



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.3496 OF 2020

C.Subramanian

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation,
Coimbatore Limited,
Mettupalayam Road,
Coimbatore.

2.The General Manager,
Tamilnadu State Transport Corporation,
Erode Division, Chennimalai Road,
Erode - 1.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the office of the Labour Court, Salem to number the I.D. under Section 2A of I.D. Act, 1947.

For Petitioner : Mr.K.Nagarajan

For Respondents : Mr.A.Sundaravadanam
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The limited prayer sought for in the present writ petition is for a Mandamus directing the Labour Court, Salem to take the petitioner's application filed under Section 2A of the Industrial Disputes Act, 1947, on file.

3. The Labour Court had returned the petitioner's application, on the ground that it is barred by limitation, since it was filed beyond the period of 3 years from the date of his dismissal, i.e., from 23.11.1999.



4. On a prima facie view, the reason for not taking the petitioner's application dated 06.07.2018 filed under Section 2A, cannot be found fault with, since the provision itself prescribes a time limit of 3 years from the date of such discharge or termination. However, in the instant case, the petitioner herein had been consistently approaching this Court by filing writ petitions, with a view to challenge his dismissal order.

5. Though the Registry of the Labour Court, Salem may be correct in returning the application, this Court, exercising its power under Article 226 of the Constitution of India, intends to extend a sympathetic approach to a workman who claims that his discharge from service was illegal. In this context, if the petitioner is granted liberty to file a fresh application under Section 2A of the Industrial Disputes Act, 1947, within a stipulated time, the ends of justice could be secured.

6. It is made clear that the present order is being passed on the peculiar circumstances of the case and that the same shall not be quoted as a precedent by any other employee.

7. In the light of the above observations, the petitioner herein is granted liberty to make a fresh application under Section 2A of the Industrial Disputes Act before the concerned Labour Court, along with a copy of this order, within a period of 30 days from the date of receipt of a copy of this order. On receipt of the application, the Labour Court shall take the same on file, without reference to the limitation prescribed under Section 2A of the Act, and take further course of proceedings, in accordance with law.

8. The Writ Petition stands disposed of, accordingly. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

hvk



To

1.The Labour Court,
Salem.

2.The Managing Director,
Tamilnadu State Transport Corporation,
Coimbatore Limited,
Mettupalayam Road,
Coimbatore.

3.The General Manager,
Tamilnadu State Transport Corporation,
Erode Division, Chennimalai Road,
Erode - 1.

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PL(CO)
PM/22/09/2021