. N.W.K.R.T.C {6} Division …Respondent.

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5. Process …………………………………………..

Place: {7}

Date: {15} Advocate for Applicant

PGA: CR: No. {40}/{41}

**BEFORE THE LABOUR OFFICER AND CONTROLLING AUTHORITY UNDER P.G.ACT, {7} , AT: {7}**

1. Shri. {1} S/o. {2} …Petitioner

V.S

1., The D.C. N.W.K.R.T.C {6} Division …Respondent.

Application for Condonation of delay under Rule 10 of The P.G.R. (Karnataka) 1973, R/W. Sec. Sec. 7 of PG Act, 1972.

Herein, the Advocate for the petitioner/ applicant submits as under:

For the reasons stated in the affidavit accompanying and the documents filed in support of it, this Hon’ble Court is prayed to condone the delay if any alleged to have been caused in preferring the claim petition and be pleased to entertain and dispose off the petition on merits in the interest of Justice and equity.

Place: {7}

Date: {15} Advocate for Applicant

PGA: CR: No. {40} / {41}

**BEFORE THE LABOUR OFFICER AND CONTROLLING AUTHORITY UNDER P.G.ACT,** **{7} , AT: {7}**

1. Shri. {1} S/o. {2} …Petitioner

V.S

1., The D.C. N.W.K.R.T.C {6} Division …Respondent.

AFFIDAVIT

Herein, I Shri. {1} s/o. {2} , Age: {9} years, Occ: Retired employee, r/o. {3} today at {7} do hereby state on solemn affirmation as under:

1. That I was appointed as {5} in the Respondent Corporation on {10} and after completion of {Y12} years {M12} months service I have retired from services on {11}
2. After the date of retirement I have requested the respondent for the payment of gratuity, but the officials of the respondent informed that the corporation is under loss and facing financial crisis, hence the gratuity will be paid in installments on seniority basis. After considerable lapse of time from the date of the retirement part amount of gratuity paid in installments, hence I waited by assuming that remaining balance will be paid in another installment.
3. Recently I came to know that the Hon’ble High Court of Karnataka has passed the order and held, that it is necessary to give one month pay for every completed year of service as gratuity as per the settlement taken place between the management and Trade Union in the year 1981. Hence I submitted a representation on {13}immediately after my knowledge about the judgment to pay one month gross salary for every completed year of service. Thereafter I have issued legal notice on {14} through my counsel, but respondent not respond positively and difference also not paid to me, hence I constrained to file this case. Therefore the delay if any alleged to have been caused is bonafide one for the above said reasons
4. The respondent neither paid the arrears nor respond positively to the legal notice. The respondent has lost his right his resist the claim since he failed to respond positively to the legal notice.
5. That, the documents filed in support of the claim petition are self explanatory and clearly asserts that there are bonafide and valid reasons on the part of the claimant in non submission of claim petition. It is primary duty of the respondent employer to pay the correct amount of gratuity immediately after the retirement. Since the respondent employer failed to pay the correct amount of gratuity the delay is on the part of the respondent as per Rule 7 of Karnataka Payment of Gratuity Rules, 1973.
6. That, if the I.A. is not allowed to claimant will be put to great and irreparable loss non compensable in any terms to me. On the contrary no loss or injury would be caused to the other side if the I.A. is allowed. That in view of the bonafide and valid reasons the delay if any deemed deserves to be condoned in the interest of Justice and equity.

Hence, this affidavit.

Place: {7}

Date: {15} Deponent

**VERIFICATION**

The contents of the above said paragraphs are read before me and explained to me in Kannada language and the same are true and correct to the best of my knowledge, belief and information.

Place: {7}

Date: {15} Deponent

I know the Deponent.

(R.P.Koparde)

Advocate

PGA: CR: No. {40}/{41}

**BEFORE THE LABOUR OFFICER AND CONTROLLING AUTHORITY UNDER P.G.ACT,** **{7} , AT: {7}**

1. Shri. {1} S/o. {2} …Petitioner

V.S

1., The D.C. N.W.K.R.T.C {6} Division …Respondent.

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Herein the petitioner submits as under :

1. The petitioner is an employee of the above named employer and he is entitled for the payment of Additional Gratuity u/s 4 of PG Act 1972 on account of his voluntary / retirement on {11} after completion of {Y12} years, {M12} months of Continuous Service. As per the Settlement taken place between the respondent management and Trade Union it is necessary to settle pay one month “pay” as gratuity for every completed year of service and it is also necessary to consider the service render as badali, daily wager/temporary, but the respondent has paid one month “basic pay” for every completed year of service, not considered the service rendered as badali employee and unauthorisedly deducted some period as leave without pay, absenteeism etc., in the total service. The partial amount of gratuity paid in installments and belatedly and no interest also given for the said amount.
2. The petitioner has submitted a representation on {13} immediately when it came to know his knowledge as regards the erroneous calculation and orders passed by the Hon’ble High Court and Circular regarding badali service. Thereafter I issued legal notice on {14} , but till this date the respondent has neither revise the gratuity and nor respond positively to my representation and legal notice. Therefore the petitioner constrained to file this case.
3. That the petitioner submits that there is dispute in the matter on account of arbitrary and indifferent approach of the respondent towards the claim.
4. The petitioner furnishes the necessary particulars in annexure here to and pray the Controlling Authority please to determine the amount of gratuity payable to the petitioner and prayed to direct the employer to pay the same to the petitioner

The petitioner declares that the particulars furnished in the annexure here to are read before me and explained to me in Kannada and the same are true and correct to the best of knowledge, belief and information obtained from the records.

Place : {7} Petitioner.

Date : {15}

Filed in the Court on {15}

(R P Koparde)

Advocate For the Petitioner

##### A N N E X U R E

1. Name in full of the applicant . {1} S/o. {2}

2. Basis of claim/death/

Superannuation/retirement/ :Superannuation/ Retired/ Vol. Retired

Employee/dismissal from

Service.

3. Name and address in full of : {1} S/o. {2}

Employee {3}

4. Name and address in full of : The Divisional Controller

Employer NWKRTC {6} Division

{6}

5. Dept./Branch/Section where

the employee was last employed : {6} Division

(if any) (if known),

6. Post held by the employee with : {5}

ticket or serial No. (if any)

7. Date of appointment of the : {10}

employee

8. Date of cause of termination of

service of the employee (Super : {11}

annuation/retirement/ resignation/

disablement/death)

9. Total period of service by the : {12} employee

Rs. {22} Basic

10. Wages last drawn by the : Rs. {a22} Basic DA

employee Rs. {23} DA ( {a23} % )

Rs. {24} HRA( )

Rs. {25} CCA

------------------------ Total: Rs. {26} ------------------------

11. Total Gratuity payable to

the employee : Rs. {26}/-X {12A} Y {12B} M {12C} D = Rs. {27} /-

12. Percentage of Gratuity payable

to the applicant as a nominee : ----

legal heir (paid)

13. Amount of Gratuity claimed by : Entitled Amt. – paid Amt. = Diff.

the claimant Rs. {27} /- - Rs. {36} /-=

Rs. {37} /-

and interest as per the orders of

**Hon’ble High Court of Karnataka**

**in WA No.1459/2007 Dtd.28.08.2013**

#### Advocate for Applicant Signature of Applicant/

Thumb Impression of Applicant

Place: {7}

Date: {15}

The Ass. Labour Commissioner &

Gratuity Controlling Authority,

At: {7}

**See Sub-Rule (1) of Rule (10)**

**Application for Direction**

**Before the controlling Authority under the Payment of Gratuity Act,**

**1972**

**Application No:** {40} **/** {41} **Dated:**

### Between

**(Name in full of the applicant with full address)**

1. Shri., {1} S/o. {2}

Age {9} years, Occ: Retired Employee,

{3} …Petitioner

V.S

**(Name in full of the employer concerning with full address)**

1. The Divisional Controller,

N.W.K.R.T.C {6} Division

Divisional Office, {6}

…Respondent.

1. The applicant Sri. {1} S/o. {2} was an employee of the above mentioned employer and is entitled to payment of Gratuity under Sec. 4 of the Payment of Gratuity Act, 1972 on account of his retirement from service after completion of about {12A} years, {12B} months and {12C} days of continuous service.

2. The Applicant submitted application on {13} and thereafter issued a notice dated {14} under clause (1) of Sub rule (1) of the Rule (8) offering an amount of Gratuity which under Clause (11) of Sub-Rule (1) of the rule (8) rejecting my eligibility to Payment of Gratuity. The duplicate copy of the said notice is enclosed.

3. The Applicant submits that there is a dispute on the cotter Management has not responded of my claim of the Gratuity.

Specify the Dispute

4. The applicant furnishes the necessary particulars in the annexure here to and prays that the controlling Authority may be pleased to determine the amount of gratuity payable to the applicant and direct the above mentioned employer to pay the same to the applicant.

5. The applicant declares that the particulars furnished in edge and belief.

#### Advocate for Applicant Signature of Applicant/

Thumb Impression of Applicant

PGA: CR: No. {40}/{41}

**BEFORE THE LABOUR OFFICER AND CONTROLLING AUTHORITY UNDER P.G.ACT,** {7} **, AT:** {7}

1. Shri. {1} S/o. {2} …Petitioner

V.S

1., The D.C. N.W.K.R.T.C {6} Division …Respondent.

