

Reena

...Petitioner

Vs.

Director/Principal, P.G.I.M.S. and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Deepak Girotra, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

The petitioner worked from March, 2006 to July, 2009 as a Mess Servant in the Nursing Hospital of P.G.I.M.S., Rohtak. The introduction of Sub-Section 3 in Section 2-A by the Industrial Disputes (Amendment) Act, 2010, No.24 of 2010 inserting the limitation clause of three years w.e.f. September 15, 2010 would apply to this case. The petitioner raised dispute and sought reference of the industrial dispute to the Labour Court in the year 2015. The appropriate Government made reference No. 14 of 2015 to the Labour Court, Rohtak. The Labour Court has by the Award dated September 28, 2016 answered the reference against the petitioner non-suited her on the short ground of bar of limitation in Section newly added Section 2-A(3) of the Industrial Disputes Act, 1947. The petitioner should have raised the dispute within three years of the retrenchment which she failed to do.

I would, therefore, find no valid ground to interfere with the award of the Labour Court and would accordingly dismiss the petition since

the claim was not maintainable before the Labour Court. Section 10(1)(c) and Section 2-A(3) have to be read in conjunction with each other after the insertion of Sub-Section (3) of Section 2-A of the Act. The case relied upon by the learned counsel for the petitioner in State of Madhya Pradesh Vs. Mohan Lal, 2015(4) SCT 196 (SC) is of no help to the petitioner. That is a short order containing no ratio as the case was decided on facts and which does not notice or deal with Section 2-A(3) of the Act and is, therefore, not a binding precedent on the point of bar of limitation.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

10.03.2017

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Whether speaking/reasoned

Yes

Whether reportable

Yes