

(2011) 03 KAR CK 0038
In the Karnataka High Court
Case No : Writ Petition No. 34575 of 2010

N. Rathan Kumar Naik

APPELLANT

Vs

The Central Arecanut and Cocoa Marketing and Processing Co-operative Limited

RESPONDENT

Date of Decision : 07-03-2011

Acts Referred:

Industrial Disputes Act, 1947 — Section 10 (4) (A)

Citation : (2011) 03 KAR CK 0038

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : Aram Mohan, for the Appellant;

Final Decision : Dismissed

Judgement

A.N. Venugopala Gowda, J.—Heard Sri. A. Ram Mohan learned Counsel appearing for Petitioner and perused the writ petition papers.

2. The Petitioner was terminated from the service of the Respondent on 16.3.1992. His order of termination was questioned in W.P. No. 6183/1992, which was disposed of on 20.8.1996 reserving liberty to the Petitioner to raise the dispute before the Labour Court. The claim petition u/s 10(4)(A) of the Industrial Disputes Act, 1947 was filed on 26.2.1998 i.e. after more than 2 years.

3. The claim having been contested and issue with regard to the limitation having been raised, that the claim petition has been filed beyond prescribed period of limitation, even if reckoned from the date of disposal of writ petition, there being not even an application filed seeking condonation of delay, the Labour Court dismissed the dispute.

4. Sri. Ram Mohan, learned Counsel for the Petitioner does not dispute the fact that the claim petition was filed beyond stipulated period. learned Counsel admits that not even an application was filed seeking condonation of delay in preferring the claim.

5. In view of the admitted circumstances, the Labour Court was justified in dismissing the petition, since the same was not filed within the prescribed period and condonation of delay was not even sought by filing an application. The labour Court has not committed any error or irregularity in passing the award. In the circumstances, no interference in the matter is called for. Petition stands rejected.

Ordered accordingly