**LIST OF DOCUMENTS**

Herein the advocate for the applicant producing the following documents as under:

**Description of Documents Date**

1. {a39} {b39}
2. {c39} {d39}
3. {e39} {f39}
4. {g39} {h39}
5. {i39} {j39}
6. {k39} {l39}

Place: {7}

Date: {15} Advocate for Applicant

**Rajashekhar P Koparde**

**Advocate**

**M.S.Complex, Ist Floor, Kaliamarai, Ist Cross, Near Hotel Khyber, Belagavi -59001.**

**(Legal Notice)**

**To,**

**The Divisional Controller,**

**NWKRTC** {6} **Division,**

{6}

**Subject: Payment of difference of gratuity to**

**Shri.** {1} **S/o.** {2}

As per the instructions issued by my client Shri.{2} **S/o.** {2}

Retired {5} issuing this legal notice to you as under:

1. That, my clients states that he was appointed as {4} in the corporation on {10} and continuously worked and retired on {11} .

His date of appointment is wrongly considered a {16}, and paid less amount of gratuity. As per the settlement taken place between the your management and the trade union it is necessary to consider the service rendered as badali / daily wager etc., but you have failed to considered the service rendered by my client as badali while calculating the gratuity.

1. My client states that his gratuity is not properly calculated. As per the Memorandum of settlement it is necessary to give one month’s wages as gratuity for every completed year of service, but your officials have calculated by taking one month’s “**basic wages”** for every completed year of service instead of taking it as **“full wages”**. In this regards my client has given representation on {13} but your officials have informed that it is written for clarification to the central office and only after getting the clarification the same will be corrected. Till this date no response received from your side, hence he constrained to give this legal notice to you to correct the same and pay the difference.
2. As per the Circular instruction it is necessary to settle the entire gratuity on the date of retirement itself. My client states that partial amount of gratuity has paid to him in installments after considerable lapse of time from the date of his retirement and for the said delay no interest also given to him. As per the recent judgment of Hon’ble High Court of Karnataka passed in its judgments,it is necessary to give 22% interest over the due amount for the delayed period.
3. My client states that, some period is deducted in his total service as inactive service against to the provisions of the law, and no specific orders also issued in this regard for not considering the same in the gratuity purpose. Therefore the deduction of said period is totally against to the provisions of the law.

I hereby call upon you to correct the above said all the irregularities and pay the arrears of gratuity along with 22% interest p.a as per the orders of Hon’ble High court of Karnataka within a week from the date of receipt of this notice: otherwise my client will knocked the doors of law against you.

Hence this notice.

Place: Belagavi

Date: {14} (Rajashiekhar. P. Koparde)

Advocate

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**ªÀiÁ£Àå PÁ«ÄðPÀ C¢üPÁjUÀ¼ÀÄ ªÀÄvÀÄÛ G¥ÀzÁ£À ¥ÁªÀw PÁAiÉÄÝ ¥Áæ¢üPÁjUÀ¼ÀÄ,**

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**¥ÁæzÉÃ²PÀ-\_\_,**

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¦.f.J/¹.Dgï/ /

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1. vÀAzÉ. .... CfðzÁgÀgÀÄ.

«gÀÄzÀÝ.

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1. «.¤. ªÁ.PÀ.gÀ.¸Á. ¸ÀA¸ÉÜ, .... JzÀÄgÀÄzÁgÀgÀÄ.

CfðzÁgÀgÀ ¥ÀgÀ ¸ÁQë ¥ÀæweÁë ¥ÀæªÀiÁt ¥ÀvÀæ

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£Á£ÀÄ ²æÃ. vÀAzÉ. ªÀAiÀÄ¸ÀÄì: ªÀµÀðUÀ¼ÀÄ, «¼Á¸À:

EAzÀÄ ¨É¼ÀUÁ«AiÀÄ°è ¸ÀvÀå ¥ÀæweÉëAiÀÄ ªÉÄÃgÉUÉ ºÉÃ¼ÀÄªÀzÉÃ£ÉAzÀgÉ –

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1. F ªÉÄÃ®ÌAqÀ ¥ÀæPÀgÀtzÀ°è £Á£ÀÄ CfðzÁgÀ£ÁVzÀÄÝ £À£ÀUÉ ¥ÀæPÀgÀtzÀ PÀÄjvÀÄ ªÀiÁ»w EgÀÄvÀÛzÉ.

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1. £Á£ÀÄ JzÀÄgÀÄzÁgÀgÀ ¸ÀA¸ÉÜAiÀÄ°è JAzÀÄ gÀAzÀÄ £ÉÃªÀÄPÁw ºÉÆA¢ ¤gÀAvÀgÀªÁV ªÀµÀð wAUÀ¼ÀÄ PÁ® ¸ÉÃªÉ ¸À°è¹ ¢. gÀAzÀÄ ¤ªÀÈwÛAiÀÄ£ÀÄß ºÉÆA¢gÀÄvÉÛÃ£É. DzÀgÉ JzÀÄgÀÄzÁgÀgÀÄ £À£Àß £ÉÃªÀÄPÁw ¢£ÁAPÀªÀ£ÀÄß  JAzÀÄ vÀ¥ÁàV ¥ÀjUÀtÂ¹ £À£ÀUÉ PÀrªÉÄ G¥ÀzÁ£ÀªÀ£ÀÄß ¥ÁªÀw ªÀiÁrgÀÄvÁÛgÉ. £Á£ÀÄ ¸À°è¹zÀ zÁR¯ÁwUÀ¼À£ÀÄß £À£Àß ¥ÀgÀªÁV JQì©mï JAzÀÄ UÀÄgÀÄw¹PÉÆ¼Àî®Ä PÉÆÃgÀÄvÉÛÃ£É.

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12B

12A

1. ¤ªÀÈwÛÛAiÀÄ£ÀÄß ºÉÆA¢zÀ ¢£ÀªÉÃ J¯Áè G¥ÀzÁ£ÀªÀ£ÀÄß ¥ÁªÀw ªÀiÁqÀ¨ÉÃPÉAzÀÄ JzÀÄgÀÄzÁgÀ ¸ÀA¸ÉÜAiÀÄ°è ¤AiÀÄªÀÄ«zÀÝgÀÆ PÀÆqÀ £À£ÀUÉ F ªÀgÉUÉ ¥ÀÆtð ¥ÀæªÀiÁtzÀ°è G¥ÀzÁ£ÀªÀ£ÀÄß JzÀÄgÀÄzÁgÀgÀÄ ¤ÃrgÀÄªÀ¢®è. ¸ÀA¸ÉÜAiÀÄÄ DyðPÀ ªÀÄÄUÀÎnÖ£À°èzÉ JAzÀÄ PÁgÀt ºÉÃ¼ÀÄvÁÛ JzÀÄgÀÄzÁgÀgÀÄ ¨ÁUÀµÀB G¥ÀzÁ£ÀªÀ£ÀÄß ¤ÃrgÀÄvÁÛgÉ. ¸ÀzÀj «¼ÀA§ªÁV ¤ÃrzÀ ¨ÁUÀµÀB G¥ÀzÁ£ÀPÉÌ PÀÆqÀ AiÀiÁªÀÅzÉ §rØAiÀÄ£ÀÄß ¸ÉÃj¹ ¤ÃrgÀÄªÀ¢®è. E£ÉÆßAzÀÄ PÀAw£À°è ¨ÁQ ºÀt ¥ÁªÀw ªÀiÁqÀÄvÁÛgÉAzÀÄ £Á£ÀÄ ¤jQë¸ÀÄvÁÛ EzÉÝ£ÀÄ ªÀÄvÀÄÛ F PÀÄjvÀÄ JzÀÄgÀÄzÁgÀgÀ PÀZÉÃjAiÀÄ°è ªÀÄ£À« ªÀiÁr «ZÁj¹zÁUÀ CzÀPÉÌ ¸ÀjAiÀiÁzÀ ªÀiÁ»wAiÀÄ£ÀÄß ¤ÃqÀÄwÛgÀ°®è. DzÀgÉ F ªÀgÉUÉ ¨ÁQ ºÀtªÀ£ÀÄß ¥ÁªÀw ªÀiÁqÀzÉ EzÀÝ ¥ÀæAiÀÄÄPÀÛ £Á£ÀÄ JzÀÄgÀÄzÁgÀjUÉ °TvÀ ªÀÄ£À«AiÀÄ£ÀÄß ¸À°è¹zÉ£ÀÄ. £ÀAvÀgÀ £ÁåAiÀÄªÁ¢UÀ¼À ªÀÄÆ®PÀ £ÉÆÃn¸ï ¤ÃrgÀÄvÉÛÃ£É. DzÀgÉ JzÀÄgÀÄzÁgÀgÀÄ F ªÀgÉUÉ £À£Àß G¥ÀzÁ£ÀªÀ£ÀÄß ¥ÀjµÀÌgÀuÉ ªÀiÁr £À£ÀUÉ §gÀvÀPÀÌ ¨ÁQ ºÀtªÀ£ÀÄß £À£ÀUÉ ¤ÃrgÀÄªÀ¢®è. CµÉÖÃ C®èzÉ «¼ÀA§ªÁV ¤ÃrzÀ ¨ÁUÀµÀB G¥ÀzÁ£ÀPÉÌ §rØAiÀÄ£ÀÄß PÀÆqÀ ¤ÃrgÀÄªÀ¢®è.
2. ¸ÀA¸ÉÜ ªÀÄvÀÄÛ PÁ«ÄðPÀ AiÀÄÆ¤AiÀÄ£ï ªÀÄzsÉå 1981 gÀ°è £ÀqÉzÀ M¥ÀàAzÀzÀ ¥ÀæPÁgÀ ¥Àæw MAzÀÄ ªÀµÀðzÀ ¸ÉÃªÉUÉ MAzÀÄ wAUÀ¼À ¥ÀÆtð ªÉÃvÀ£ÀªÀ£ÀÄß G¥ÀzÁ£ÀªÁV ¤ÃqÀ¨ÉÃPÉAzÀÄ ¤AiÀÄªÀÄ EgÀÄvÀÛzÉ. DzÀgÉ JzÀÄgÀÄzÁgÀgÀÄ £À£Àß ¥Àæw MAzÀÄ ªÀµÀðzÀ ¸ÉÃªÉUÉ PÉÃªÀ® MAzÀÄ wAUÀ¼À ªÀÄÆ®ªÉÃvÀ£ÀªÀ£ÀÄß ªÀiÁvÀæ ¥ÁªÀw ªÀiÁrgÀÄvÁÛgÉ.
3. £À£Àß MlÄÖ ¸ÉÃªÁªÀ¢üAiÀÄ°è ¸ÀA§¼À gÀ»vÀ gÀeÉ, UÉÊgÀÄ ºÁdj EvÁå¢ü PÉ® CªÀ¢üAiÀÄ£ÀÄß PÀrvÀ ªÀiÁr ¨ÁQ G½zÀ CªÀ¢üUÉ ªÀiÁvÀæ G¥ÀzÁ£ÀªÀ£ÀÄß ¥ÁªÀw ªÀiÁrgÀÄªÀzÀÄ G¥ÀzÁ£À PÁAiÉÄÝUÉ «gÀÄzÀÝªÀVgÀÄvÀÛzÉ.

