



WEB COPY



W.A.No.1731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A.No.1731 of 2023
and
C.M.P.No.15282 of 2023

Management of Flender Drives Pvt.Ltd.
309/2, A Block,
100, Chetipedu Village, Thandalam,
Kancheepuram District,
Rep. by its Authorised signatory
Mr.B.I.Chisturaj,
Head of Human Resource.

Formerly known as Management of
M/s.Siemens Ltd,

... Petitioner/Appellant

Vs.

R.Ravishankar

... Respondent/Respondent

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to
set aside the order dated 19.04.2023 made in W.P. No.15510 of 2022.

For Appellant : Mr.C.Manohar Gupta for
Mr.M.Kandasamy

For Respondent : Mr.K.Elango for
Mr.S.Siva Kumar



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JUDGEMENT

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ appeal has been instituted against the order dated 19.04.2023 passed in W.P.No.15510 of 2022.

2. The second respondent raised an industrial dispute in I.D. No. 166 of 2019 on the file of the Labour Court Kanjipuram. The appellant management filed I.A.No.338 of 2019 to dismiss the industrial dispute on the ground of limitation.

3. The learned counsel for the appellant would submit that both the Labour Court and the Writ Court has not considered the legal principle that the date of communication of the order of dismissal is to be reckoned for calculating the limitation period of three (3) years for entertaining an industrial dispute. In the present case, the petition was barred by the period of limitation and therefore, an interlocutory application was filed to dismiss the dispute.



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4. The learned counsel for the respondent workmen would oppose by stating that the factual aspects in this regard ought to have been adjudicated by the Labour Court and the Writ Court. One Cover, communicated by the Management with wrong address, cannot be taken into consideration for reckoning the period of limitation from the date of communication. In respect of other Cover the Labour Court found that it was not delivered as “Door Closed”. Therefore, the Labour Court considered the mitigating factors relating to communication of the order of removal of the workmen and dismissed the interlocutory application.

5. The findings of the Labour Court was made after examining the witnesses, more specifically the Postman. The factual adjudication and the findings of the Labour Court need not be interfered by this Court in the present writ appeal. The Writ Court considered the issues and confirmed the order passed by the Labour Court. The factual adjudication, at this stage, would not be proper since the interlocutory application is filed only on the point of limitation. Thus, we are not inclined to entertain the writ appeal.



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6. Accordingly, the orders of the Labour Court and Writ Court are confirmed and the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

7. The Labour Court shall proceed with the industrial dispute considering all the issues raised between the parties and decide the petition.

(S.M.S.J.,)

(K.R.S.J.,)

26.03.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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