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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE E.MANOHARAN

WA Nos.2491, 2493, 2495 & 2497 of 2025

CNR: {HCMA011609522025}

P.Rangaraj

Case QR

..Appellant(s) in all appeals

Vs

The Management
Maharashtra State Co-Operative Cotton Growers Marketing Federation Ltd., Rep. by its General Manager (Accounts) I/C, Krishnakumar S.Nair,
No. 82, Street No. 3, Post Box No.2964 Tatabad,
Coimbatore 641 012

..Respondent(s)

W.A.No.2491 of 2025 is filed against the order passed WP.No.2617 of 2024, dated 18.02.2025, on the file of this Court.

W.A.No.2493 of 2025 is filed against the order passed WP.No.2618 of 2024, dated 18.02.2025, on the file of this Court.

W.A.No.2495 of 2025 is filed against the order passed WP.No.2619 of 2024, dated 18.02.2025, on the file of this Court.

W.A.No.2497 of 2025 is filed against the order passed WP.No.2620 of 2024, dated 18.02.2025, on the file of this Court.

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For Appellant(s) in all appeals: Mr.K.M.Ramesh, Senior Counsel, for Mr.V.Subramani.

For Respondent(s) in all appeals: Mr.A.Deivasigamani

JUDGMENT

(Judgment of the Court was delivered by Dr.G.Jayachandran J.)

These intra court appeals are filed by the workman, being aggrieved by the dismissal of his writ petitions, filed challenging the common order passed by the Principal Labour Court, Coimbatore, in favour of the Management.

2. For easier understanding, the dates and events, as provided by the appellant/workman, explicitly show the conduct of the Management to sustain the litigation without implementing the orders passed by the Labour Court. 3.

3. Coming to facts, the appellant, who was in continuous employment in the respondent multi-State Co-operative Marketing Federation, raised a dispute, being aggrieved over the oral instructions given by the Management not to report to duty. The Labour Court, after appreciating the facts, found that the Management, with an intention to victimise the workman, refused to give work for his questioning the Management for not giving promotion on par with his junior, one Shanmugasundaram. While doing so, the Labour Court directed the Management to reinstate the workman with back wages and continuity of service. The award was unsuccessfully challenged by the Management up to

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Supreme Court. Therefore, the workman was reinstated with a monthly salary of Rs.1,600/-. This forced the workman to file claim petitions, seeking pay parity with that of Shanmugasundaram, his junior, discharging the duty of Manager at that relevant point of time. The Labour Court passed the common award in the claim petitions, restricting the claim of the workman in so far as back wages, and declining to award other attendant benefits. As against the said order, the Management preferred Writ Petitions. The order passed in Writ Petitions is impugned in the present Writ Appeals, since the workman is aggrieved by the order of the learned single Judge, who has reversed the finding of the Labour Court.

4. Learned counsel appearing for the appellant would submit that the Management, which has refused to restore the status of the workman as per the order of the Labour Court passed in C.P.No.235 of 1999, cannot force the workman to agitate the order before the Labour Court for his due wages and the claim petition is maintainable; however, the learned single Judge, on technical ground, has allowed the Writ Petitions filed by the Management, contrary to settled principles of law.

5. Learned counsel for the respondent would submit that the order passed in C.P.No.235 of 1999 was to reinstate the workman with back wages and continuity of service, following which the workman was reinstated in service, back wages have already been paid and he was continued till his superannuation, for which salary has also been disbursed to him on par with a

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Clerk, and he cannot claim difference in wages, seeking notional promotion on par with his junior.

6. The point for consideration is, whether the learned single Judge was right in allowing the Writ Petitions, on the ground that the claim petition was not maintainable since the workman had no pre-existing right.

7. The facts of the case, as narrated above, clearly show that the award passed by the Labour Court in C.P.No.235 of 1999 was a composite one with an intention to restore the workman with all his service benefits and status. From the admission of the Management, it is clear that though the award in C.P.No.235 of 1999 was passed on 14.06.2001, after agitating the matter up to Supreme Court, the workman was reinstated in service only on 13.10.2004 and he was paid the same salary what he had drawn in the year 1999, when he was ordered to stop reporting to duty.

8. It is shocking that the appellant-workman was paid the same salary till his retirement. However, the Management has been agitating the cast at all stages and levels up to Supreme Court, by filing writ petitions, SLPs., etc. The right of workman, who has been benefited by the order of the Labour Court, for reinstatement with back wages and continuity of service cannot be interpreted pedantically, by saying, that, on reinstatement, old salary will be paid to him throughout his service. It is the pre-existing right of a workman, who is fortified by the order of the Labour Court, for reinstatement with back wages. Periodical revision of pay ought to have been done by the Management. Having the same

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not been so done, the Labour Court had considered the claim petition on merits and allowed the claim petition to the extent the workman was entitled. The common order passed by the Labour Court in the claim petitions filed by the workman was a consequence of the earlier disposal of the claim petition on the interference of the High Court for revisit and examination. Even at that point of time, the Management had not taken a plea that the workman did not have pre-existing right. Only after the Labour Court in the de novo inquiry partly allowed the claim petitions, the Management has taken a plea before the learned single Judge that the workman has no pre-existing right to file a petition under Section 33 (c) (2) of the Industrial Disputes Act,1947. Section 33 (c) (1) and Section 33 (c) (2) have a clear distinction. Section 33 (c) (2) reads as below :

> *"33 (c) (2). Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government within a period not exceeding three months."*

The above provision clearly shows that a workman, who has a right to claim any monetary benefit, need not raise a dispute afresh, but can straight-a-way file a claim petition, seeking difference in pay, if the difference is quantifiable. The common order of the Labour Court clearly shows that the quantifiable difference has been ascertained, based on the records. Hence, we find that the

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order of the learned single Judge is without proper application of mind and appreciation of facts. Hence, it requires interference.

9. Accordingly, Writ Appeals stand allowed, setting aside the order of the learned single Judge and confirming the order passed by the Labour Court in C.P.Nos.363 of 2008, 190 of 2005, 435 of 2005 and 44 of 2020, dated 26.04.2023, with costs of Rs.10,000/-, payable by the respondent to the appellant.

(G.J.,J.) (E.M.,J.)
17-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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