ªÉÄÃ¯É ºÉÃ½PÀ PÁgÀtUÀ½UÁV £À£Àß CfðAiÀÄ£ÀÄß ¥ÀÄgÀ¸ÀÌj¹ £À£ÀUÉ §gÀ¨ÉÃPÁzÀ G¥ÀzÁ£ÀªÀ£ÀÄß ªÀÄvÀÄÛ CzÀgÀÄ ªÉÄÃ°£À §rØAiÀÄ£ÀÄß ¥ÀæZÀ°vÀ GZïÑ £ÁåAiÀiÁ®AiÀÄzÀ DzÉÃ±ÀzÀ ¥ÀæPÁgÀ ¥ÁªÀw ªÀiÁqÀÄªÀAvÉ JzÀÄgÀÄzÁgÀjUÉ DzÉÃ²¸À®Ä PÉÆÃgÀÄvÉÛÃ£É.

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¢. CfðzÁgÀgÀÄ

ªÉÄÃ¯É ºÉÃ½zÀ J¯Áè ¸ÀAUÀwUÀ¼ÀÄ £À£ÀUÉ w½zÀ ªÀÄnÖUÉ ¸ÀvÀåªÁVgÀÄvÀÛªÉ JAzÀÄ £Á£ÀÄ F ªÀÄÆ®PÀ ¥ÀæªÀiÁtPÀj¸ÀÄvÉÛÃ£É.

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¢. CfðzÁgÀgÀÄ

£À£ÀUÉ ¥ÀæweÁëzsÁgÀPÀgÀ ¥ÀjZÀAiÀÄ«zÉ.

(Dgï. ¦.PÉÆ¥ÀqÉð)

£ÁåAiÀÄªÁ¢UÀ¼ÀÄ

**ªÀiÁ£Àå PÁ«ÄðPÀ C¢üPÁjUÀ¼ÀÄ ªÀÄvÀÄÛ ¤AiÀÄAvÀæuÁ¢üPÁjUÀ¼ÀÄ G¥ÀzÁ£À ¥ÁªÀw PÁAiÉÄÝ, . G¥À«¨sÁUÀ - .**

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**G¥ÁPÁ** /¹.Dgï/ / /

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1. vÀAzÉ. **………CfðzÁgÀgÀÄ.**

«gÀÄzÀÝ.

1. **«¨sÁVÃAiÀÄ ¤AiÀÄAvÀæuÁ¢üPÁjUÀ¼ÀÄ**

ªÁ.PÀ.gÀ.¸Á. ¸ÀA¸ÉÜ, «¨sÁUÀ,

**………JzÀÄgÀzÁgÀgÀÄ.**

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**CfðzÁgÀgÀ ¥ÀgÀ °TvÀ ªÁzÀ**

CfðzÁgÀgÀ ¥ÀgÀ £ÁåAiÀÄªÁ¢UÀ¼ÀÄ ¸À°è¸ÀÄªÀ °TvÀ ªÁzÀ (Written Argument) K£ÉAzÀgÉ –

CfðzÁgÀgÀÄ G¥ÀzsÀ£À ¥ÁªÀw PÁ¬ÄzÉAiÀÄ CrAiÀÄ°è F WÀ£À £ÁåAiÀiÁ®AiÀÄzÀ ªÀÄÄAzÉ CfðAiÀÄ£ÀÄß zÁR°¹ -

1. JzÀÄgÀÄzÁgÀgÀÄ vÀªÀÄä G¥ÀzsÀ£ÀªÀ£ÀÄß ¯ÉPÁÌZÁgÀ ªÀiÁqÀÄªÁUÀ vÀªÀÄä £ÉÃªÀÄPÁw ¢£ÁAPÀªÀ£ÀÄß vÀ¥ÁàV ¥ÀjUÀtÂ¹ PÀrªÉÄ G¥ÀzsÀ£ÀªÀ£ÀÄß ¤ÃrzÁÝgÉ,

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1. ªÀµÀðªÀ£ÀÄß £À£Àß MlÄÖ ¸ÉÃªÁ CªÀ¢üAiÀÄ°è PÁ¬ÄzÉ ¨Á»gÀªÁV PÀrvÀ ªÀiÁr, D ªÀÄÆ®PÀ PÀrvÀ ªÀiÁrzÀ CªÀ¢üAiÀÄ ¸ÉÃªÉAiÀÄ ªÉÄÃ¯É G¥ÀzsÀ£ÀªÀ£ÀÄß ¯ÉPÁÌZÁgÀ ªÀiÁr PÀrªÉÄ G¥ÀzsÀ£À ¤ÃrzÁÝgÉ, ªÀÄvÀÄÛ
2. ¤ªÀÈwÛ ºÉÆA¢zÀ ¢£ÀªÉÃ G¥ÀzsÀ£ÀªÀ£ÀÄß ¥ÁªÀw ªÀiÁqÀ¨ÉÃPÉA§ ¤AiÀÄªÀÄ EzÀÝgÀÆ PÀÆqÀ CzÀ£ÀÄß ¥ÀjUÀtÂ¸ÀzÉ ªÀµÀð wAUÀ¼À vÀqÀªÁV ¨ÁUÀµÀB G¥ÀzsÀ£ªÀ£ÀÄß ¥ÁªÀw ªÀiÁrzÁÝgÉ ªÀÄvÀÄÛ ¸ÀzÀj «¼ÀA§PÉÌ AiÀiÁªÀÅzÉ §rØ ¤ÃrgÀÄªÀ¢®è,

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1. ¥Àæw MAzÀÄ ªÀµÀðzÀ ¸ÉÃªÉUÉ MAzÀÄ wAUÀ¼À ªÉÃvÀ£ÀªÀ£ÀÄß G¥ÀzsÀ£ÀªÉAzÀÄ ¤ÃqÀ¨ÉÃPÉAzÀÄ PÁ«ÄðPÀ MAqÀA§rPÉ DVzÀÝgÀÆ PÀÆqÀ CzÀ£ÀÄß ¥ÀjUÀtÂ¸ÀzÉ PÉÃªÀ® ªÀÄÆ® ªÉÃvÀ£ÀªÀ£ÀÄß ªÀiÁvÀæ G¥ÀzsÀ£ÀªÉAzÀÄ ¤ÃrzÁÝgÉ

DzÀPÁgÀt ¸ÀzÀj vÀ¥ÀÄàUÀ¼À£ÀÄß ¸Àj¥Àr¹ JzÀÄgÀÄzÁgÀjAzÀ vÀªÀÄUÉ §gÀ¨ÉÃPÁzÀ G¥ÀzsÀ£À ªÀåvÁå¸ÀzÀ ºÀtªÀ£ÀÄß ªÀÄvÀÄÛ CzÀgÀ ªÉÄÃ¯É ¸ÀÆPÀÛ §rØAiÀÄ£ÀÄß ¤ÃqÀÄªÀAvÉ DzÉÃ²¸À®Ä CfðzÁgÀgÀÄ PÉÆÃjzÁÝgÉ. EzÀgÀ §UÉÎ «ZÁgÀuÉAiÀÄ PÁ®PÉÌ ªÀiÁr¸À¯ÁzÀ ¸ÁPÁëzsÁgÀUÀ¼À£ÀÄß ¥Àj²Ã°¸À¯ÁV CfðzÁgÀgÀÄ vÀªÀÄä CfðAiÀÄ°è PÉÆÃjzÀAvÉ G¥ÀzsÀ£ÀªÀ£ÀÄß ªÀÄvÀÄÛ CzÀgÀ ªÉÄÃ¯É §rØAiÀÄ£ÀÄß ¥ÀqÉAiÀÄ®Ä CºÀðjgÀÄªÀzÀÄ F PÉ¼ÀPÀAqÀ CA±ÀUÀ½AzÀ CvÀåAvÀ ¸ÀàµÀÖªÁV PÀAqÀÄ §gÀÄvÀÛzÉ-–

