



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 8981 of 2016
and
W.M.P (MD) No. 7158 of 2016

Joseph Raj

... Petitioner

Vs.

1. The Management,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai,
Chennai-600 002.

2. The Labour Court,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent impugned order dated 20.09.2008 in Ku.No.325/02526/TL1/TSETC/2007 and order passed by the second respondent in I.D.No.74 of 2014 dated 03.03.2015 and quash the same and consequently direct the first respondent to reinstate the petitioner from service and give all other service benefits.

For Petitioner
For R1

:Mr.P.Thirumahilmaran
:Mr.K.Sathiyasingh

ORDER

The petitioner was employed as a driver in the first respondent corporation. During the course of inspection, eight liquor bottles were said to have been found in the tool-kit. Thereafter, a charge memo was issued on 20.02.2007. Subsequently, he was terminated from service on 20.09.2008. Challenging the same, the writ petitioner filed an appeal before the Managing Director on 20.10.2008. Thereafter, he raised an industrial dispute by moving the conciliation officer on 08.11.2013. Thereafter, the petitioner filed I.D.No.74 of 2014 before the Labour Court, Tirunelveli. The Labour Court held that I.D was hit



by limitation. Hence, the petition was dismissed as not maintainable. Aggrieved by the same, the present writ petition has been filed.

2. Heard the learned counsel on either side.

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3. It is not in dispute that Section 2(A) of Industrial Dispute Act, 1947 was amended vide Act 24 of 2010 with effect from 15.09.2010. Section 2(A) (3) of the Act reads as under:-

"2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.

.....

(3) The application referred to in sub-section (2) shall be made to 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)."

4. In this case, the writ petitioner was dismissed from service as early as on 20.09.2008. The amendment came into force on 15.09.2010. The three year limitation period had already expired on 14.09.2013. Unfortunately, the petitioner in this case filed a petition before the Conciliation Officer only on 08.11.2013. The petitioner herein raised an industrial dispute only after the three year period. Therefore, this Court finds no merit in this writ petition. Accordingly, the writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

rmi
TO,
The Judge, The Labour Court,
Tirunelveli, Tirunelveli District.

+1cc to Mr.P.Thirumahilmaran, Advocate in SR.No.55363
+1cc to Mr.K.Sathiyasingh, Advocate in SR.No. 55242

GJM/PMI/SAR-I-28.5.18-2P-4C

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