



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 27.11.2024

CWP- 31769-2024

MANOJ KUMAR

...Petitioner

VS

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, AMBALA AND ANOTHER

...Respondents

CWP-31821-2024

DHARAM SINGH

...Petitioner

VS

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, AMBALA AND ANOTHER

...Respoondents

CWP-31824-2024

NARESH KUMAR

...Petitioner

VS

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL- CUM-
LABOUR COURT, AMBALA AND ANOTHER

...Respondents

CWP-31831-2024

BALVINDER SINGH

...Petitioner

VS

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL- CUM-
LABOUR COURT, AMBALA AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Mohit Garg, Advocate
for the petitioner(s)

**JAGMOHAN BANSAL, J. (ORAL)**

1 By this common order, CWP No. 31769 of 2024, CWP No. 31821 of 2024, CWP No. 31824 of 2024 and CWP No. 31831 of 2024 are hereby adjudicated as common questions of law and facts are involved. For the sake of convenience, facts are borrowed from CWP No. 31769 of 2024.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of Award dated 31.01.2024 (Annexure P-4) whereby Labour Court has dismissed his claim.

3. The petitioner joined respondent-The Shahbad Cooperative Sugar Mills Limited, Shahbad (M) on 01.04.1994 and he came to be terminated in December'2003. He filed his claim before Labour Court in January'2021. The Labour Court by impugned order dated 31.01.2024 has rejected his claim on the ground of delay as well as non-completion of 240 days during 12 months preceding the date of termination. He claims that delay has occurred because he was pursuing the matter with the Management and no limitation period was prescribed during the period in question.

4. Mr. Mohit Garg, Advocate submits that petitioner is an illiterate person and he was not aware of his legal remedies, thus, he could not approach authorities within reasonable time. This Court can ignore delay of 15 years in approaching labour authorities and thereafter reference of matter to Labour Court.

5. I have heard counsel for the petitioner and perused the record with his able assistance.



6. The petitioner came to be terminated in December'2003. He initiated legal recourse in November'2018. He opted to remain silent for 15 years. No limitation period under Section 10 of ID Act even as on day has been prescribed, however, by amendment carried out in 2010, limitation of 03 years was prescribed under Section 2A of ID Act. For the ready reference, Sections 2A and 10 of ID Act are reproduced as below:

Unamended

Section 2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.- Where any employer discharges, dismisses, retrenches, or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.

Amended

“2-A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.—

(1) Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.

(2) Notwithstanding anything contained in Section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to



therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

(3) The application referred to in 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).

10. Reference of disputes to Boards, Courts or Tribunals.—

(1) Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order in writing,—

(a) refer the dispute to a Board for promoting a settlement thereof; or

(b) refer any matter appearing to be connected with or relevant to the dispute to a Court for inquiry; or

(c) refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication; or

(d) refer the dispute or any matter appearing to be connected with, or relevant to the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule, to a Tribunal for adjudication: Provided that where the dispute relates to any matter



specified in the Third Schedule and is not likely to affect more than one hundred workmen, the appropriate Government may, if it so thinks fit, make the reference to a Labour Court under clause (c) :

Provided further that] where the dispute relates to a public utility service and a notice under Section 22 has been given, the appropriate Government shall, unless it considers that the notice has been frivolously or vexatiously given or that it would be inexpedient so to do, make a reference under this sub-section notwithstanding that any other proceedings under this Act in respect of the dispute may have commenced:

Provided also that where the dispute in relation to which the Central Government is the appropriate Government, it shall be competent for that Government to refer the dispute to a Labour Court or an Industrial Tribunal, as the case may be, constituted by the State Government.”

7. Section 2A of ID Act was amended w.e.f. 15.09.2010. By way of amendment, workman has been permitted to file application before Labour Court in case of discharge or dismissal or retrenchment or termination from service. Limitation period of 03 years from the date of discharge, dismissal or retrenchment has been prescribed.

8. The demand notice was raised after 15 years. No limitation period has been prescribed under Section 10 of ID Act. It only provides that there must exist or there should be apprehension of dispute and reference may be made at any point of time. The respondent is claiming that expression ‘at any time’ means Government can make reference without considering limitation. There is no limitation and reference can be made at any point of time.



9. It is a settled proposition of law that if no limitation period is prescribed, every authority is bound to act within reasonable period of limitation. By inserting sub section (3) in section 2A, the legislature has prescribed 03 years limitation period from the date of dismissal from service. It is true that 03 years period prescribed under Section 2A of ID Act cannot be imported in the present case because matter relates to pre-amendment era, however, cue can be taken from said prescribed period. In the absence of said period, reasonable period should be applied. It is trite law that reasonable period depends upon facts and circumstances of each case. There is no straight jacket formula. The Courts are supposed to determine reasonable period in the peculiar facts and circumstances of each case.

10. The petitioner opted to remain silent after his termination in 2003. He was duty bound to avail available remedies within reasonable period of limitation. He could not approach labour authorities as per his convenience and sweet will.

11. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petitions deserve to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

27.11.2024
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Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	