



W.A(MD).Nos.679 and 680 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2024

CORAM:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**
AND
THE HON'BLE **MR.JUSTICE K.K.RAMAKRISHNAN**

W.A(MD).Nos.679 and 680 of 2019
and
C.M.P(MD).Nos.5913 and 5914 of 2019

The Management,
Maris Spinners Limited Unit II,
Kulithalai Road,
Manapparai 621 306.
Tiruchirappalli District.

... Appellant in both appeals

.Vs.

V.Murugesan
K.Ayyakkannu

... Respondent in
W.A(MD).No.679 of 2019
... Respondent in
W.A(MD).No.680 of 2019

COMMON PRAYER: Writ Appeals have been filed under Clause 15 of Letters Patent, to set aside the order dated 01.02.2019 made in W.P(MD).Nos.23111 and 23112 of 2018.

in both appeals

For Appellant

: Mr.S.Ramesh

for Mr.G.Mohankumar

For Respondent

: No appearance



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COMMON JUDGMENT

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(Judgment of the Court was made by **P.VELMURUGAN,J.**)

The respondents filed industrial dispute before the Labour Court in ID.Nos. 47 and 48 of 2013. Pending ID, the appellant took applications to decide the preliminary issue by deciding the point of limitation in I.A.Nos.303 and 304 of 2016. That applications were taken up by the Labour Court and decided that ID filed by the respondents challenging the disciplinary proceedings/award passed by the department, is barred by limitation. Challenging the said order, the workers/respondents filed writ petitions before this Court in W.P(MD).Nos.23111 and 23112 of 2018. The learned Single Judge of this Court made it clear that the amendment came into force only on 15.09.2010 and previously there was no limitation. Therefore, if at all there is a limitation, it would start only from the date of amendment and not from the date of the impugned order passed. Challenging the same, the Management is before this Court by way of these appeals.

2. From the reading of the order of the learned Single Judge, this Court does not find any reason to interfere with the same, for the reason that the statute itself came into force only on 15.09.2010. If at all, the limitation is applicable



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only from the date of enactment of the statute and not prior to that. Therefore, we do not find any reason to interfere with the order passed by the learned Single Judge. Further, the Labour Court has not discussed anything about the merits of the case. Since the Management filed the applications for deciding the preliminary issue, the Labour Court decided only the preliminary issue as to whether ID moved by the workers is barred by limitation. Therefore, we are handicapped to discuss anything more than that of the point of limitation.

3. Therefore, these Writ Appeals are dismissed and the order passed by the Labour Court is set aside and the industrial dispute is remitted back to the Labour Court. The Labour Court shall decide the matter on merits and in accordance with law. The appellant is at liberty to raise all his defence raised herein before the Labour Court, in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

(P.V.,J.) (K.K.R.K.,J.)
28.08.2024

NCC : Yes/No
Index : Yes / No
Rmk



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and
K.K.RAMAKRISHNAN,J.

Rmk

To
The Labour Court, Trichy.

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