



W.P(MD)No.5636 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.5636 of 2023

and

WMP (MD) No.5896 of 2023

Thuraiyur Cooperative Stores Limited
Rep. by its Secretary
Saravanan

... Petitioner(s)

vs.

P.Rathinasamy

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Industrial Dispute No.38/2017 dated 28.01.2023 issued by the Labour Court, Tiruchirappalli and quash the same on the ground that the same is arbitrary, illegal and without any legal basis.

For Petitioner : Mr.M. Sridharan
For R1 : Mr.S.Vinayak



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ORDER

Assailing the award dated 28.01.2023 passed by the Labour Court, Tiruchirappalli, in Industrial Dispute No.38 of 2017, the present writ petition has been filed by the petitioner.

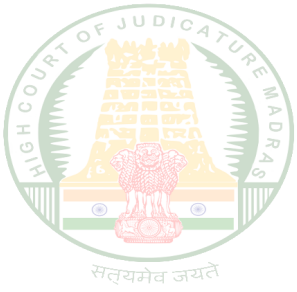
2. The case of the petitioner/management is that the respondent was appointed as Clerk in the petitioner Society in the year 1977. Subsequently, he was made permanent in the year 1998. He attained the age of superannuation on 31.01.2013. Prior to his retirement, the respondent was informed about his retirement by issuing a notice. Accordingly, he was permitted to retire from service on 31.01.2013. However, after a lapse of about five years, he raised an industrial dispute in the year 2017 under Section 2-A(2) of the Industrial Disputes Act, contending that he ought to have been continued in service till the age of 60 years. The Labour Court, without considering the issue of jurisdiction, directed the petitioner Management to treat the respondent as having continued in service till 31.01.2015 and to grant all consequential service benefits for the period from



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31.01.2013 to 31.01.2015, without granting back wages. Challenging the said award, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that, even on a perusal of the pleadings filed by the respondent before the Labour Court, it is very clear that the respondent himself admitted that he entered service in 1977 and was made permanent in 1998 and was informed about his retirement prior to attaining the age of superannuation. Instead of challenging the retirement notice before his retirement, the respondent accepted the same, retired from service on 31.01.2013, received all his terminal benefits without protest and only thereafter raised an industrial dispute before the Conciliation Officer. Even in the claim statement, there is no allegation of dismissal, discharge or termination from service. The Labour Court would have jurisdiction under Section 2-A of the Industrial Disputes Act only when the dispute relates to dismissal, discharge, retrenchment or termination of service. In the present case, when the respondent had already retired on attaining the age of superannuation in the year 2013, raising an industrial dispute after about five years claiming service benefits for an additional period of two years is wholly misconceived. In the absence of



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jurisdiction, the award passed by the Labour Court is perverse and liable to be set aside. Accordingly, learned counsel prayed for allowing the writ petition.

4. Per contra, the learned counsel appearing for the respondent would submit that, though the respondent was permitted to retire on 31.01.2013 after issuance of a retirement notice, the Labour Court, exercising its powers granted only limited relief by directing grant of service benefits for the period from 31.01.2013 to 31.01.2015, without awarding back wages. Such a discretionary award passed by the Labour Court does not warrant interference by this Court. Accordingly, he prayed for dismissal of the writ petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, the respondent entered service in the petitioner Society in the year 1977 and was made permanent in the year 1998. It is also not in dispute that prior to attaining the age of superannuation, the petitioner Management issued a retirement notice informing the respondent that he would



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retire from service on 31.01.2013. Pursuant thereto, the respondent retired from service on attaining the age of superannuation. It is not the case of the respondent that the retirement notice was challenged before the competent forum prior to his retirement. It is also not disputed that he received the terminal benefits payable to him consequent upon his retirement. A reading of the claim statement filed before the Labour Court shows that the respondent did not allege that he was dismissed, discharged, retrenched or otherwise terminated from service. His only grievance was that he ought to have been continued in service till the age of 60 years and therefore, he was entitled to the attendant service benefits for the period from 31.01.2013 to 31.01.2015. Section 2-A of the Industrial Disputes Act treats an individual dispute as an industrial dispute only when it relates to the discharge, dismissal, retrenchment or termination of the services of an individual workman. In the present case, the respondent accepted the retirement, retired from service on 31.01.2013, received the terminal benefits and after a lapse of nearly five years, raised the industrial dispute claiming continuity of service for a further period of two years. Such a dispute does not fall within the ambit of Section 2-A of the Industrial Disputes Act.



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7. For the foregoing reasons, the impugned award dated 28.01.2023 is liable to be set aside and is accordingly set aside. The writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

07.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



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The Labour Court, Tiruchirappalli.



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M.DHANDAPANI,J.

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**ORDER MADE IN
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DATED : 07.07.2026