
(2014) 02 DEL CK 0004
In the Delhi High Court
Case No : W.P. (C) 4357/2013

Balwan Singh and Others

APPELLANT

Vs

Sahara India Parivar and Another

RESPONDENT

Date of Decision : 07-02-2014

Acts Referred:

Industrial Disputes Act, 1947 — Section 2A

Citation : (2014) 2 LLN 425 : (2014) LLR 357

Hon'ble Judges : V. Kameswar Rao, J

Bench : Single Bench

Advocate : Monika Manocha and Mr. Amandeep Mehra, Advocate for the Appellant; Aman Walesha, Advocate for Respondent No. 1 and Mr. Anil Bhat, Advocate for the Respondent

Final Decision : Dismissed

Judgement

V. Kameswar Rao, J

1. The challenge in this writ petition is to the Award dated. May 6, 2013 passed by the Central Government industrial Tribunal cum Labour Court No 1. Karkardooma, Delhi ("Tribunal" in short) in I.D. No. 1/2013, whereby the Tribunal has dismissed the claim filed by the petitioners against his alleged termination beyond a period of 3 years as prescribed by sub-section 3 of section 2A of the Industrial Disputes Act, 1947 (in short "Act"). Three petitioners were appointed by the respondent No 1 as Security Assistant (petitioner No 1 & 2) and Engineering Assistant (petitioner No. 3) with the respondent No 1. The merger took place between the respondent No 1 and respondent No. 2. It is the case of the petitioner Nos. 1 & 2 that they were transferred to Lucknow and the petitioner No. 3 to Basti. According to them, they were not allowed to join the duties at the respective places. Their services were dispensed with in the last week of January, 2007.

2. It is noted that a demand notice was sent by the petitioners on August 11.

2007. The petitioners filed the claim petition on March 20, 2013 under subsection 2 of section 2A of the Act. According to them, they had approached the Tribunal pursuant to a certificate dated October 29, 2012 issued by the Conciliation Officer u/s 2(a) & 3 of the Amendment Act of 2010. The Tribunal rejected the claim vide the impugned order on the ground that the same has been preferred after a period of limitation as prescribed under sub-section 3 of section 2A of the Act.

3. Learned counsel for the petitioners would submit that the petitioners had approached the Tribunal pursuant to a certificate granted by the Conciliation Officer. She would further submit that the petitioners are poor workmen, who were exhausting their remedies as available to them before approaching the Tribunal.

4. The submissions so made would not help the petitioners in any way. I find that there was no occasion for the petitioners to approach the Conciliation Officer. Under the provisions of section 2A of the Act, the petitioners could have directly approached the Tribunal. The admitted position is that the petitioners were terminated somewhere in the month of June, 2007. The claim petition has been filed after a period of 5 years. I agree with the conclusion arrived at by the Tribunal. The relevant paragraph is reproduced hereunder:

Out of facts presented by the claimants, it emerged over the record that their service were disengaged by the Airlines in June, 2007. Notice of demand was served on the Airlines in August, 2007. Consequently, they project a case of termination of their services by the Airlines in June, 2007. For approaching this Tribunal, under provisions of sub-section 2 of section 2A of the Act, limitation of three years from the date of discharge, dismissal, retrenchment or otherwise, termination of service of an employee has been imposed by the legislature. Thus, it is apparent that the claimants could have approached this Tribunal under sub-section (2) of section 2A of then Act till June, 2010 only. As is evident, claim preferred is beyond the period of limitation. Under these circumstances, this Tribunal cannot invoke its jurisdiction for adjudication of the dispute.

5. In the given facts, the writ petition is devoid of any merit and the same is accordingly dismissed. No costs.