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1. **CfðzÁgÀgÀ £ÉÃªÀÄPÁw ¢£ÁAPÀÀ EgÀÄvÀÛzÉ JA§ §UÉÎ JzÀÄgÀÄzÁgÀgÉ ¤ÃrzÀ zÁR¯ÁwAiÀÄ£ÀÄß F ªÀiÁ£Àå £ÁåAiÀÄ®AiÀÄzÀ ªÀÄÄAzÉ ºÁdgÀÄ ¥Àr¹zÀÄÝ, CzÀ£ÀÄß JQì©mï ¦-\_\_ JAzÀÄ UÀÄgÀÄw¸À¯ÁVzÉ.**

JzÀÄgÀÄzÁgÀgÀÄ ¸ÀévÀB vÁªÉÃ ¤ÃrzÀ zÁR¯ÁwAiÀÄ£ÀÄß CfðzÁgÀ F £ÁåAiÀiÁ®AiÀÄPÉÌ ºÁdgÀÄ ªÀiÁrzÀÄÝ (¤±Á£É- ¦-\_\_) CzÀgÀ°è CfðzÁgÀgÀ £ÉÃªÀÄPÁw ¢£ÁAPÀªÀ£ÀÄß JAzÀÄ CvÀåAvÀ ¸ÀàµÀÖªÁV £ÀªÀÄÆzÁVgÀÄvÀÛzÉ. ¸ÀzÀj DzÉÃ±ÀªÀ£ÀÄß JzÀÄgÀÄzÁgÀgÀÄ zsÀÈrüÃPÀjÃ¹ ¤ÃrzÀÄÝ CzÀgÀ ªÉÄÃ°£À ¸À» ªÀÄvÀÄÛ ²Ã¯ï UÀ½AzÀ CvÀåAvÀ ¸ÀàµÀÖªÁV PÀAqÀÄ §gÀÄvÀÛzÉ. CµÉÖÃ C®èzÉ ¤±Á£É ¦-\_ gÀ ¥ÀæPÁgÀ ¢. gÀAzÀÄ §zÀ° PÁ«ÄðPÀ JAzÀÄ PÉ®¸ÀPÉÌ ºÁdgÁUÀÄªÀAvÉ CfðzÁgÀjUÉ ¸ÀzÀj DzÉÃ±À ¥ÀvÀæªÀ£ÀÄß »A§gÀºÀzÀ ªÀÄÆ®PÀ PÀ¼ÀÄ»¹gÀÄªÀ «µÀAiÀÄªÀ£ÀÄß JzÀgÀÄzÁgÀgÀ ¥ÀgÀ ¸ÁQëzÁgÀgÀÄ ¥ÁnÃ ¸ÀªÁ°£À ªÉÃ¼É M¦àPÉÆArgÀÄvÁÛgÉ. DzÀgÉ G¥ÀzsÀ£ÀªÀ£ÀÄß ¯ÉPÁÌZÁgÀ ªÀiÁqÀÄªÁUÀ £ÉÃªÀÄPÁw ¢£ÁAPÀªÀ£ÀÄß JAzÀÄ vÀ¥ÁàV ¥ÀjUÀtÂ¹ PÀrªÉÄ G¥ÀzsÀ£ÀªÀ£ÀÄß ¤ÃrzÁÝgÉ.

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CfðzÁgÀ vÀ£Àß £ÉÃªÀÄPÁw ¢£ÁAPÀªÀ£ÀÄß AiÀÄ±À¹éAiÀiÁV ¸Á©ÃvÀÄ ªÀiÁrzÁÝ£É. D ¢£ÁAPÀ¢AzÀ DvÀ ¤gÀAvÀªÁV PÉ®¸À ªÀiÁrzÀ §UÉV£À zÁS¯ÁwUÀ¼ÀÄ CAzÀgÉ ºÁdgÁw ¥ÀÄ¸ÀÛPÀ, PÀvÀðªÀåPÉÌ ¤AiÉÆÃf¹zÀ qÀÆån C¯ÉÆÃPÉÃ±À£ï ¥ÀÄ¸ÀÛPÀ EvÁå¢üUÀ¼ÀÄ JzÀÄgÀÄzÁgÀgÀ §½ EgÀÄvÀÛªÉ. MAzÀÄ ªÉÃ¼É ªÉÄÃ¯É ºÉÃ½zÀ ¢£ÁAPÀzÀ £ÀAvÀgÀ DvÀ£À ¸ÉÃªÉAiÀÄ£ÀÄß ¤°è¹zÀÝgÉÉ (Break of service) CzÀPÉÌ ¸ÀA§A¢¹zÀAvÉ ¥ÀÆgÀPÀ zÁR¯ÁwUÀ¼À£ÀÄß ªÀÄvÀÄÛ ¨ÉæPï D¥ï ¸À«ð¸ï DzÉÃ±ÀzÀ ¥ÀæwAiÀÄ£ÀÄß JzÀÄgÀÄzÁgÀgÀÄ ºÁdgÀÄ ªÀiÁqÀ§ºÀÄ¢vÀÄÛ. DzÀgÉ D ¢£ÁAPÀzÀ £ÀAvÀgÀ DvÀ£À£ÀÄß PÉ®¸À¢AzÀ vÉUÉzÀ §UÉÎ AiÀiÁªÀÅzÉ zÁR¯ÁwUÀ¼À£ÀÄß JzÀÄgÀÄzÁgÀgÀÄ ºÁdgÀÄ ªÀiÁrgÀÄªÀ¢®è. CµÉÖÃ C®èzÉ DvÀ ¤gÀAvÀgÀªÁV PÉ®¸À ¤ªÀð»¹®è JA§ÄzÀgÀ §UÉÎ ºÁdgÁw ¥ÀÄ¸ÀÛPÀUÀ¼À£ÀÄß PÀÆqÀ ºÁdgÀÄ ªÀiÁr®è. F §UÉÎ JzÀÄgÀÄzÁgÀ PÀ.gÁ.gÀ.¸Á.¸ÀA¸ÉÜAiÀÄ PÉÃAzÀæ PÀZÉÃjAiÀÄªÀgÀÄ ¥ÀvÀæ ¸ÀA. KST/CO/LAW/GTY/110/2017-18 ¢. 09-04-2018 £ÀÄß ºÉÆgÀr¹ ¤gÀAvÀgÀªÁV PÉ®¸À ªÀiÁrzÁÝ£ÉÆÃ E®èªÉÇÃ JA§ÄzÀ£ÀÄß vÉÆÃj¸À®Ä AiÀiÁªÀÅzÉ zÁR¯ÁwUÀ¼ÀÄ ¸ÀA¸ÉÜAiÀÄ°è ®¨sÀå«gÀzÉ EzÀÝgÉ ªÀÄvÀÄÛ CfðzÁgÀ vÀ£Àß §½ EgÀÄªÀ zÁR¯ÁwUÀ¼À£ÀÄß ºÁdgÀÄ ªÀiÁrzÀÝgÉ CAvÀºÀ ¥ÀæPÀgÀtUÀ¼À°è C£ÀUÀvÀå ªÁzÀ «ªÁzÀ ªÀiÁqÀÄvÁÛ PÁ®ºÀgÀt ªÀiÁqÀzÉ CªÀjUÉ G¥ÀzÀ£À ªÀåvÁå¸ÀzÀ ºÀtªÀ£ÀÄß ¥ÁªÀw ªÀiÁqÀÄªÀAvÉ ªÀÄvÀÄÛ C£ÀUÀvÀåªÁV §rØ ºÉZÁÑUÀ®Ä PÁgÀtgÁUÀzÀAvÉ w½¹zÁÝgÉ. ¸ÀzÀj ¸ÀÄvÉÆÛÃ¯É ¤zÉÃð±À£ÀUÀ¼À£ÀÄß ¥ÀvÀæ ¸ÀA. ªÁPÀgÀ¸Á/PÉÃPÀ/ºÀÄ/¹§âA¢/J11/1564 ¢. 01-12-2020 gÀ ªÀÄÆ®PÀ JzÀÄgÀÄzÁgÀ ¸ÀA¸ÉÜÃAiÀÄ ªÁ.PÀ.gÀ.¸Á. ¸ÀA¸ÉÜAiÀÄ PÉÃAzÀæ PÀZÉÃjAiÀÄªÀgÀÄ CzÀ£ÀÄß CqÁ¥ÀÖ CAzÀgÉ C¼ÀªÀr¹PÉÆAqÀÄ DzÉÃ±À ºÉÆgÀr¹zÁÝgÉ. ¸ÀzÀj ¥ÀvÀæUÀ¼À£ÀÄß vÀªÀÄä CªÀUÁºÀ£É ªÀÄvÀÄÛ ¸ÀÆPÀÛ PÀæªÀÄPÁÌV C£ÀÄ§AzsÀ - 6 & 7 JAzÀÄ ®UÀwÛ¸À¯ÁVzÉ.

