



W.P(MD)No.15761 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.15761 of 2023

and

W.M.P(MD)No.13187 of 2023

1.The General Manager,
Indian Association For Savings and Credit ,
726B , Sree Venki Complex, Cross Road, (Near Flyover),
Coimbatore – 641 012.

2.The Branch Manager,
Indian Association For Savings and Credit,
Lal Complex 1st Floor,
Marthandam Post – 629 165,
Kanyakumari District.

... Petitioners

Vs

F.Sam Oliver

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order in I.A.No.34 of 2018 in unregd ID dated 13.08.2018 passed by the Labour Court , Tirunelveli and quash the same as illegal.



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For Petitioners : Mr.M.E.Ilango

For Respondent : Mr.B.Brijesh Kishore

ORDER

This Writ Petition has been filed challenging the order dated 13.08.2018 passed by the Labour Court, Tirunelveli, in I.A. No.34 of 2018, whereby the delay in raising the industrial dispute was condoned, and seeking to quash the same as being illegal.

2.Learned counsel appearing for the petitioners submitted that the petitioner is a Small Finance Company and that the respondent was employed as a driver in the year 2004. It is submitted that the services of the respondent were terminated on 07.08.2014. However, the respondent raised an industrial dispute only on 09.07.2018, after the expiry of more than three years from the date of termination, and filed an application seeking condonation of delay. The Labour Court, by the impugned order, condoned the delay and entertained the industrial dispute. Aggrieved by the said order, the present Writ Petition has been filed.



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3.Learned counsel for the petitioners further submitted that Section 2-A(3) of the Industrial Disputes Act, 1947, introduced by the Amendment Act with effect from 15.09.2010, specifically prescribes that an application under Section 2-A(2) shall be made within a period of three years from the date of discharge, dismissal, retrenchment or termination of service. It is contended that once the statutory period of limitation had expired, the Labour Court had no jurisdiction to entertain the dispute or condone the delay, in the absence of any provision conferring such power. Therefore, the impugned order passed by the Labour Court is wholly without jurisdiction and contrary to the statutory mandate. Accordingly, learned counsel prayed for allowing the Writ Petition.

4.Per contra, learned counsel appearing for the respondent submitted that the Labour Court, upon considering the reasons assigned by the respondent, exercised its discretionary jurisdiction and condoned the delay. It is contended that the impugned order does not suffer from any perversity or illegality warranting interference under Article 226 of the



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Constitution of India. Accordingly, learned counsel prayed for dismissal of the Writ Petition.

5.This Court has carefully considered the rival submissions and perused the materials available on record.

6.It is an admitted fact that the respondent's services were terminated on 07.08.2014, whereas the industrial dispute came to be raised only on 09.07.2018, admittedly beyond the statutory period of three years prescribed under Section 2-A(3) of the Industrial Disputes Act, 1947. The said provision is mandatory in nature and prescribes the period within which an application under Section 2-A(2) is required to be filed. The Act does not confer any power upon the Labour Court to condone the delay beyond the prescribed period of limitation. Therefore, the Labour Court acted without jurisdiction in entertaining the application and condoning the delay.



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7.In view of the above, this Court is of the considered opinion that the impugned order dated 13.08.2018 passed by the Labour Court, Tirunelveli, in I.A. No.34 of 2018, is unsustainable in law and is liable to be set aside. Accordingly, the impugned order is set aside, and the Writ Petition stands allowed. Consequently, the industrial dispute filed beyond the period of limitation is held to be not maintainable.

8.In the result, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
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To

The Labour Court,
Tirunelveli.

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