



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.NO.834 OF 2014

1. Jaganathan
2. R.Palani
3. K.Saminathan
4. A.S.Natarajan
5. K.Boopathy
6. S.Antonysamy
7. V.Sundararaj
8. K.Kandasamy
9. N.Mahendran
10. P.Paulmani
11. C.V.Subramanian
12. C.Balakrishnan
13. N.Velusamy
14. N.Deivamani
15. S.Jamesha
16. M.Ganesamoorthy
17. R.Viswanathan
18. M.Dhanalakshmi
19. M.Paulmanickam
20. N.Sampathkumar
21. S.Amanullah
22. N.Nandagopal
23. P.Shanmugham
24. N.Anandkumar
25. P.Chinnakaruppan
26. P.K.Natarajan
27. A.Selladurai
28. P.C.Muruganathan
29. A.Ayyappan
30. U.Ayer
31. R.P.Ramasamy
32. M.Arumugam
33. S.Sivakumar
34. P.Shanmugam
35. A.Rasu
36. K.Arumugam
37. K.S.Vijayamani
38. V.Vimaldoss

... Appellants



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-Vs-

1. The Presiding Officer,
Labour Court,
Coimbatore.
2. The Managing Director,
Revathi Equipment Ltd.,
Pollachi Road,
Malumichampatti - 641 021,
Coimbatore District.

John raj (Died)

M.Manickavasagam (Died)

... Respondents

PRAYER:-

Writ Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.15028 of 2007 passed by this Court dated 15.04.2013.

Prayer in W.P.No.15028 of 2007:-

Writ Petition filed under article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the Common Order dated 29.08.2006 made in I.D.No.286 to 322 and 483 to 485 of 2004 respectively passed by the 1st respondent herein quash the same and consequently direct the 2nd respondent herein to reinstate the petitioners in service with backwages from 01.04.2002 and all other attendant benefits on par with other employees.

For Appellants : Ms.Suseela Devi

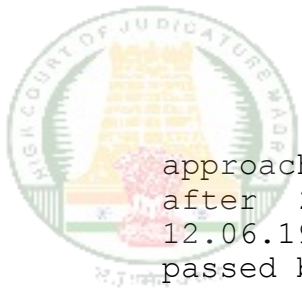
For Respondents : Mr.Karthik Seshadri
For M/s.Iyer & Thomas For R2

R1 Court

JUDGMENT

(Judgment of the Court was delivered by T.RAJA, J.)

This writ appeal has been directed against the impugned order dated 15.04.2013 passed in W.P.No.15028 of 2007 wherein the learned Single Judge, deploring about the delay in



approaching the Labour Court for raising the industrial dispute, after 29 long years from the date of dismissal i.e. on 12.06.1975, dismissed the writ petition confirming the Award passed by the Labour Court.

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2. Learned counsel appearing for the appellants submitted that when 52 workmen including the appellants, employed in R.M.T. Drills Private Limited, were dismissed from service on 12.06.1975, they were not keeping idle, but raised Industrial Disputes before the Labour Court and their genuine claim for re-instatement has not been considered. Therefore, they have come to this Court with the above writ petition. But the learned Single Judge, without considering their grievances, dismissed the above writ petition on the ground that the appellants are guilty of laches in approaching the Labour court for redressal. Therefore, the method adopted by the learned Single Judge is liable to be interfered with. Adding further, learned counsel for the appellants submitted that some of the workmen died during the pendency of this matter, therefore, this Court may show some leniency and mercy upon the appellants for getting some relief from the second respondent Management.

3. Heard both sides.

4. But we are unable to find any justification or merit therein. The reason being that when all the workmen were denied employment by the erstwhile R.M.T. Drills Private Limited on 12.06.1975, they knocked at the doors of the second respondent to re-instate them in service with continuity of service, back wages and other benefits. Therefore, the second respondent filed W.P. No.4773 of 1982 stating that they were not successor of R.M.T. Drills Private Limited. Thereafter, the appellants have approached the Labour Court. As against the dismissal of the Industrial Disputes filed before the Labour Court, they have come to this Court. However, the learned Single Judge came to the conclusion that appellants cannot raise industrial dispute after 29 long years from the date of dismissal took place on 12.06.1975.

5. Regrettably it may be mentioned that when they were denied employment on 12.06.1975 by R.M.T. Drills Private Limited, it is not known why the appellants have filed the Industrial Disputes after a long delay of 29 years. Therefore, the learned Single Judge rightly dismissed the above writ petition holding in para 14 that the appellants, after having been denied employment in the year 1975, they had waited for 29 long years and belatedly approached the Labour Court with the industrial disputes that would show that the appellants are guilty of laches in approaching the Labour Court for redressal. In para 15, it has been held that a condition has been



prescribed by introducing Clause (3) to Section 2-A of the Industrial Disputes Act 1947, which shows that the dismissed or retrenched employee has to raise the industrial dispute within three years from the date of dismissal, termination or retrenchment and though such a condition was not there when the industrial disputes were raised by the appellants, the subsequent change in the legislature will be the guiding factor to decide the question of laches. Therefore, this Court cannot help the appellants to re-open the stale claim, when they have slept over the matter for 29 long years and raised the industrial disputes only in the year 2004. Hence, we are unable to find any merit to interfere with either the Award passed by the Labour Court dismissing the industrial disputes or the impugned order passed by the learned Single Judge confirming the dismissal of the Labour Court.

6. For the reasons mentioned above, the writ appeal stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vga

To

The Presiding Officer,
Labour Court,
Coimbatore.

+1cc to Mr.Karthik Seshadri, Advocate, S.R.No.39330
+1cc to Ms.Suseela Devi, Advocate, S.R.No.39230

W.A.NO.834 OF 2014

JP-II(CO)
PBS/13/09/2021