PÁ«ÄðPÀgÀÄ ªÀÄvÀÄÛ JzÀÄgÀÄzÁgÀ ¸ÀA¸ÉÜAiÀÄ ªÀÄzsÉå £ÀqÉzÀ PÁ«ÄðPÀ M¥ÀàAzÀ, 1965 gÀ G¥À ¤¨sÀAzÀ£É 3 gÀ ¥ÀæPÁgÀ PÁ«ÄðPÀgÀÄ §zÀ°, vÁvÁÌ°PÀ, ¸ÀÜ½ÃAiÀÄ ¸ÀzÀ¸Àå JAzÀÄ PÉ®¸À ¤ªÀð»¹zÀ CªÀ¢üAiÀÄ£ÀÄß PÀÆqÀ G¥ÀzsÀ£À ¯ÉPÁÌZÁgÀ ªÀiÁqÀÄªÁUÀ ¯ÉPÀÌPÉÌ vÉUÉzÀÄPÉÆ¼Àî¨ÉÃPÀÄ. ¸ÀzÀj **PÁ«ÄðPÀ M¥ÀàAzÀ, 1965** gÀ ¥ÀæwAiÀÄ£ÀÄß F °TvÀ ªÁzÀ ¥ÀvÀæzÉÆA¢UÉ vÀªÀÄä CªÀUÁºÀ£É ªÀÄvÀÄÛ ¸ÀÆPÀÛ PÀæªÀÄPÁÌV **C£ÀÄ§AzsÀ-1** gÀ°è ®UÀwÛ¸À¯ÁVzÉ. DzÀPÁgÀt JzÀÄgÀÄzÁgÀgÀÄ ¸ÀjAiÀiÁzÀ £ÉÃªÀÄPÁw ¢£ÁAPÀªÀ£ÀÄß ¥ÀjUÀuÉ£ÉUÉ vÉUÉzÀÄPÉÆAqÀÄ ¯ÉPÁÌZÁgÀ ªÀiÁr ªÀåvÁå¸ÀzÀ ºÀtªÀ£ÀÄß CfðzÁgÀjUÉ ¥ÁªÀw ªÀiÁqÀ¨ÉÃPÁUÀÄvÀÛzÉ.

1. **G¥ÀzsÀ£À ¥ÁªÀw PÁ¬ÄzÉAiÀÄ PÀ®A. 2 (J) (1) gÀ ¥ÀæPÁgÀ UÉÊgÀÄ ºÁdj, gÀeÉ, ªÉÃvÀ£À gÀ»vÀ gÀeÉ EvÁå¢UÀ¼À£ÀÄß MlÄÖ ¸ÉÃªÁªÀ¢üAiÀÄ°è PÀrvÀ ªÀiÁqÀÄªÀAw®è. DzÀgÉ JzÀÄgÀÄzÁgÀgÀÄ PÁ¬ÄzÉAiÀÄ «gÀÄzÀÝªÁV CfðzÁgÀ£À MlÄÖ ¸ÉÃªÁªÀ¢üAiÀÄ°è ªÀµÀð wAUÀ¼ÀÄ ¢£ÀªÀ£ÀÄß** **PÀrvÀ ªÀiÁr PÀrªÉÄ G¥ÀzsÀ£À ¥ÁªÀw ªÀiÁrzÁÝgÉ.**

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**ILR 2009 KAR 1166 BMTC V/S The Deputy Labour Commissioner & the appellate authority under PG Act & others** ¥ÀæPÀgÀtzÀ°è ªÀiÁ£Àå PÀ£ÁðlPÀ GZïÑ £ÁåAiÀiÁ®AiÀÄªÀÅ DzÉÃ±ÀªÀ£ÀÄß ºÉÆgÀr¹-

G¥ÀzsÀ£À ¥ÁªÀw PÁ¬ÄzÉAiÀÄ ¸ÉPÀ±À£ï 2 (J) (1) ¥ÀæPÁgÀ UÉÊgÀÄ ºÁdj, ªÉÃvÀ£À gÀ»vÀ gÀeÉ, EvÁå¢UÀ¼À£ÀÄß MlÄÖ ¸ÉÃªÁªÀ¢üAiÀÄ°è PÀrvÀ ªÀiÁqÀÄªÀAw®è ªÀÄvÀÄÛ CzÀ£ÀÄß ¨ÉæÃPï D¥ï ¸À«ð¸ï JAzÀÄ ¥ÀjUÀtÂ¸ÀÄªÀAw®è. MAzÀÄ ªÉÃ¼É UÉÊgÀÄ ºÁdj, ªÉÃvÀ£À gÀ»vÀ gÀeÉ, EvÁå¢UÀ¼À£ÀÄß ¨ÉæÃPï D¥ï ¸À«ð¸ï JAzÀÄ ¥ÀjUÀtÂ¸À¨ÉÃPÁzÀ°è £ÉÊ¸ÀVðPÀ £ÁåAiÀÄ vÀvÀéUÀ¼À CrAiÀÄ°è £ÉÆÃn¸ï ¤Ãr «ZÁgÀuÉAiÀÄ£ÀÄß ªÀiÁrzÀ £ÀAvÀgÀ ¤¢üµÀÖªÁzÀ ²PÁë DzÉÃ±ÀªÀ£ÀÄß ºÉÆgÀr¹zÀÝ°è ªÀiÁvÀæ CAvÀºÀ UÉÊgÀÄºÁdgÁwAiÀÄ£ÀÄß G¥ÀzsÀ£À ¯ÉPÁÌZÁgÀ ªÀiÁqÀÄªÁUÀ MlÄÖ ¸ÉÃªÁªÀ¢üAiÀÄ°è PÀrvÀ ªÀiÁqÀ§ºÀÄzÁVzÉ JAzÀÄ wÃ¥ÀÄð ¤ÃrgÀÄvÀÛzÉ. ªÀiÁ£Àå GZÀÑ£ÁåAiÀiÁ®AiÀÄzÀ DzÉÃ±ÀzÀ ¥ÀæwAiÀÄ£ÀÄß vÀªÀÄä CªÀUÁºÀ£É ªÀÄvÀÄÛ ¸ÀÆPÀÛ PÀæªÀÄPÁÌV F °TvÀ ªÁzÀ ¥ÀvÀæzÉÆA¢UÉ **C£ÀÄ§AzsÀ-3** gÀ°è ®UÀwÛ¸À¯ÁVzÉ.

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DzÀgÉ JzÀÄgÀÄzÁgÀgÀÄ CfðzÁgÀ£À MlÄÖ **¸ÉÃªÁªÀ¢üAiÀÄ°è ªÀµÀð**

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**wAUÀ¼ÀÄ ¢£ÀªÀ£ÀÄß** PÁ¬ÄzÉUÉ «gÀÄzÀÝªÁV PÀrvÀ ªÀiÁrzÁÝgÉ. ¸ÀzÀj PÀrvÀªÀ£ÀÄß ªÀiÁqÀÄªÀ ªÉÆzÀ®Ä £ÉÊ¸ÀVðPÀ £ÁåAiÀÄ vÀvÀéUÀ¼À CrAiÀÄ°è £ÉÆÃn¸ï ¤ÃqÀ¨ÉÃPÁVvÀÄÛ ªÀÄvÀÄÛ £ÀAvÀgÀ CzÀgÀ §UÉÎ CªÀ¤AzÀ «ªÀgÀuÉAiÀÄ£ÀÄß PÉÃ½, «ZÁgÀuÉAiÀÄ£ÀÄß £ÀqÉ¹, CªÀ¤UÉ vÀ£Àß ¸ÁPÁëzsÁgÀUÀ¼À£ÀÄß ºÁdgÀÄ¥Àr¸À®Ä CªÀPÁ±À ¤Ãr DzÉÃ±À ºÉÆgÀr¸À¨ÉÃPÁVvÀÄÛ. DzÀgÉ D jÃw AiÀiÁªÀÅzÉ £ÉÆÃn¸À ¤Ãr®è, «ªÀgÀuÉ PÉÃ½®è, «ZÁgÀuÉ £ÀqÉ¹®è ªÀÄvÀÄÛ UÉÊgÀÄ ºÁdgÁw, ¸ÀA§¼À gÀ»vÀ gÀeÉ EvÁå¢UÀ¼À£ÀÄß G¥ÀzsÀ£À ¯ÉPÁÌZÁgÀPÉÌ ¥ÀjUÀuÉ£ÀUÉ vÉUÉzÀÄPÉÆ¼Àî¨ÁgÀzÉAzÀÄ AiÀiÁªÀÅzÉ ¤¢ðµÀÖªÁzÀ ²PÁë DzÉÃ±ÀªÀ£ÀÄß ºÉÆgÀr¹®è. F «µÀAiÀÄªÀ£ÀÄß ¥ÀæwªÁ¢UÀ¼À ¥ÀgÀ ¸ÁQëzÁgÀgÀÄ vÀªÀÄä ¥ÁnÃ ¸ÀªÁ°£À ªÉÃ¼É M¦àPÉÆArzÁÝgÉ.

