



CWP-20919-2021

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(247)

CWP-20919-2021

Date of Decision : 05.03.2026

Sandeep Kumar

...Petitioner

Versus

Presiding Officer, Central Govt. Industrial Tribunal
Cum Labour Court-2, Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep Bhardwaj, Advocate
for the petitioner.

Mr. Irshan Singh Kakar, Advocate for
Ms. Aerika Singh, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The claim petition filed under Section 2-A of the Industrial Disputes Act, 1947 (for short 'the ID Act'), directly by the petitioner/workman, was dismissed by learned Industrial Tribunal concerned, through an award dated 01.04.2021 (Annexure P-9), on account of barred by limitation.

2. Succinctly, the petitioner/workman approached the learned Industrial Tribunal concerned by filing claim statement, alleging that he worked with the respondent/company, upto 19.08.2015, and thereafter, a case was registered against him, vide FIR No.722 dated 19.08.2015, under Sections 380 and 454 of IPC, at Police Station City Karnal, by one of official of the respondent/Management, namely, Inderjit.



3. It is submitted that the petitioner/workman, was exonerated from the charges levelled against him, through a judgment dated 18.07.2016 (Annexure P-4), passed by learned trial Court concerned. The petitioner/workman also set up a claim for release of withheld salary of Rs.4,24,500/-.

4. The respondent No.2/Management, filed a written statement, to the effect, that services of the petitioner/workman, was never terminated, rather, after registration of the FIR (supra), he was arrested and never reported back to the place of working. Thereafter, his deputation was cancelled, and he was asked to report for duty at his original office. However, he did not report back and after a delay of over three years, a claim petition has been filed.

5. Learned counsel for the petitioner, while placing reliance upon the judgment dated 18.07.2016 (Annexure P-4), submits that petitioner/workman, was exonerated from criminal charges, and limitation period, has to be counted from the day when he was actually discharged/acquitted by learned trial Court concerned.

6. This Court has heard the learned counsel for the petitioner, and finds that the above submission carries no weight.

7. The petitioner/workman, has set up a claim, that his services were terminated, way back on 19.08.2015, and therefore, as per Section 2-A sub-Clause-3 of the ID Act, mandates that application to the Labour Court or Tribunal shall be made before the expiry of three years, from the date of dispatch/dismissal/retrenchment, or otherwise. Learned Tribunal concerned has followed the ratio laid down in '*Oil and Natural Gas Corporation Ltd. vs. Gujarat Energy Transmission Corporation Ltd. and others*' (2017) 5 SCC



42, and dismissed the claim petition through the impugned order. The relevant is extracted hereinafter :-

“14. So far as the condonation of delay is concerned, the provisions incorporated in Section 2-A sub-clause-3 mandates that application to the Labour Court or Tribunal shall be made before the expiry of three years from the date of dispatch/dismissal/retrenchment or otherwise, as is specified in Sub-Section 2-A of the Industrial Disputes Act, 1947. Thus, this Section is coached that mandatory terms and this Tribunal has got no power to condone the delay at any cost. The Hon’ble Supreme Court while dealing with the statutory provision of EPF & MP Act, 1952 with respect to the condonation of delay as held in the case of Oil and Natural Gas Corporation Ltd. Vs. Gujarat Energy Transmission Corporation Ltd. & Others, reported in (2017) 5 SSC 42 as follow:-

“The Act is a special legislation within the meaning of Section 29 (2) of the Limitation Act and, therefore, the prescription with regard to the limitation has to be the binding effect and the same has to be followed regard being had to its mandatory nature. To put it in a different way, the prescription of limitation in a case of present nature, when the statute commands that this Court may condone the further delay not beyond 60 days. It would come within the ambit and sweep of the provisions and policy of legislation. It is equivalent to Section 3 of the Limitation Act. Therefore, it is uncondonable and it cannot be condoned taking recourse to Article 142 of the Constitution”.

15. Having gone through the above facts and legal proposition, this Tribunal is of the considered opinion that the claim petition is barred by limitation as such, this Court has got no power to entertain the claim petition and liable to be dismissed. Hence, claim petition is dismissed.”



CWP-20919-2021

4

8. Learned counsel for the petitioner is unable to point out any precedent law, or to refer to any statutory provisions, to demonstrate that, the Tribunal can take cognizance of a claim petition filed under Section 2-A of the ID Act, after expiry of three years of limitation period.
9. Consequently, the instant writ petition is **dismissed**.

(KULDEEP TIWARI)
JUDGE

March 05, 2026
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No