



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.24495 of 2016

R.Sukumaran Joseph

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Tirunelveli,
Tirunelveli District.
2. The Medical Superintendent,
Kanyakumari Medical Mission,
C.S.I Neyoor Hospital,
Neyoor - 629 802,
Kanyakumari District.
3. The College Secretary,
Scott Christian College,
Nagercoil-629 003.
4. The Secretary
C.S.I Kanyakumari Diocese,
Dennison Road,
Nagercoil-1,
Kanyakumari District.
5. The Bishop
C.S.I Kanyakumari Diocese,
Dennison Road,
Nagercoil-1,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the award dated 07.05.2015 passed by the first respondent in I.D.No.29 of 2014 on the file of the Labour Court, Tirunelveli, quash the same and consequently to direct the respondents 2 to 5 herein to reinstate the petitioner with continuance of service, backwages all attendance benefits.



For Petitioner : Mr.R.Murugan
For Respondents : Mr.F.deepak for R2 to R5
R1- Labour Court.

WEB COPY

ORDER

The writ petitioner was employed as 'Watchman' in the third respondent college. He was dismissed from service by order dated 10.01.2006. Questioning the same, the writ petitioner raised an industrial dispute on 01.07.2013. The same was taken on file as I.D.No.29 of 2014 on the file of the Labour Court, Tirunelveli. The Labour Court, by the impugned order dated 07.05.2015 dismissed the said I.D on the ground it was time barred. The same is impugned in this writ petition.

2.The learned counsel appearing for the writ petitioner/workman pointed out that Section 2(A)2 of the I.D Act was amended by Act 24 of 2010 with effect from 15.09.2010. As per the said amendment, any industrial dispute will have to be raised within a period of three years. It is no doubt true that the said amendment would be applicable to the pending disputes also. But then the period of three years will have to be counted from the date when amendment came into force. Thus, the writ petitioner had time upto 14.09.2013 to raise the industrial dispute in question. In this case, he raised the dispute on 01.07.2013 itself. Thus, the I.D filed by the petitioner was well within time. The Labour Court had chosen to compute the period of limitation of three years from the date of dismissal. If the logic of the Labour Court was sound, the limitation period of three years would have expired on 09.01.2009 itself. That means even before the statutory amendment came into force, the writ petitioner lost his right to raise an industrial dispute. Such a conclusion can only be called as absurd.

3.In such view of the matter, the impugned order is set aside and the matter is remitted to the file of the Labour Court, Tirunelveli. It is made clear that the rights of parties have not been adjudicated. The only finding rendered by this Court is with regard to limitation. It is declared that the I.D filed by workman is within time. The Labour Court, Tirunelveli is directed to dispose of the I.D within a period of six months from the date of receipt of a copy of this order.

4.This writ petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar (CS-II)



To

The Presiding Officer,
Labour Court,
Tirunelveli,
Tirunelveli District.

+ 1 CC TO Mr.R.MURUGAN, ADVOCATE IN SR No. 54952
+ 1 CC TO Mr.F.DEEPAK, ADVOCATE IN SR No. 55061

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SKN

TE/PN/SAR-3 : 24/07/2018 : 3P/4C

W.P. (MD) No.24495 of 2016
13.03.2018