AiÀiÁªÀÅzÉ ²PÁë DzÉÃ±ÀªÀ£ÀÄß ºÉÆgÀr¸ÀÄªÀzÁzÀ°è CzÀ£ÀÄß PÁ«ÄðPÀ ¤ªÀÈwÛAiÀiÁUÀÄªÀ ªÉÆzÀ¯É ºÉÆgÀr¸À¨ÉÃPÀÄ. ¤ªÀÈwÛAiÀÄ £ÀAvÀgÀ AiÀiÁªÀÅzÉ ªÀåwjPÀÛ DzÉÃ±ÀUÀ¼À£ÀÄß ªÀiÁqÀ®Ä §gÀÄªÀ¢®è. F ¥ÀæPÀgÀtzÀ°è AiÀiÁªÀÅzÉ DzÉÃ±ÀUÀ¼À£ÀÄß ºÉÆgÀr¹®è PÉÃªÀ® UÉÊgÀÄºÁdj vÀSÉÛAiÀÄ£ÀÄß ªÀiÁvÀæ F £ÁåAiÀiÁ®AiÀÄPÉÌ JzÀÄgÀÄzÁgÀgÀÄ ºÁdgÀÄ ªÀiÁrzÁÝgÉ, UÉÊgÀÄ ºÁdgÁw vÀSÉÛ (Break Statement) JAzÀgÉ CzÀÄ ¤¢üðµÀÖ ²PÁë DzsÉÃ±ÀªÀ®è. CzÀgÀ ªÉÄÃ¯É «¨sÁVÃAiÀÄ ¤AiÀÄAvÀæuÁ¢üPÁjUÀ¼À CAzÀgÉ £ÉÃªÀÄPÁw ¥Áæ¢üPÁjUÀ¼À ¸À» E®è. eÁªÀPÀ ¸ÀASÉåAiÀiÁUÀ°, ¢£ÁAPÀªÁUÀ° E®è. CzÀgÀ ªÉÄÃ¯É ¸ÀºÁAiÀÄPÀ DqÀ½vÁ¢üPÁjUÀ¼À ¸À» EzÀÄÝ, CªÀgÀÄ ¸ÀÆPÁÛ¢üPÁjUÀ¼À®è ªÀÄvÀÄÛ CªÀjUÉ CfðzÁgÀjUÉ ¸ÀA§A¢¹zÀAvÉ ²PÁë DzÉÃ±ÀUÀ¼À£ÀÄß ºÉÆgÀr¸ÀÄªÀ AiÀiÁªÀÅzÉ C¢üPÁgÀ E®è. CªÀgÀÄ F PÉÃ¹UÉ ¥ÀPÀëUÁgÀgÀÄ PÀÆqÀ C®è. £ÉÊ¸ÀVðPÀ £ÁåAiÀÄ vÀvÀéUÀ¼À£ÀÄß C£ÀÄ¸Àj¸ÀzÉ, «ZÁgÀuÉ £ÀqÉ¸ÀzÉ & PÁ«ÄðPÀjUÉ CªÀPÁ±ÀUÀ¼À£ÀÄß £ÀqÉ¸ÀzÉ KPÀ¥QëÃAiÀÄªÁV ºÉÆgÀr¸ÀÄªÀ AiÀiÁªÀÅzÉÃ DzÉÃ±ÀUÀ¼ÀÄ PÁ£ÀÆ¤£À ¥ÀæPÁgÀ ªÀiÁ£ÀåªÀ®è. ºÁVzÁÝUÀ CfðzÁgÀ£À MlÄÖ **¸ÉÃªÁªÀ¢üAiÀÄ°è ªÀµÀð**

**wAUÀ¼ÀÄ ¢£ÀªÀ£ÀÄß** PÀrvÀ ªÀiÁr PÀrªÉÄ CªÀ¢üUÉ G¥ÀzsÀ£ÀªÀ£ÀÄß ¤ÃrgÀÄªÀzÀÄ PÁ¬ÄzÉ¨Á»gÀªÁzÀ PÀæªÀÄªÁVgÀÄvÀÛzÉ.

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1. **JzÀÄgÀÄzÁgÀgÀÄ G¥ÀzsÀ£ÀªÀ£ÀÄß ¸ÀÄªÀiÁgÀÄ ªÀµÀð wAUÀ¼ÀÄ**

**UÀ¼ÀÀµÀÄÖ «¼ÀA§ªÁV ªÀÄvÀÄÛ PÀAvÀÄUÀ¼À gÀÆ¥ÀzÀ°è ¤ÃrzÀÝ®èzÉ CzÀPÉÌ AiÀiÁªÀÅzÉ §rØAiÀÄ£ÀÄß PÀÆqÀ ¤ÃrgÀÄªÀ¢®è.**

JzÀÄgÀÄzÁgÀ ¸ÀA¸ÉÜAiÀÄ ¸ÀÄvÉÆÛÃ¯É ¸ÀASÉå. 4/2006 gÀ ¥ÀæPÁgÀ PÁ«ÄðPÀ£ÀÄ ¤ªÀÈwÛ ºÉÆA¢zÀ ¢£ÀªÉÃ JzÀÄgÀÄzÁgÀgÀÄ G¥ÀzsÀ£ÀzÀ ºÀtªÀ£ÀÄß ¥ÁªÀw ªÀiÁqÀ¨ÉÃPÀÄ. DzÀgÉ JzÀÄgÀÄzÁgÀgÀÄ ¸ÀÄªÀiÁgÀÄ

38A

**ªÀµÀð wAUÀ¼ÀÄ** UÀ¼ÀµÀÄÖ «¼ÀA§ªÁV ¨ÁUÀµÀB G¥ÀzsÀ£ÀªÀ£ÀÄß ¥ÁªÀw ªÀiÁrzÁÝgÉ. ¸ÀzÀj «¼ÀA§PÉÌ AiÀiÁªÀÅzÉ §rØAiÀÄ£ÀÄß PÀÆqÀ ¸ÉÃj¹ ¤ÃrgÀÄªÀ¢®è. PÁ«ÄðPÀjAzÀ K£ÁzÀgÀÆ ¨ÁQ §gÀ¨ÉÃPÁVzÀÝ°è JzÀÄgÀÄzÁgÀgÀÄ CzÀ£ÀÄß 11% §rØ ¸ÀªÉÄÃvÀªÁV ªÀ¸ÀÆ®Æ ªÀiÁqÀÄvÁÛgÉ. DzÀgÉ PÁ«ÄðPÀgÀ£ÀÄß ¸ÀvÁ¬Ä¹ CªÀjUÉ ¤ÃqÀ¨ÉÃPÁzÀ ºÀtªÀ£ÀÄß «¼ÀA§ªÁV ªÀÄvÀÄÛ PÀAvÀÄUÀ¼À gÀÆ¥ÀzÀ°è ¤ÃqÀÄvÁÛgÉ DzÀgÉ CzÀPÉÌ AiÀiÁªÀÅzÉ ¨rØAiÀÄ£ÀÄß PÀÆqÀ ¤ÃqÀÄªÀ¢®è. DzÀPÁgÀt FUÁUÀ¯É ¤ÃrzÀ ªÀÄvÀÄÛ E£ÀÆß ¤ÃqÀ¨ÉÃPÁzÀ ªÀåvÁå¸ÀzÀ ºÀtzÀ ªÉÄÃ¯É ¸ÀÆPÀÛ §rØAiÀÄ£ÀÄß ¤ÃqÀ®Ä JzÀgÀÄzÁgÀgÀÄ ¨ÁzsÀå¸ÀÜgÁVgÀÄvÁÛgÉ.

38B

¸ÀzÀj ¸ÀÄvÉÆÛÃ¯ÉAiÀÄ ¥ÀæwAiÀÄ£ÀÄß vÀªÀÄä CªÀUÁºÀ£É ªÀÄvÀÄÛ ¸ÀÆPÀÛ PÀæªÀÄPÁÌV F °TvÀ ªÁzÀ ¥ÀvÀæzÉÆA¢UÉ **C£ÀÄ§AzsÀ-2** gÀ°è ®UÀwÛ¸À¯ÁVzÉ.

**PÉÃAzÀæ ¸ÀPÁðgÀªÀÅ C¢ü¸ÀÆZÀ£É ¸ÀASÉå 874 (E) ¢£ÁAPÀ 1-10-1987 gÀ°è ªÀµÀðPÉÌ ±ÉÃPÀqÁ 10 gÀµÀÄÖ ¸ÀgÀ¼À§rØAiÀÄ£ÀÄß ¤UÀ¢ü¥Àr¹gÀÄvÀÛzÉ. WÀ£À ¸ÀªÉÇÃðZÀÒ £ÁåAiÀiÁ®AiÀÄzÀªÀÅ *“JZï UÀAUÀ ºÀ£ÀÄªÉÄÃUËqÀ “ -«gÀÄzsÀÞ- “PÀ£ÁðlPÀ CUÉÆæÃ EAqÀ¹ÖçÃ PÁ¥ÉÆÃðgÉÃ±À£ï °.” (2003 (2) PÉ¹¹ Dgï 1144)* ¥ÀæPÀgÀtzÀ°è G¥ÀzÁ£ÀªÀ£ÀÄß ¥ÁªÀw ªÀiÁqÀ®Ä «¼ÀA§ªÁzÀ°è «¼ÀA§zÀ CªÀ¢üUÉ G¥ÀzsÀ£ÀzÀ ªÉÄÃ¯É ±ÉÃPÀqÁ 10 gÀµÀÄÖ ¸ÀgÀ¼À§rØAiÀÄ£ÀÄß ¥ÁªÀw ªÀiÁqÀ¨ÉÃPÉAzÀÄ wÃ¥Àð£ÀÄß ¤ÃrgÀÄvÀÛzÉ.**

1. **1981 gÀ PÁ«ÄðPÀ M¥ÀàAzÀzÀ ¥ÀæPÁgÀ ¥Àæw MAzÀÄ ªÀµÀðzÀ ¸ÉÃªÉUÉ MAzÀÄ wAUÀ¼À ªÉÃvÀ£ÀªÀ£ÀÄß G¥ÀzsÀ£ÀªÉAzÀÄ ¥ÁªÀw ªÀiÁqÀ¨ÉÃPÁUÀÄvÀÛzÉ, DzÀgÉ JzÀÄgÀÄzÁgÀgÀÄ PÉÃªÀ® ¥Àæw MAzÀÄ ªÀµÀðzÀ ¸ÉÃªÉUÉ MAzÀÄ wAUÀ¼À ªÀÄÆ® ªÉÃvÀ£ÀªÀ£ÀÄß ªÀiÁvÀæ ¥ÁªÀw ªÀiÁrzÁÝgÉ**.

