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W.P.No.12240 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.12240 of 2015

A.Bharathkumar

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Petitioner

versus

1.The Management of Steelage
Industries Limited,
Now taken over by
M/s.Gunebo India Ltd.,
Rep. by its General Manager,
Plot No.98B (NP),
SIDCO Industrial Estate,
Ambattur, Chennai - 600 098.

And having registered office at
Unit No.102, First Floor,
Akruti SMC, L.B.S.Marg,
Khopat, Thane (West) - 400 601.

2.The Presiding Officer,
Second Additional Labour Court,
Chennai.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent herein pertaining to I.D.No.193 of 2011 dated 11.10.2013, quash the same and to direct the first respondent herein to pay



the wages to the petitioner herein upto the date of superannuation and all other consequential benefits thereon.

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For Petitioner : Mr.G.Purushothaman
For Respondent No.1 : M/s.Jayaraman & Associates
For Respondent No.2 : Labour Court

ORDER

The Writ Petition has been filed by the workman challenging the award of the learned Presiding Officer, Second Additional Labour Court, Chennai, made in I.D.No.193 of 2011 dated 11.10.2013.

2. Heard Mr.G.Purushothaman, learned counsel for the petitioner and Mr.Jayaraman, learned counsel for the first respondent and perused the materials available on record.

3. Mr.G.Purushothaman, learned counsel for the petitioner submitted that the learned Presiding Officer has chosen to disallow the claim of the petitioner by stating that the claim is barred by limitation. It is the contention of the petitioner that the limitation has to be counted from 18.04.2011 on which date, a civil suit has been filed by the petitioner seeking an injunction against the management not to terminate his service without adopting due process of law. The said civil suit has been disposed



only in the year 2011 and hence, the claim filed by the petitioner in the year 2011 is well within the period of limitation.

4. Mr.Jayaraman, learned counsel for the first respondent submitted that the limitation for raising an industrial dispute under Section 2-A is, 3 years from the date of termination and the petitioner has even filed a claim petition before the conciliation officer as early as on 24.07.2023 and hence, it is wrong on the part of the petitioner to state the reasons for the pendency of the civil suit for raising the dispute in the year 2011.

5. The fact remains that the petitioner has been terminated on 31.01.2023. However, the learned counsel for the petitioner submitted that he did not receive the order of dismissal until the trial held in the civil proceedings. His contention is that he was not allowed to join duty and perform his functions while he was conducting the civil suit. So, it is well within the knowledge of the petitioner that his services were not engaged, but still he did not choose to file any appropriate proceedings before the appropriate forum and he is satisfied with the pendency of the civil suit as the reason for not filing the industrial dispute. Even for the sake of argument, if the pendency of the civil suit would save the period of



limitation, it is not on the wrong assumption that the petitioner has got the relief before the civil court.

6. Knowingly, the petitioner did not challenge any of the orders of dismissal. The relief claimed by him was an injunction against the management not to terminate him without adopting due process of law. So the petitioner has been keeping silent and he did not intend to invoke the jurisdiction of the appropriate forum / the Labour Court by way of raising any industrial dispute. He had attained the age of superannuation. The petitioner has chosen to file an industrial dispute in the year 2011 claiming that he has been illegally terminated. As he had raised a claim before the conciliation authority in the year 2003, it is clear that he was aware of the fact that he has the remedy before the courts, which have got the Labour matters jurisdiction. So it is unfair on the part of the petitioner to claim that he has been agitating before the civil court by claiming relief.

7. Admittedly, the petitioner did not file any industrial dispute till the year 2011 and the petitioner's actions / inactions for several years will not save him from the lapse of limitation. The learned Presiding Officer has rightly dealt the above point and has arrived at a conclusion that the



industrial dispute raised by the petitioner is barred by limitation. Hence, I do not find any grounds to interfere with the order passed by the learned Presiding Officer, Second Additional Labour Court, Chennai.

8. In the result, this Writ Petition is dismissed. No costs.

03.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

The Presiding Officer,
Second Additional Labour Court,
Chennai.



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R.N.MANJULA, J.

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