



WP(MD)No.9260 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.9260 of 2019
and
WMP(MD)No.7278 of 2019**

S.Charles

...Petitioner

Vs

**The Management / President,
T1074, Kandiyur Primary Agricultural
Co-Operative Credit Society,
Kandiyur, Thiruvaiyaru Taluk,
Thanjavur district.**

...Respondent

**[Respondent was amended by order
dated 13.03.2025 in WMP(MD)No.
44116 of 2025]**

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified mandamus after calling for the records relating to the impugned order dated 24.04.2018 in IA.No.9 of 2018 in unnumbered industrial dispute case passed by the Labour Court, Kumbakonam, quash the same and consequently to direct the Labour Court, Kumbakonam to enquire the case / claim statement filed by the petitioner relating to his non-employment in the respondent, after taking into file and giving number to the same within a time frame as may be fixed by this court.



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For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.S.Kumar

ORDER

The petitioner / an erstwhile employee of the respondent, has raised an industrial dispute under Section 2A(2) of the Industrial Disputes Act, 1947 (in short 'the ID Act') before the Labour Court, Cuddalore on 30.11.2015 and the same was transferred to Labour Court, Kumbakonam in the year 2018. The Labour Court, Kumbakonam by its order dated 24.04.2018 in IA.No.9 of 2018 has rejected the unnumbered industrial dispute that it has been raised with a delay of 2600 days. Challenging the same this writ petition is filed.

2.The learned counsel for the petitioner submits that the petitioner was engaged as Packer by the respondent society by way of its resolution dated 13.02.1989 and he was made permanent on 29.01.1999. Subsequently he was promoted as a salesman on 28.11.2000. He worked upto 17.02.2008. Since the respondent society was facing financial constraints, he was advised to go on leave on condition that as and when



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financial status improves, he would be observed. However he was not observed. Therefore, the petitioner raised an industrial dispute under Section 2(A) of the ID Act before the Labour Court, Cuddalore and it was finally decided by the Labour Court, Kumbakonam.

3.The learned counsel further submits that the delay in raising the dispute had occurred since the respondent management had not provided him any order of termination. He was also pursuing with the respondent society from 26.08.2010 to 12.03.2015. Thereafter he raised the industrial dispute before the Labour Officer, conciliation ended in failure and the conciliation failure report was sent. Thereafter the petitioner filed an application before the Labour Court, Kumbakonam under Section 2A(2) of the ID Act, however with a delay of 2600 days, on 30.11.2025. This application has been transferred to the Labour Court, Kumbakonam on account of jurisdiction. This application has been taken on file in A.No.9 of 2018 and it has been rejected on 24.01.2018 on the ground of laches.



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4.The learned counsel further submits that the petitioner has been terminated orally. The petitioner is having a right of challenging the oral termination and this has already been considered by this court in WP(MD)No.18378 of 2020 and WP(MD)No.13422 of 2022, wherein the statutory period has been waived off considering the plight of the workman and as such the petitioner has the right to challenge the oral termination.

5.The learned counsel for the respondent society submits that it is true that the petitioner was engaged as packer in the year 1989, made permanent in the year 1999 and subsequently was promoted as salesman in the year 2000. However, the petitioner applied for leave for six months on 29.02.2008. Thereafter he had not reported to duty. According to the learned counsel the petitioner by availing leave went abroad for job and worked there for three years. He returned to India only in the year 2011. Thereafter he has sought employment from the respondent.

6.Since the petitioner was unauthorisedly absent from October 2008, his request was not considered. Thereafter the petitioner has raised



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the industrial dispute before the conciliation officer only in the month of October 2015. The failure report was submitted on 08.10.2015. Thereafter the petitioner has raised industrial dispute before the Labour Court, Cuddalore on 30.11.2015.

7.The learned counsel by referring to Sub Section 3 of Section 2A of the ID Act submits that the application under Section 2 of the ID Act shall be made to the Labour Court or Tribunal before expiry of three years from the date of discharge or termination, retrenchment or otherwise termination of the service as specified under Sub Section(1) of Section 2A of the Act and there is no provision enabling the Labour Court to condone the delay for Industrial Disputes under Section 2A(2) of the Industrial Disputes act.

8.Considering the rival submissions this court directed the petitioner to produce his passport. The learned counsel instead of producing the passport, has produced a resolution dated 16.02.2008, wherein the petitioner has been permitted to go on leave due to the financial condition of the society. However, the respondent society



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claims that the petitioner went on leave on his own accord and that too for getting employment in abroad.

9.Considering the manner that the petitioner availed leave in the month of February 2008, did not raise any dispute after the expiry of his leave period, but has raised the industrial dispute only in the year 2015, with a delay of more than 2500 days, this court is not inclined to interfere with the orders of the Labour Court. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

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Index : Yes / No

DSK

To

The Presiding Officer,
Labour Court,
Kumbakonam.



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B.PUGALENDHI.J.,

DSK

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