PÁ«ÄðPÀgÀ ¸ÀAWÀluÉUÀ¼ÀÄ ªÀÄvÀÄÛ JzÀÄgÀÄzÁgÀ ¸ÀA¸ÉÜ ªÀÄzsÉå 1981 gÀ°è DzÀ PÁ«ÄðPÀ MqÀA§rPÉAiÀÄ ¤¨sÀAzÀ£É ¸ÀA. 7(J) & (©) ¥ÀæPÁgÀ ( JQì©mï- ¦-1)

7(J). ¸ÀA¸ÉÜAiÀÄ ¤AiÀÄªÀiÁªÀ½UÀ¼ÀÄ CxÀªÁ G¥ÀzsÀ£À ¥ÁªÀw PÁ¬ÄzÉUÀ¼À ¥ÀæPÁgÀ G¥ÀzsÀ£ÀªÀ£ÀÄß ¯ÉPÁÌZÁgÀ ªÀiÁrzÁUÀ CªÀÅUÀ¼À°è AiÀiÁªÀÅzÀÄ PÁ«ÄðPÀ¤UÉ ¯Á¨sÀzÁAiÀÄPÀªÁVgÀÄvÀÛzÉAiÉÆÃ CzÀ£ÀÄß G¥ÀzsÀ£ÀªÉAzÀÄ ¥ÁªÀw ªÀiÁqÀ¨ÉÃPÀÄ.

7(©). ¥Àæw MAzÀÄ ªÀµÀðzÀ ¸ÉÃªÉUÉ MAzÀÄ wAUÀ¼À ªÉÃvÀ£ÀªÀ£ÀÄß G¥ÀzsÀ£ÀªÉAzÀÄ ¥ÁªÀw ªÀiÁqÀ¨ÉÃPÀÄ

JzÀÄgÀÄzÁgÀgÀ ¥ÀgÀ ¸ÁQëzÁgÀgÀÄ ¥ÁnÃ ¸ÀªÁ°£À ªÉÃ¼É GvÀÛgÀ ¤ÃqÀÄvÁÛ F ªÉÄÃ°£À «µÀAiÀÄªÀ£ÀÄß M¦àPÉÆAqÀÄ vÁªÀÅ G¥ÀzsÀ£À ¯ÉPÁÌZÁgÀªÀ£ÀÄß PÁ«ÄðPÀ MqÀA§rPÉ 1981 gÀ ¤¨sÀAzÀ£É ¸ÀA. 7 gÀ ¥ÀæPÁgÀªÉÃ G¥ÀzsÀ£ÀªÀ£ÀÄß ¯ÉPÁÌZÁgÀ ªÀiÁqÀÄªÀzÁV M¦àPÉÆArzÁÝgÉ. ¸ÀzÀj PÁ«ÄðPÀ MqÀA§rPÉ 1965 gÀ ¥ÀæwAiÀÄ£ÀÄß Cfð zÁR°¸ÀÄªÀ ¸ÀªÀÄAiÀÄzÀ°è ªÀiÁ£Àå £ÁAiÀiÁ®AiÀÄPÉÌ ºÁdgÀÄ¥Àr¹zÀÄÝ FUÀ ªÀÄvÉÆÛªÉÄä CzÀgÀ ¥ÀæwAiÀÄ£ÀÄß F °TvÀ ªÁzÀ ¥ÀvÀæzÉÆA¢UÉ **C£ÀÄ§AzsÀ - 4** gÀ°è vÀªÀÄä CªÀUÁºÀ£É ªÀÄvÀÄÛ ¸ÀÆPÀÛ PÀæªÀÄPÁÌV ®UÀwÛ¸À¯ÁVzÉ.

ªÉÃvÀ£À CAzÀgÉ K£ÀÄ? CzÀgÀ°è K£ÉÃ£ÀÄ M¼ÀUÉÆArgÀÄvÀÛzÉ JA§ÄzÀgÀ §UÉÎ ªÀÄvÀÄÛ ¥Àæw MAzÀÄ ªÀµÀðzÀ ¸ÉÃªÉUÉ MAzÀÄ wAUÀ¼À ªÉÃvÀ£ÀªÀ£ÀÄß ¤ÃqÀ¨ÉÃPÀAzÀÄ ªÀiÁ£Àå PÀ£ÁðlPÀ GZÀÑ £ÁåAiÀiÁ®AiÀÄªÀÅ **ILR 2003, KAR 5010 A Siddaramaiah V.S. The Asst. Labour Commissioner & another** gÀ°è ¤ÃrzÀ wÃ¦ð£À ¥ÀæwAiÀÄ£ÀÄß F °TvÀ ªÁzÀ ¥ÀvÀæzÉÆA¢UÉ **C£ÀÄ§AzsÀ - 5** gÀ°è vÀªÀÄä CªÀUÁºÀ£É ªÀÄvÀÄÛ ¸ÀÆPÀÛ PÀæªÀÄPÁÌV ®UÀwÛ¸À¯ÁVzÉ. ªÉÃvÀ£À JAzÀgÉ ªÀÄÆ® ªÉÃvÀ£À ªÀiÁvÀæªÀ®èzÉ, vÀÄnÖ ¨sÀvÉå, ªÀÄ£É ¨ÁrUÉ ¨sÀvÉå, EvÀgÉ ¨sÀvÀåUÉ¼ÀÄ PÀÆqÀ M¼ÀUÉÆArgÀÄvÀÛzÉ JAzÀÄ ¸ÀzÀj wÃ¦ð£À°è ªÀiÁ£Àå GZïÑ £ÁåAiÀiÁ®AiÀÄªÀÅ CvÀåAvÀ ¸ÀàµÀÖªÁV w½¹zÀÄÝ EgÀÄvÀÛzÉ. DzÀPÁgÀt JzÀgÀÄzÁgÀgÀÄ F ªÉÄÃ¯É w½¹zÀ PÁ«ÄðPÀ M¥ÀàAzÀ 1981 gÀ PÀArPÉ 7 gÀ ¥ÀæPÁgÀ ¥Àæw MAzÀÄ ªÀµÀðzÀ ¸ÉÃªÉUÉ MAzÀÄ wAUÀ¼À ªÉÃvÀ£ÀªÀ£ÀÄß G¥ÀzsÀ£ÀªÉAzÀÄ ¤ÃqÀ®Ä ¨ÁzsÀå¸ÀÜjgÀÄvÁÛgÉ.

1. G¥ÀzÀ£ÀªÀ£ÀÄß PÉÆÃj PÁ«ÄðPÀgÀÄ Cfð ¸À°è¹zÀgÉ CzÀPÉÌ PÁ®«Äw C£ÀéAiÀÄªÁUÀÄªÀ¢®è KPÉAzÀgÉ ¸ÀjAiÀiÁzÀ G¥ÀzsÀ£ÀªÀ£ÀÄß ¥ÁªÀw ªÀiÁqÀ¨ÉÃPÁVgÀÄªÀzÀÄ ªÀiÁ°PÀ£À PÀvÀðªÀå ªÀÄvÀÄÛ G¥ÀzsÀ£À ¥ÁªÀw PÁ¬ÄzÉAiÀÄ PÀ®A 7(2) gÀ ¥ÀæPÁgÀ ªÀiÁ°PÀgÁzÀªÀgÀÄ G¥ÀzsÀ£ÀzÀ ªÉÆvÀÛªÀ£ÀÄß G¯ÉèÃT¹ PÁ«ÄðPÀjUÉ £ÉÆÃn¸ï ¤ÃqÀ¨ÉÃPÁUÀÄvÀÛzÉ. ºÁUÉ ªÀiÁrgÀzÉ EzÀÝ°è PÁ®«ÄwAiÀÄ §UÉÎ DPÉëÃ¥ÀuÉ ªÀiÁqÀÄªÀ C¢üPÁgÀ CªÀjUÉ EgÀÄªÀ¢®è JAzÀÄ ªÀiÁ£Àå ªÀÄÄA¨ÉÊ GZÀÑ £ÁåAiÀiÁ®AiÀÄªÀÅ **Kolhapur Muncipal Transport Undertaking, Kolhapur V/s. Pravin Bhabhutlal Shah & others (2005 LLR 503)** gÀ°è wÃ¥ÀÄð ¤ÃrgÀÄvÀÛzÉ.

