



WEB COPY



WP.Nos.5556, 5558, 5568
& 5570 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.5556, 5558, 5568 & 5570 of 2021

Mr.D.Poomaran

...Petitioner in
WP.No.5556 of 2021

Mr.R.Thirumurugan

...Petitioner in
WP.No.5558 of 2021

Mr.Hilal Ahmed

...Petitioner in
WP.No.5568 of 2021

Mr.C.Udhaya Sankar

...Petitioner in
WP.No.5570 of 2021

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.



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2.The Manager, Bharat Petroleum
Corporation 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
in all the WPs

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorarified Mandamus to call for the records pertaining to the orders all dated 29.3.2019 respectively in I.D.Nos.41 to 43 and 37 of 2019 on the file of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, quash the same and consequently direct the respondent to reinstate the petitioners in service with all consequential benefits.

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

COMMON ORDER

These petitions are filed by the workmen seeking to quash the awards dated 29.3.2019 respectively in I.D.Nos.41 to 43 and 37 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 into the services with all consequential benefits.



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

(i) The respondent corporation terminated the services of the 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



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petitioners failed to produce any documents relating to their appointment and termination and any copies of the petitions showing that they moved the 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.

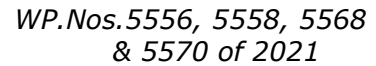
4. Per Contra, learned counsel appearing for the respondent corporation would submit that that the workmen were terminated from



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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 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.



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

Index : Yes (or) No
Neutral Citation : Yes (or) No

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To

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Industrial Tribunal-cum-
Labour Court, Chennai.
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