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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

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THE HONOURABLE MR.JUSTICE K. SURENDER

WP Nos. 23908, 23911, 23922, 23924 & 23927 of 2024

&

WMP Nos.26170, 26172, 26179 & 26181 of 2024

1. N.Shantha Kumar,
2.V.Murugesan
3.Thivakar Karthik
4.K.Sathish Kumar
5.K.Suresh Kumar

...petitioner in WP. No.23908 of 2024
..petitioner in WP. No.23924 of 2024
..petitioner in WP. No.23927 of 2024
..petitioner in WP. No.23922 of 2024
..petitioner in WP. No.23911 of 2024

Vs

1. The Management,
M/s. Alstom Transport India Limited,
No 63, Trichy Road, Kannampalayam
Post, Coimbatore -641 402

Respondent(s)

PRAYER

These Writ Petitions have been filed seeking for issuance of a Certiorarified Mandamus, to call for the entire records in pursuant to the Impugned Award passed in I.D. Nos.87, 86, 85, 88 & 89 of 2016 respectively dated 26.04.2022 by the Principal Labour Court, Coimbatore, quash the same and consequently



direct the respondent / Management to reinstate the petitioners with continuity of service along with entire backwages and all other attendant, monetary and terminal benefits(in all Wps).

For Petitioner(s)(in A.Deivasigamani
all Wps):

For Respondent(s)(in Mr.Anandha Gopalan for M/s.
all Wps): Agam Legal Advocates

COMMON ORDER

These Writ Petitions have been filed seeking for issuance of a Certiorarified Mandamus, to call for the entire records in pursuant to the Impugned Award passed in I.D. Nos.87, 86, 85, 88 & 89 of 2016 respectively dated 26.04.2022 by the Principal Labour Court, Coimbatore, quash the same and consequently direct the respondent / Management to reinstate the petitioners with continuity of service along with entire backwages and all other attendant, monetary and terminal benefits.

2.Since the grievance of all the Writ Petitioners is one and the same, all the Writ Petitions are being disposed of by way of this common order.

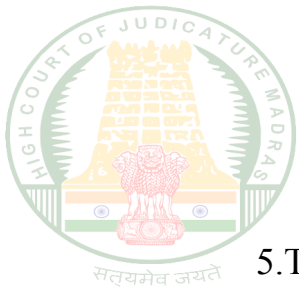


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3. The brief facts of the case are that the petitioners were the employees of the respondent/Management. The respondent/Management retrenched the petitioners on 28.09.2012. Questioning such retrenchment, the petitioners approached the Labour Court on 17.10.2016. The Labour Court has passed a common Award, dated 26.04.2022 dismissing all the five disputes raised by the petitioners, mainly relying on the limitation prescribed under the Industrial Disputes Act, 1947. Section 2(A)(3), which reads as follows:

"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)."

4. The learned counsel appearing on behalf of the petitioners would submit that the respondent /Management has employed some other workers in the year December 2013 and failed to give a notice to these petitioners nor inform the petitioners, and enquire whether they intend to join in the Company. Since the petitioners were not given any opportunity, when new employees were inducted in December 2013, the petitioners can question the said order since the limitation starts from December 2013.



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5.The arguments of the learned counsel for the petitioners is based on the reply notice dated 30.12.2015, addressed to the Advocate, who sent notice dated 23.12.2015 on behalf of the petitioners. In the reply notice, it is mentioned as follows:

"In December 2013, the twenty eight permanent workmen who were then in employment decided to leave service on their own volition by receiving a negotiated amount by way of severance compensation. Accordingly, they left the service of our clients. At that time, all your clients were given an opportunity to rejoin the service of our clients, but they declined to accept the offer, as they were gainfully employed elsewhere".

6.Based on the said reply notice, the learned counsel argued that though new employees were taken by the respondent/Management, no information nor any opportunity was given to the petitioners. When specifically questioned about the details of the employees, who joined the respondent/Management in the month of December 2013, the petitioners are not in a position to give any such details.

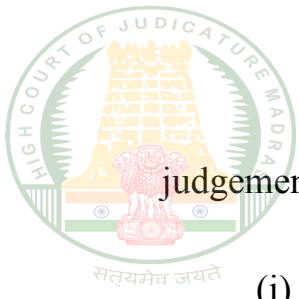


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7. The learned counsel for the respondent /Management would submit that there no employees were taken in the month of December 2013 after the 28 workmen left the Company.

8. The employment of the new employees by the Management, after the retrenchment of the petitioners on 28.09.2012 cannot be assumed on the basis of the reply notice assuming that the respondent /Management recruited some employees in the year December 2013 without giving an opportunity to the petitioners who were retrenched earlier. Since there is no proof or evidence before this Court about any employees being inducted, the ground raised by the learned counsel cannot be considered. Section 2(A)(3) of the Act was introduced on 15.09.2010 and came into force from the said date. The time limit prescribed is three years for filing an application questioning the retrenchment. There is no saving Clause or any proviso to the said Section 2A(3) of the I.D. Act, 1947 in order to condone any delay.

9. The learned counsel for the petitioners has relied on the following



judgements:

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MPHC 108.

(ii) *Central Bank of India Vs.S.Satyam & Others(CD)1996 SC 180.*

(iii) *Ayukt Indore Nagar Palika Nigam, Indore Vs.Jagdish(CD) 2008*
MPHC 191.

10. For the afore said reasons, this Court does not find any infirmity with the order of the Labour Court, dismissing the disputes raised by the petitioners on the ground of limitation. Since the three judgments cited by the petitioners were pronounced prior to the introduction of Section 2(A)(3) prescribing limitation, the said judgements are not applicable to the present facts of the case.

11. Accordingly, these Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(K.SURENDER,J.)

19th August,2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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1. The Management

M/s. Alstom Transport India Limited

No 63, Trichy Road, Kannampalayam

Post, Coimbatore 641 402



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K.SURENDER, J.
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