



*WP.Nos.5518 & 5520 to 5522,
5589, 5592 & 5586 of 2021*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.5518 & 5520 to 5522, 5589, 5592 & 5586 of 2021

W.P.No.5518 of 2021

Mr.M.Jambulingam

. . .Petitioner

Vs

1.The General Manager, Bharat
Petroleum Corporation Ltd.,
A Government of India undertaking,
No.1, Ranganathan Garden,
11th Main Road, Anna Nagar West,
Chennai-40.

2.The Manager, Bharat Petroleum
Corporation Ltd., a company owned
company operated outlet, 32A,
T.S.Krishna Nagar, Mugappair,
Anna Nagar West, Chennai-50.

3.Sqn.Ldr. V.Venkatadri (Retd.)

4.Mr.S.Ramachandran

... Respondents



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PETITION under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorarified Mandamus to call for all the records pertaining to the passing of the orders dated 29.03.2019 in I.D.No.30 of 2019 on the file of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, quash the same and consequently direct the respondent to reinstatement the petitioner in service with all consequential benefits till the date of his superannuation and thereafter settle all the superannuation benefits.

In all Petitions :

For Petitioners : Mr.V.Ganeshmoorthy
For Respondents 1 & 2 : Mr.G.Anand for
M/s.T.S.Gopalan & Co.

COMMON ORDER

These petitions are filed by the petitioners seeking to quash the orders dated 29.3.2019 respectively in I.D.Nos.30, 29, 34, 32, 36, 35 & 40 of 2019 on the file of the Central Government Industrial Tribunal-cum-Labour Court, Chennai and to direct respondents 1 and 2 to reinstate the petitioners in service with all consequential benefits till the date of their superannuation and thereafter settle all the superannuation benefits.

2. The facts leading to filing of these cases are as follows :

(i) The respondent corporation terminated the services of the



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petitioners on 08.7.2007 without assigning any reasons and without complying with the provisions of Section 25 of the Industrial Disputes Act, 1947. Further, no notice was served on them before terminating them nor one month salary was paid to them towards compensation in lieu of notice. According to the petitioners, respondents 1 and 2 manipulated certain documents to show as if the petitioners were employed under a contractor. After termination, the petitioners along with others filed a computation petition before the Central Government Industrial Tribunal-cum-Labour Court, Chennai under Section 33C(2) of the Industrial Disputes Act, 1947 and it was dismissed on 29.1.2010.

(ii) Thereafter, the petitioners raised industrial disputes before the Central Government Industrial Tribunal-cum-Labour Court, Chennai under Section 2A(2) of the Industrial Disputes Act, 1947 along with petitions to condone the delay. However, they were dismissed by the impugned orders on the ground that even after affording sufficient opportunity, the petitioners failed to produce any documents relating to their appointment and termination and any copies of the petitions showing that they moved the



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WEB COPY Labour Machinery. Challenging the same, the petitioners are before this Court.

3. Learned counsel for the petitioners would submit that they were terminated from service without assigning any valid reason for termination. However, without advertng to the said fact as also other documents placed by the petitioners before the Labour Court, though the reason was quoted as to the inordinate delay in filing the applications under Section 2A(2) of the ID Act, the Labour Court without considering the same, has mechanically rejected the claim of the petitioners by dismissing the applications filed by the workmen on the ground of delay which cannot be sustained. Accordingly, he prays for allowing this Writ Petition.

4. Per Contra, learned counsel appearing for the respondent corporation would submit that that the workmen were terminated from service in the year 2007 and had raised a dispute only in the year 2019 which is after a lapse of 12 years. However, there is a clear mandate under



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Section 2-A(3) of the Industrial Disputes Act, which prescribes that any application referred to under 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). It is therefore the submission of the learned counsel that the petition raising a dispute filed by the daily wage worker, is barred by limitation which could not have been entertained by the Labour Court. When the applications made by the workers are not maintainable, the award passed by the Labour Court is perfectly in order and does not require any interference.

5. Heard the learned counsel for the petitioners and the learned Standing Counsel appearing on behalf of respondents 1 and 2.

6. As per Section 2A of the Act, any individual can raise a dispute challenging his discharge, dismissal, retrenchment or termination. However, with effect from 15.09.2010, sub-sections (2) & (3) were inserted under



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Section 2-A by way of Amending Act 24 of 2010. In view of the said amendment, the workmen should raise a dispute within a period of 3 years from the date of dismissal or termination. In the present case, the workmen were terminated from service in the year 2007, however, they have raised a dispute only in the year 2019, which is beyond the period of limitation of three years prescribed under the Act. Therefore, this Court is of the view that the Labour Court has rightly rejected the applications made by the workmen and hence the impugned award of the Labour Court cannot be interfered with.

7. Accordingly, these Writ Petitions are dismissed. There shall be no order as to costs.

31.08.2023

Index : Yes (or) No

Neutral Citation : Yes (or) No

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