



W.P(MD)No.23270 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.23270 of 2023

Subramanian Asari

... Petitioner(s)

vs.

The Managing Director,
Kottar Samuga Sevai Sangam,
Asaripallam Road,
Nagarkoil-1,
Kanniyakumari District.

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari, calling for the records pertaining to the Impugned Order in I.A.No.1/2021 in Unregistered O.P.I.D in Sr.No.578/2021 dated 25.07.2023 on the file of the Labour Court, Tirunelveli.

For Petitioner	: Mr. R.Venkatesan
For Respondent	: Mr.M.E.Elango



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ORDER

This writ petition has been filed challenging the order dated 25.07.2023 passed by the Labour Court, Tirunelveli.

2. The petitioner raised an industrial dispute along with I.A. No.1 of 2021 in Unregistered O.P.I.D. In S.R.No.578 of 2021 seeking condonation of a delay of 1601 days in raising the dispute. By the impugned order, the Labour Court dismissed the said interlocutory application. Aggrieved by the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that Section 2A(3) of the Industrial Disputes Act was introduced by way of amendment with effect from 15.09.2010, prescribing a period of three years for raising an industrial dispute relating to dismissal, discharge, retrenchment or termination. According to the learned counsel, even after the expiry of the prescribed period, the Labour Court has the power to condone the delay in an



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appropriate case. However, the Labour Court failed to exercise the said jurisdiction and mechanically rejected the application seeking condonation of delay. Hence, the impugned order is liable to be set aside.

4. Per contra, the learned counsel appearing for the respondent submitted that in view of Section 2A(3) of the Industrial Disputes Act, the period of limitation prescribed for raising an industrial dispute is three years. The petitioner approached the Labour Court only after an inordinate delay of 1601 days. The statute does not confer any power on the Labour Court to condone the delay beyond the prescribed period. Therefore, the Labour Court rightly rejected I.A. No.1 of 2021 and the impugned order does not warrant any interference. Accordingly, he prayed for dismissal of the writ petition.

5. This Court has carefully considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, the petitioner raised the industrial dispute beyond the



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period of limitation prescribed under Section 2A(3) of the Industrial Disputes Act and sought condonation of a delay of 1601 days by filing I.A. No.1 of 2021. The Labour Court, on considering the statutory scheme, held that it has no jurisdiction to condone the delay beyond the period prescribed under the Act and consequently rejected the interlocutory application. The Labour Court, being a creature of the statute, is bound by the limitations imposed under the Act and cannot invoke any extraordinary jurisdiction to extend the period of limitation. Therefore, the impugned order does not suffer from any illegality or perversity warranting interference under Article 226 of the Constitution of India.

7. Accordingly, the writ petition stands dismissed. No costs.

22.07.2026

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



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M.DHANDAPANI,J.

PKN

**ORDER MADE IN
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