



**BEFORE THE ADDITIONAL LABOUR COURT, VELLORE.  
VELLORE DISTRICT.**

**PRESENT : Tmt.S.Uma Maheswari, M.L.,  
The Presiding Officer.**

**Tuesday, the 11<sup>th</sup> August, 2026**

**C.P. No.20/2026  
C.N.R.No.TNVL02-000076-2026**

K.Krishnamoorthy,  
S/o. Kannapiran,  
Aalagananthai Village,  
Kolakudi Post,  
Tiruvannamalai Taluk & District. ... Petitioner

**VERSUS**

The Management,  
H.H.484, Aalagananthai Primary  
Agricultural Co-op Credit Society,  
Aalagananthai Village,  
Kolakudi Post,  
Tiruvannamalai District. ... Respondent

This Petition came up before me for final hearing on 03.08.2026 in the presence of Thiru.A.Suresh Babu, the Authorized Representative for the Petitioner, and the respondent remained ex-parte. Upon hearing the arguments of petitioner side, upon perusing the entire material case records and having stood over for consideration till this date, this Court delivered the following:-



## **ORDER**

This is an application filed by the petitioner to compute the monetary benefits towards his pension benefits, wage settlement due for the period from 01.04.2023 to 31.03.2026, and security deposit along with interest amount totaling to Rs.8,96,363/- to which he is entitled from the respondent.

**1. Gist of the petition averments: -**

The case of the petitioner is that he joined in the respondent society on 14.12.1987 as a Fertilizer Salesman and from that day onwards he rendered his unblemished service.

The petitioner alleges that in the respondent society the post of clerk became vacant. The petitioner who was working as a Fertilizer Salesman was the senior most staff and he was fully qualified to be promoted as a Clerk. But the respondent society not promoted the petitioner, instead they promoted two juniors namely, Mr.Dhanacheziyan and Mr.Ranganathan on 01.01.2011 and 29.06.2012 respectively. Moreover, they are not qualified for the post of Clerk.

The petitioner further states that aggrieved against the above decision of the society, the petitioner raised the Industrial Dispute through the union before this court in I.D.No.167/2015. The said Industrial Dispute ended in his favour. This court by its award dated 21.01.2016 directed the respondent society to promote the petitioner as Clerk and consequently to calculate and disburse the salary for the post of Clerk from 01.01.2011, and



also directed the respondent to disburse the pending salary amount of Rs.1,80,407/- to the petitioner.

The Registrar of Co-operative Societies, Chennai by its Circular No. 22/2024 Dated 23.07.2024, permitted to fix new pay for the employees of Agricultural Co-operative Credit Society. In continuance of the same, the respondent society fixed new wages to all the employees but failed to include the petitioner. So the petitioner questioned this disparity to the society for which they replied that based on the award of this court in I.D.No.167/2015 they have disbursed a sum of Rs.1,80,407/- to the petitioner without the permission of the Assistant Registrar of Co-operative Society. The same was found during audit and therefore they replied the petitioner to re-pay the above amount, failing which they cannot fix the new pay for the petitioner.

The petitioner further states that the society disbursed the above amount only based on the award of this court and now they directing him to repay the said amount, which is not valid in law and it is also against the award of this court. The society ought to have fixed the new pay for the petitioner from 01.04.2023 at par with other employees. In the meantime, the petitioner on 31.03.2026 attained the age of superannuation and therefore the society has to disburse terminal benefits to him. But they again insisted the petitioner to re-pay a sum of Rs.1,80,407/- to the society and then only they can permit the petitioner to relieve from his post, and consequently can disburse the terminal benefits. By stating so, the respondent society relieved the petitioner orally. This act



of the respondent society was against the provisions under Section 149 (4) (b) of Tamil Nadu Co-operative Societies Act.

The petitioner further alleged that, though he had attained the age of superannuation, till date he is suffering without getting the terminal benefits and the society did not disburse the above amounts. Hence, to get the retirement benefits and to fix new pay for the period from 01.04.2023 to 31.03.2026 the petitioner has filed this present petition and he requests this court to allow the same.

2. In this case, notice was served to the respondent, but they remained absent and hence, this court set the respondent Ex-parte on 17.07.2026.

3. The petitioner herein to prove his case examined himself as PW1 and through him Ex.P1 and P5 were marked.

**4. Point for consideration: -**

Whether the petitioner is entitled for monetary benefits amounting to Rs.8,96,363/- as prayed by him or not ?

**5. Point:-**

After hearing the petitioner's authorized representative and on perusal of the petition, deposition and the documents marked in this case, this court comes to know that the petitioner herein on 14.12.1987 had joined in the respondent society as a Fertilizer Salesman.



The petitioner alleged that he had rendered his service in that post without giving room for any complaints. In the meantime, the post of Clerk in the society has become vacant. The petitioner by seniority and by qualification has been eligible to be promoted as a Clerk for the above vacant post. But the respondent society by ignoring him has promoted two juniors namely, Mr.Dhanacheziyan and Mr.Ranganathan as Clerks by its respective orders dated 01.01.2011 and 29.06.2012.

