



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 23.03.2018

Pronounced on : 04.06.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD).No.7134 of 2016

and

W.M.P. (MD).No.6046 of 2016

O.Jelin Packiam

...Petitioner

Vs.

1. The Labour Court,
Tirunelveli.

2. Tamil Nadu Pengal Inaippukuzhu
(Old Name Weed Trust),
Represented by its State President and Managing Director,
Shellu, Chennai.

3. The Branch Office,
Women Inaippukuzhu,
Vasu Vattara Pengal Inaippukuzhu,
Represented by its organizer,
Ponnuthai,
Vasudevanallur,
Sivagiri Taluk, Tirunelveli District.

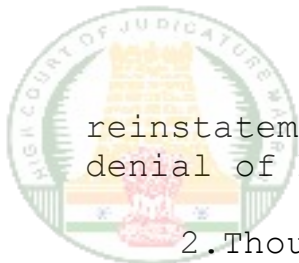
...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent in I.D.No.45 of 2014 dated 24.11.2014 and quash the same in so far back wages and further directing the respondents 2 and 3 to pay back wages from December 2010 onwards.

For Petitioner	: Mr.M.P.Senthil
For R1	: Labour Court
For R2	: No Appearance
For R3	: Mr.M.P.Dhamodaran

ORDER

The petitioner herein was employed in the second respondent Self help group. She was working in the third respondent branch office. She was getting a monthly salary of Rs.3,960/- with other incentives. She was restrained from participating in the office work from January 2010. She therefore filed I.D.No.45 of 2014 dated 24.11.2014 before the Labour Court, Tirunelveli. The Labour Court, Tirunelveli allowed the Industrial Dispute and directed for



reinstatement. But back wages were denied. Aggrieved by the denial of back wages, this Writ Petition has been filed.

2. Though the third respondent entered appearance through his counsel, no counter affidavit was filed. It is seen that before the Labour Court also no counter was filed. In fact, the private respondents herein were set exparte before the Labour Court.

3. According to the petitioner, she has not been permitted to report for the duty from December 2009. She gave a representation to the Labour Officer on 05.07.2010 and the final report was given on 24.09.2010. The petitioner gave a legal notice on 29.03.2010. Thereafter, she moved the Labour Court only on May 2014. After filing I.D.No.45 of 2014, award was passed on 24.11.2014 itself. This Writ Petition has been filed on April 2016. It is seen from the affidavit that the petitioner's age is 61 years. Therefore it is not known as to how the order for reinstatement was made. Vide the Industrial Disputes Amendment Act 24 of 2010, Section 2(A) of the I.D. Act was amended and it came into force on 15.09.2010. Section 2-(A) (3) states that an application under Sub-Section (2) shall be made into 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). Thus, now a limitation period has been prescribed. This three year period would have ended on 15.09.2013. The present Industrial Dispute was admittedly filed only in March 2014. Therefore, it was obviously hit by limitation. Even if the plea of limitation is not raised by the opposite parties, it is the duty of the Labour Court to take the same into account. In this view of the matter, this Court is of the view that no case has been made out for grant of relief to the petitioner.

4. This Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To
The Labour Court,
Tirunelveli.

+1cc to Mr.M.P.Senthil, Advocate Sr.No.66990

TSG

VB/KKR/SAR3/13.06.2018/2P/3C