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W.A.No.724/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 30-03-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.No.724 of 2023

K.Ezhumalai

...

Appellant

-VS-

1.The Presiding Officer,
Labour Court,
Cuddalore.

2.The Management,
Tamil Nadu State Transport Corporation Ltd.,
rep.by its General Manager,
Villupuram – 605 602.

...

Respondents

Appeal is filed under Clause 15 of the Letters Patent against the order,
dated 07.02.2023, passed in W.P.No.31910 of 2014, on the file of this Court.

For Appellant : Mr.R.Muralidharan

For Respondent 2 : Mr.M.Aswin



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JUDGMENT
(By *S.Vaidyanathan,J.*)

This appeal has been preferred against the order of the learned single Judge, dated 07.02.2023, passed in W.P.No.31910 of 2014, setting aside the award of the Labour Court, Cuddalore, reinstating the appellant employee without continuity of service and back-wages.

2. The appellant employee is said to have joined the service of the respondent Corporation as a Conductor, pursuant to his name being sponsored by the Employment Exchange, and he was discharged from service on 19.02.1996 due to his poor performance. An industrial dispute was raised after 11 ½ years and it was taken up and adjudicated by the Labour Court in I.D.No.29 of 2008. The Labour Court has granted the relief of reinstatement, but without back-wages, continuity of service and other service benefits.

3. The case of the respondent Corporation was that the employee was on probation and, as his services were not satisfactory, he was discharged from service and that there was a delay of over a decade in raising the dispute.

4. The learned single Judge, after extracting the provisions of Section 2A of the Industrial Disputes Act,1947, and noting that the period of limitation of three years had come into force with effect from 15.09.2010, has categorically held that the



employee is not entitled to any relief, as the dispute has been raised belatedly. The contention of the respondent management that the appellant employee was dismissed in the year 1996 and the period of limitation gets over by 1999 may not be correct, as the amendment came into effect only in the year 2010 and it has no retrospective effect. No limitation is prescribed for an industrial dispute to be raised under Section 2(k) of the Industrial Disputes Act, 1947.

5. However, in the light of the decision of the Supreme Court in *Prabhakar v. Joint Director, Sericulture Department*, 2015 (15) SCC 1, we are of the view that the appellant employee is not entitled to any relief, as the dispute has been raised after 11 ½ years.

6. Writ Appeal is, accordingly, dismissed. No costs.

Index : Yes/No
Internet : Yes/No
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(S.V.N.,J.) (R.K.M.,J.)
30-03-2023

To

The Presiding Officer,
Labour Court,
Cuddalore.



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S.VAIDYANATHAN,J.
AND
R.KALAIMATHI,J.

dixit

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