



W.P(MD)No.26454 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.26454 of 2022

Manapparai Maris Spinners Aalai Thozhilalargal Sangam
(Registration No.1288/TRI),
Vadakku Idayapatti, Puthanatham Post,
Manapparai Taluk-621 310,
Tiruchirappalli District,
represented by its General Secretary,
A.Balasubramani

... Petitioner

Vs

- 1.Government of Tamil Nadu,
Additional Chief Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai-9.
- 2.The Labour Commissioner,
Labour Commissionate, DMS Complex,
Teynampet, Chennai.
- 3.The Assistant Commissioner of Labour (Conciliation),
Tiruchirappalli.



W.P(MD)No.26454 of 2022

WEB COPY

4.The Management,
Maris Spinners Limited Unit II,
Kulithalai Road,
Manapparai-621 306,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, by calling for the records of the first respondent in G.O.(D).No.161, dated 09.03.2020 quash the same and consequently direct the first respondent to refer the industrial dispute raised by the petitioner Union vide its petition dated 17.03.2017 taken on file of the third respondent as Na.Ka.A193/2017 to the Industrial Tribunal for resolution.

For Petitioner : Ms.J.Madhu

For R-1 to R-3 : Mr.R.Ramasamy, Counsel for Statements

For R-4 : Mr.S.Ravindran, Senior Counsel
for Mr.G.Mohan Kumar

ORDER

This Writ Petition has been filed challenging the order of the first respondent in G.O.(D).No.161, dated 09.03.2020 and consequently directing the first respondent to refer the industrial dispute raised by the petitioner Union vide its petition dated 17.03.2017, taken on the file of the third respondent in Na.Ka.A1/93/2017, to the Industrial Tribunal for adjudication.



W.P(MD)No.26454 of 2022

WEB COPY 2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the General Secretary of the petitioner Union, which is a registered Trade Union under the Trade Unions Act, 1926, formed for protecting the welfare and interests of the workmen employed in the fourth respondent's spinning mill unit at Manapparai. The fourth respondent is a public limited company engaged in the textile industry and is operating two industrial units, one at Mysore and another at Manapparai. The Manapparai unit employed about 125 permanent workmen, around 90 scheme-based workmen and about 125 contract labourers.

4. According to the petitioner, from the year 2004 onwards, the fourth respondent indulged in unfair labour practices and started terminating the services of several workmen indiscriminately. One group of workmen, who were orally terminated, raised individual industrial disputes before the Labour Court in the year 2009 and obtained favourable awards. Another group sought redressal under the provisions of the Industrial Disputes Act, but their request was rejected by the Government in G.O.(Ms).No.56, dated 24.02.2011.



W.P(MD)No.26454 of 2022

WEB COPY 5. It is further submitted that 13 members of the petitioner Union continuously pursued their remedy before the Labour Officer and the Deputy Commissioner of Labour, Tiruchirappalli. Since no effective action was taken, they raised an industrial dispute through the petitioner Union. Conciliation proceedings were initiated and ultimately a failure report was submitted. Thereafter, the petitioner approached the Government seeking a reference of the dispute under Section 2(k) of the Industrial Disputes Act, 1947.

6. However, by the impugned G.O.(D).No.161, dated 09.03.2020, the Government rejected the request for reference on the ground that the alleged oral termination had taken place on 01.12.2006, whereas the petitioner Union had raised the dispute only in the year 2017, after nearly 13 years, and therefore the claim suffered from enormous delay and could not be entertained. Challenging the said Government Order, the present Writ Petition has been filed.

7. The learned counsel for the petitioner further submitted that although the services of the 13 members of the petitioner Union were orally terminated on 01.12.2006, they had been diligently pursuing their remedies before the Labour



W.P(MD)No.26454 of 2022

WEB COPY

Authorities from the very beginning. Since the Labour Officer failed to pass appropriate orders, the petitioner Union was constrained to submit a petition dated 17.03.2017 seeking a reference of the dispute under Section 2(k) of the Industrial Disputes Act. Therefore, the delay cannot be put against the workmen.

8. It was further contended that mere delay cannot deprive the workmen of their statutory rights under the Industrial Disputes Act. It was also pointed out that similarly placed employees, who had raised individual industrial disputes, had either been reinstated pursuant to awards passed by the Labour Court or had been awarded monetary compensation by considering the length of their past service. Therefore, the petitioner seeks extension of the same relief to the 13 members of the petitioner Union on the principle of parity.

9. Per contra, the learned Senior Counsel appearing for the fourth respondent submitted that the petitioner himself admits that the services of the 13 members came to an end on 01.12.2006. However, according to the management, there was no termination at all. The workmen had voluntarily abandoned their employment and failed to report for duty from 01.12.2006 onwards. It was



W.P(MD)No.26454 of 2022

WEB COPY

submitted that the fourth respondent never terminated their services and the allegation of unfair labour practice is wholly false.

10. The learned Senior Counsel further submitted that some of the workmen had approached the Labour Court individually in the year 2009 and obtained awards, pursuant to which compensation was paid. However, the present 13 workmen never approached the Labour Court within a reasonable time and remained silent for more than a decade. Only in the year 2017 did they choose to raise a dispute through the petitioner Union seeking a reference under Section 2(k) of the Industrial Disputes Act.

11. It was therefore contended that the Government rightly refused to make a reference by taking note of the unexplained delay of nearly 13 years. Such stale claims cannot be revived after an inordinate lapse of time and the impugned Government Order does not warrant interference under Article 226 of the Constitution of India.



W.P(MD)No.26454 of 2022

WEB COPY 12. I have carefully considered the rival submissions and perused the materials placed on record.

13. Admittedly, according to the petitioner itself, the alleged oral termination took place on 01.12.2006. The industrial dispute under Section 2(k) of the Industrial Disputes Act was raised only in the year 2017, after an unexplained delay of nearly 13 years.

14. Though it is true that the Industrial Disputes Act does not prescribe any period of limitation for raising an 2(k) industrial dispute, the dispute must nevertheless be raised within a reasonable time. A stale claim cannot ordinarily be revived after an inordinate and unexplained delay. In the present case, no satisfactory explanation has been offered for the enormous delay in seeking a reference.

15. The contention that similarly placed employees had obtained favourable awards cannot, by itself, entitle the petitioner to seek a reference after such an inordinate lapse of time. Each case has to be considered on its own facts. The Government has taken note of the delay and has exercised its discretion in



W.P(MD)No.26454 of 2022

WEB.COM declining to make a reference.

16. This Court does not find any illegality, perversity or arbitrariness in the impugned Government Order warranting interference under Article 226 of the Constitution of India.

17. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

08.07.2026

NCC : Yes / No
Index : Yes / No
TSG

To
1. Additional Chief Secretary to Government,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St. George,
Chennai-9.

2. The Labour Commissioner,

8/10



W.P(MD)No.26454 of 2022

WEB COPY

Labour Commissionate, DMS Complex,
Teynampet, Chennai.

3.The Assistant Commissioner of Labour (Conciliation),
Tiruchirappalli.



WEB COPY



W.P(MD)No.26454 of 2022

M.DHANDAPANI, J.

TSG

W.P(MD)No.26454 of 2022

08.07.2026