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W.A.(MD)NO.1182 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1182 of 2023 AND

C.M.P.(MD)No.9040 of 2023

V.Chinnathambi

... Appellant / Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Madurai.

2. The Management,
Coats Viyella India Ltd.,
New Jail Road,
Madurai.

... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 09.12.2021 made in W.P.(MD)No.457 of 2014 on the file of this Court and allow the writ appeal.

For Appellant : Ms.P.Kalaiyarasi Bharathi

For R-1 : Mr.T.Ravichandran

* * *

**J U D G M E N T**

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(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

The worker is on appeal challenging the order passed by the learned single Judge dismissing his writ petition.

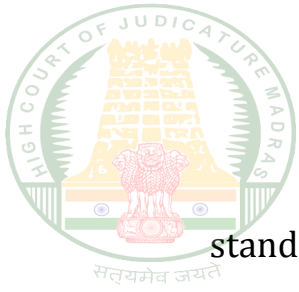
2. The case of the appellant is that he had served the second respondent for a period of 480 days for two consecutive years and that therefore, he should be regularised. The case of the appellant was taken up by the Union as S.2K dispute. The Labour Court passed the award dated 08.12.2011 in I.D.No.225 of 1996 declined to grant relief. However on two issues, the Labour Court, Madurai found in favour of the employee. It held that the dispute was raised by the Union was maintainable and that Madura Coats was the employer. Relief was denied only on the ground that there was no definite evidence to show that the employee had worked for a period of 480 days for two consecutive years. Aggrieved by the award of the Labour Court, the employee filed W.P.(MD)No.457 of 2014 seeking regularisation. The management filed W.P.(MD)No.7018 of 2014. The learned single Judge vide order dated 09.12.2021 dismissed the writ petition filed by the worker and allowed the writ petition filed by the management.



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3. As a result of the order allowing the writ petition filed by the management, the effect is that the dispute raised before the Labour Court turned out to be not maintainable. The learned single Judge had held that the Union could not have espoused the cause of workman seeking regularization as a Sec.2K dispute. It also held that Madura Coats was not the employer. Even though we have our own reservations regarding these two findings of the learned single Judge, unfortunately the appellant had filed only one writ appeal. The appellant had challenged the order made in W.P.(MD) No.457 of 2014 filed by him and he had not challenged the order made in W.P(MD)No.7018 of 2014 filed by the management. Therefore, the principle of *res judicata* will operate against the appellant.

4. The learned counsel for the appellant also endeavoured to bring in additional materials to show that the appellant had actually worked for a period of 480 days for two consecutive years. We regret that these evidences cannot be looked into by this Court. They ought to have been produced before the Labour Court itself. The appellant missed the bus. Relief cannot be granted at this time. This writ appeal



stands dismissed. No costs. Consequently, connected miscellaneous
petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
3rd July 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

The Presiding Officer,
Labour Court,
Madurai.



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