G¥ÀzsÀ£À ¥ÁªÀwAiÀÄ£ÀÄß ªÀiÁqÀzÉ EzÀÝgÉ CzÀ£ÀÄß ªÀiÁ°PÀ£À ¤gÀAvÀgÀ £ÀÆå£ÀåvÉAiÀÄAzÀÄ ¥ÀjUÀtÂ¸À¨ÉÃPÁUÀÄvÀÛzÉ ªÀÄvÀÄÛ CAvÀºÀ ¸ÀAzsÀ¨sÀðzÀ°è «¼ÀA§PÉÌ ªÀiÁ°PÀgÉÃ £ÉÃgÀ ºÉÆuÉUÁgÀgÀÄ C°è PÁ«ÄðPÀ£À PÀqÉ¬ÄAzÀ ¥ÀæPÀgÀt zÁR°¸À®Ä «¼ÀA§ªÁVzÉAiÀÄAzÀÄ ¥ÀjUÀtÂ¸À®Ä §gÀÄªÀ¢®è JAzÀÄ ªÀiÁ£Àå zÉºÀ° GZÀÑ £ÁåAiÀiÁ®AiÀÄªÀÅ **MCD V/s. Nandkishor, 2003 II LLJ 85**  gÀ°è DzÉÃ±À ºÉÆgÀ¹gÀÄvÀÛzÉ.

CfðzÁgÀgÀÄ ¤ªÀÈwÛAiÀiÁzÀ £ÀAvÀgÀ G¥ÀzsÀ£ÀªÀ£ÀÄß ¥ÁªÀw ªÀiÁqÀÄªÀAvÉ PÉÆÃjzÁUÀ vÀªÀÄä ¸ÀA¸ÉÜ DyðPÀ ¸ÀAPÀµÀÖzÀ°èzÀÄÝ G¥ÀzsÀ£ÀªÀ£ÀÄß PÀAvÀÄUÀ¼À gÀÆ¥ÀzÀ°è ¤ÃqÀÄªÀzÁV w½¹ ªÉÆzÀ®£É PÀAw£À ºÀtªÀ£ÀÄß ¤ªÀÈwÛAiÀiÁzÀ ¸ÀÄªÀiÁgÀÄ ªÀµÀð wAUÀ¼ÀÄUÀÀÀ¼À £ÀAvÀgÀ

35

38B

38A

gÀAzÀÄ ¤ÃrzÁÝgÉ. G½zÀ ¨ÁQ ºÀtªÀ£ÀÄß E£ÉÆßAzÀÄ PÀAw£À°è ¥ÁªÀw ªÀiÁqÀÄvÁÛgÉAzÀÄ CfðzÁgÀgÀ PÁAiÀÄÄwÛzÀÝgÀÄ. PÉÆ£ÉUÉ ¨ÉÃ¸ÀvÀÄÛ ¢.

13

gÀAzÀÄ DvÀ °TvÀ ªÀÄ£À«AiÀÄ£ÀÄß ¸À°è¹zÀgÀÆ PÀÆqÀ CzÀ£ÀÄß JzÀÄgÀÄzÁgÀgÀÄ ¥ÀjUÀtÂ¹®è. CµÉÖÃ C®èzÉ DvÀ gÀAzÀÄ £ÁåAiÀÄªÁ¢UÀ¼À ªÀÄÆ®PÀ °ÃUÀ¯ï £ÉÆÃn¸À ¤ÃrzÁÝ£É. CzÀ£ÀÄß PÀÆqÀ JzÀgÀÄzÁgÀgÀÄ ¥ÀjUÀt£ÉUÉ vÉUÉzÀÄPÉÆAr®è. JzÀÄgÀÄzÁgÀgÉÃ ¨ÁUÀ±ÀB ¤rzÀ G¥ÀzsÀ£ÀªÀ£ÀÄß

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14

ªÀµÀð wAUÀ¼ÀÄ ¢£ÀUÀ¼ £ÀAvÀgÀ ¤ÃrzÁÝgÉ, PÁgÀt «¼ÀA§zÀ §UÉÎ DPÉëÃ¥ÀuÉ JvÀÄÛªÀ C¢üPÁgÀ JzÀÄgÀÄzÁjUÉ EgÀÄªÀ¢®è. ªÉÄÃ¯É w½¹zÀ ªÀiÁ£Àå GZÀÑ £ÁåAiÀiÁ®AiÀÄU¼À DzÉÃ±ÀzÀ ¥ÀæPÁgÀ PÀÆqÀ PÁ®«Äw E°è C£ÀéAiÀÄªÁUÀÄªÀ¢®è.

38CA

38B

F ªÉÄÃ¯É ºÉÃ½zÀ PÁgÀtUÀ½UÁV CfðzÁgÀ£À CfðAiÀÄ£ÀÄß ¥ÀÄgÀ¸ÀÌj¹ CªÀ£ÀÄ PÉÆÃjzÀ ¥ÀjºÁgÀUÀ¼À£ÀÄß £ÁåAiÀÄ ªÀÄvÀÄÛ ¸ÀªÀÄvÉAiÀÄ PÁgÀtPÁÌV MzÀV¹PÉÆqÀÄªÀAvÉ PÉÆÃgÀ¯ÁVzÉ.

7

¸ÀÜ¼À:

¢£ÁAPÀ: CfðzÁgÀgÀ ¥ÀgÀ £ÁåAiÀÄªÁ¢UÀ¼ÀÄ

C£ÀÄ§AzsÀUÀ¼ÀÄ:

1. PÁ«ÄðPÀ M¥ÀàAzÀ, 1965 gÀ ¥Àæw
2. ¸ÀÄvÉÆÛÃ¯É ¸ÀASÉå. 4/2006 gÀ ¥Àæw
3. **ILR 2009 KAR 1166 BMTC V/S The Deputy Labour Commissioner & the appellate authority under PG Act & others** ¥ÀæPÀgÀtzÀ°è ªÀiÁ£Àå PÀ£ÁðlPÀ GZïÑ £ÁåAiÀiÁ®AiÀÄªÀÅ ºÉÆgÀr¹zÀ DzÉÃ±ÀzÀ ¥Àæw.
4. PÁ«ÄðPÀ M¥ÀàAzÀ, 1981 gÀ ¥Àæw
5. **ILR 2003, KAR 5010 A Siddaramaiah V.S. The Asst. Labour Commissioner & another** gÀ°è ¤ÃrzÀ wÃ¦ð£À ¥Àæw
6. PÀ.gÁ.gÀ.¸Á.¸ÀA¸ÉÜ PÉÃAzÀæ PÀZÉÃjAiÀÄªÀgÀÄ ¥ÀvÀæ ¸ÀA. KST/CO/LAW/GTY/110/2017-18 ¢. 09-04-2018

7. ªÁPÀgÀ¸Á/PÉÃPÀ/ºÀÄ/¹§âA¢/J11/1564 ¢. 01-12-2020 gÀ ¥Àæw

|  |  |
| --- | --- |
| **Calculation Sheet as per the Order of Court dated:** | |
| **Case No. /**  33  578  31  578  31  56  29  56  69  69  1  41  40 |  |
| **Name of the party –**  74  73  31  29  55  72  29  71  67  2  **Entitled Gratuity interest on**  67  **X 10% p. a X from to =** |  |
|  |  |
| **X 10% p. a X from to =**  78  33 |  |

**X 10% p. a X from to =**

75

**X 10% p. a X from to =**

**Total Interest Amount = 72+73+74+75 = 76**

**Grand Total Amount of Gratuity with Interest = 70+76 = 77**

**Place: Belagavi**

78

**Date: Advocate for Petitioner**

|  |  |
| --- | --- |
| **DA RATE CHART IN %** | |
| **01/07/2005** | **71** |
| **01/01/2006** | **74** |
| **01/04/2006** | **2.625** |
| **01/07/2006** | **79** |
| **01/01/2007** | **12.25** |
| **01/07/2007** | **17.5** |
| **01/01/2008** | **22.753** |
| **01/07/2008** | **26.75** |
| **01/01/2009** | **32.75** |
| **01/07/2009** | **38** |
| **01/01/2010** | **46** |
| **01/07/2010** | **56.25** |
| **01/01/2011** | **62.5** |
| **01/07/2011** | **69.5** |
| **01/01/2012** | **76.75** |
| **01/04/2012** | **0** |
| **01/07/2012** | **4** |
| **01/01/2013** | **9** |
| **01/07/2013** | **15** |
| **01/01/2014** | **21** |
| **01/07/2014** | **25.25** |
| **01/01/2015** | **28.75** |
| **01/07/2015** | **32.50** |
| **01/01/2016** | **36** |
| **01/07/2016** | **40.25** |
| **01/01/2017** | **43.25** |
| **01/07/2017** | **45.25** |
| **01/01/2018** | **45.25** |
| **01/04/2018** | **1.75** |
| **01/07/2018** | **3.75** |
| **01/01/2019** | **6.5** |
| **01/07/2019** | **11.25** |
| **01/07/2021** | **24.5** |
| **01/01/2022** | **27.25** |
| **01/07/2022** | **31** |

|  |
| --- |
|  |
| **PLEASE NOTE** | |  |
|  | |  |
|  | |  |
| It is requested to create the Formats so as to alter the sentences if necessary for updated developments in the cases.  Note: the paragraphs Shown in Blue colours are alterable and required to change them as per our requirement and some time we may delete entire paragraphs.  Numbers Shown in Green Colour are fixed arithmetic numbers and not column numbers.  Note : All of above formats must be in Legal size papers  If any confusion or information please contact 8618206658 | |  |
|  | |  |