



W.P.(MD)No.25133 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2026

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.25133 of 2022

T.Thavamani

...Petitioner

Vs

The Management,
Tamil Nadu State Transport Corporation,
Virudhunagar Region,
Bye-Pass Road,
Virudhunagar.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to allow the petitioner to file the petition (F:OP/100/2019-CNR:TNMP04000.02.2019) under Section 2(A) of Industrial Disputes Act, 1947 before the Presiding Officer, Madurai, within the stipulated time frame as may be fixed by this Court.

For Petitioner : Mr.K.Gokul

For Respondent : Mr.K.Ramaiah

ORDER

This writ petition has been filed seeking the issuance of a writ of mandamus directing the respondent to receive and entertain the petition in



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F.O.P. No.100 of 2019 (CNR No.TNMP040000022019), proposed to be filed under Section 2-A of the Industrial Disputes Act, 1947 before the Presiding Officer, Labour Court, Madurai, by condoning the delay and to dispose of the same within a time frame to be fixed by this Court.

2. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as a Conductor in the respondent Corporation in the year 1987. His services were confirmed in the year 1993 and he was subsequently promoted as a Senior Conductor. While so, he was dismissed from service by order dated 16.03.1999 on the ground that he had remained unauthorisedly absent from duty from 14.05.1998 for more than ten days.

3. The learned counsel further submitted that the petitioner was unable to challenge the order of dismissal immediately on account of his medical condition. Thereafter, he approached the Labour Officer, Virudhunagar, seeking conciliation. Since the conciliation proceedings ended in failure, the Labour Officer submitted a failure report under Section 12(4) of the Industrial Disputes Act on 16.11.2012. According to the petitioner, despite making several representations to the higher authorities of the respondent Corporation seeking reinstatement, no favourable orders were passed. Owing to the prolonged delay



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caused by the said circumstances, the petitioner could not raise an industrial dispute within the prescribed period. Hence, the present writ petition has been filed seeking a direction to the Labour Court to entertain the dispute notwithstanding the delay.

4. Per contra, the learned counsel appearing for the respondent submitted that, by virtue of the amendment introduced to Section 2-A of the Industrial Disputes Act, 1947, with effect from 15.09.2010, an individual workman is required to approach the Labour Court or Tribunal within a period of three years from the date of discharge, dismissal, retrenchment or termination of service. The statute does not confer any power upon the Labour Court to condone the delay beyond the prescribed period. Therefore, the relief sought for by the petitioner cannot be granted.

5. This Court has considered the submissions made on either side and perused the materials available on record.

6. The facts are not in dispute. The petitioner was dismissed from service on 16.03.1999. Even according to the petitioner, the conciliation proceedings culminated in a failure report on 16.11.2012. However, the petitioner has



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approached this Court only after an inordinate lapse of time seeking a direction to the Labour Court to entertain his dispute.

7. Section 2-A(3) of the Industrial Disputes Act, 1947 reads as follows:

"The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1)."

8. A plain reading of the above provision makes it clear that an application under Section 2-A(3) must be presented within three years from the date of discharge, dismissal, retrenchment or termination of service. The provision does not confer any power upon the Labour Court or the Tribunal to condone the delay beyond the prescribed period.

9. When the statute itself prescribes a period of limitation and does not provide any discretion to condone the delay, this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot issue a direction contrary to the statutory mandate or enlarge the period of limitation prescribed under the Act.



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10. In the present case, the petitioner seeks a direction to the Labour Court to entertain an industrial dispute which is admittedly barred by limitation. Such a direction cannot be issued by this Court.

11. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

01.07.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
TSG
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M.DHANDAPANI, J.

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