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W.P.No.15797 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15797 of 2015

M.Sundaramoorthy

... Petitioner

Vs.

1.The Presiding Officer
Labour Court,
Cuddalore.

2.The Management,
Tamilnadu Electricity Board,
Villupuram,
Rep. by its Superintending Engineer,
Villupuram.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the entire records connected with the impugned order passed by the first respondent in unnumbered I.D.No. /2014, dated 06.06.2014, and quash the same and direct the first respondent to number the dispute and decide the case on merits within time frame manner fixed by this Hon'ble Court.

For Petitioner : Mr.S.N.Ravichandran
For Respondents : R1 – Court
R2 – No Appearance



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, call for the entire records connected with the order passed by the first respondent in unnumbered I.D.No. / 2014, dated 06.06.2014, and quash the same and direct the first respondent to number the dispute and decide the case on merits within a time frame.

2.The learned counsel appearing for the petitioner submitted that the petitioner is an employee of the second respondent and he was terminated from service on 18.10.2007 and aggrieved by the same, the petitioner raised industrial dispute under Section 2A of the Industrial Disputes Act, however, the first respondent without even numbering the industrial dispute rejected the same on the ground that the Central amendment came into force on 15.09.2010 and the petitioner ought to have filed the application within three years from that date, whereas, the petitioner has filed the application only on 02.12.2013 and hence the application is barred by limitation. The learned counsel further submitted that Section 2A of the Industrial Disputes Act was amended for fixing the limitation, however, it is only



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prospectively and not retrospectively and prayed for allowing the writ petition.

3.The facts of the case is not in dispute. This Court in the order dated 29.09.2023 made in W.P.No.1091 of 2018 [S.Kamarajbabu Vs. The Presiding Officer, Labour Court, Salem and another], has held that 'sub-section (3) to Section 2-A provides for a limitation of three years from the date of passing of the order of dismissal, discharge, retrenchment or termination of a workman. However, the said amendment was inserted into the statute by amending Act 24 of 2010 only on 15.09.2010. It has been the consistent view of the Courts that so far as the amendment is not a disqualifying provision, all the statutes would operate only prospectively and there cannot be retrospective effect on the provision.'

4.In the present case, the petitioner was terminated from service on 18.10.2007 and the Central amendment came into force on 15.09.2010 and the petitioner ought to have filed the application within three years from that date, whereas, the petitioner has filed the application only on 02.12.2013 and the same was rightly appreciated



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M.DHANDAPANI,J.
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by the first respondent and hence the impugned order warrants no interference.

5.The writ petition is dismissed. No costs.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Presiding Officer
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Villupuram,
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Villupuram.

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