The petitioner aggrieved by the above decision of the society has raised an Industrial Dispute through union before this court and the same has been numbered as I.D.No.167/2015. This court after conducting the enquiry had passed an award in favour of the petitioner under Ex.P1. This award was an Ex-parte award. Therefore, the respondent society had filed an applications to set aside the Ex-parte decree along with condone delay petition. The condone delay petition has been numbered as I.A.No.27/2016 and they requested this court to condone the delay of 129 days in filing set aside petition. That interim application was dismissed by this court by its order dated 26.10.2016 on merits and its order copy has been marked as Ex.P2. Thereafter, the petitioner has filed C.P.No.35/2016 and requested this court to compute the monetary benefits. The said computation petition has ended in favour of the petitioner and the order copy of the petition has been marked as Ex.P3.

The respondent society subsequently as per the award by its order dated 30.01.2017 has promoted the petitioner to the post



of Clerk under Ex.P4 and has also disbursed a sum of Rs.1,80,407/- as pending wages. Subsequently the Registrar of Co-operative Society by his circular no.22/2024 dated 23.07.2024 has permitted the Agricultural Co-operative Credit Societies to fix new pay for its employees. Accordingly, the respondent society has fixed new pay for its employees from 01.04.2023 onwards but failed to fix new pay to the petitioner. When the petitioner questioned the same, the society has replied that as per the award they have disbursed a sum of Rs.1,80,407/- towards pending wages without the permission of the Assistant Registrar and the same was found out at the time of audit. Hence, the society has insisted the petitioner to re-pay the above amount of Rs.1,80,407/- and then only the society can fix the new pay. The petitioner contended that this act of the society is not sustainable in law and this was also against the award of this court.

The petitioner further contended that he had also reached the age of superannuation on 31.03.2026 and thus, he is entitled for the terminal benefits. But the society without disbursing his terminal benefits has again insisted the petitioner to re-pay the amount of Rs.1,80,407/-. By stating the same reason of re-payment, the society without any relieving order had relieved the petitioner orally. Therefore, the petitioner to get the terminal benefits and to get the new revised pay for the period from 01.04.2023 to 31.03.2026 along with the security deposit amount with interest has filed this petition. Pending the petition the society has disbursed a sum of Rs.2,40,873/- towards salary and a sum of Rs.12,03,423/- towards gratuity to the petitioner.



The petitioner who admitted the receipt of the amount has averred that the respondent society is yet to disburse the earned leave encashment of Rs.4,64,848/- for 240 days. Further the respondent society has paid only a sum of Rs.2,40,873/- towards wages. But the petitioner is claiming a sum of Rs.4,21,290/- as wages for the period from 01.04.2023 to 31.03.2026. After deducting the disbursement of Rs.2,40,873/- the respondent society is yet to disburse the balance amount of Rs.1,80,417/-. For which the society has replied that they already paid a sum of Rs.1,80,407/- towards wages for promotive cadre. Therefore the society contended that they are not liable to pay the above amount towards wages. For this specific stand of the respondent, the Authorized Representative for the petitioner argued that the amount of Rs.1,80,407/- had been disbursed only as per the award of this court and hence, the society cannot deduct the above sum towards wages. He further contended that as per the wage settlement, the petitioner is entitled for the above amount and thus he requested for the disbursal of the same.

This court is of the view that, to deny the entitlement of the petitioner the respondent has not chosen to appear before this court. But pending the petition they have disbursed gratuity amount and part amount towards wages. This act of the respondent clearly establishes the entitlement of the petitioner. The respondent society has promoted the petitioner to the post of Clerk on 30.01.2017 and fixed wages for this promotion cadre. Based on the order passed under Ex.P4 alone the society has disbursed a sum of Rs.1,80,407/- towards difference in wages. By passing this order the



society has complied the award of this court. Under such circumstances, the society at this juncture cannot deny his entitlement and cannot direct him to repay the amount.

Further, the petitioner who was employed in the respondent society is entitled to get the earned leave encashment amount, wage settlement due amount along with security deposit with interest amount. Thus this court comes to a conclusion that the petitioner is entitled for the earned leave encashment amount of Rs.4,64,848/- as claimed in the petition and also he is entitled for the wage settlement due amount of Rs.1,80,417/-. Apart from these amounts the petitioner is also entitled for the security deposit amount of Rs.1000/- along with interest amount of Rs.9225/-. Totally the petitioner is entitled for an amount of Rs.6,55,490/-.

**Point is answered accordingly.**

In the result, this petition is partly-allowed with costs. The respondent is directed to pay a sum of Rs.6,55,490/- (Rupees Six Lakhs Fifty Five Thousand Four Hundred and Ninety only) to the petitioner within a period of three months from the date of this order, failing which the petitioner is entitled for an interest amount at the rate of 12% per annum from the date of filing of this petition i.e., 25.05.2026 till its realization.



Dictated to the Steno-Typist, typed directly in the Computer, corrected and pronounced by me in the Open Court, on this the 11<sup>th</sup> day of August, 2026.

**Presiding Officer,  
Additional Labour Court,  
Vellore.**

**1. List of Witnesses on the side of the Petitioner:-**

PW1 – Thiru.K.Krishnamoorthy

**2. List of Exhibits on the side of the Petitioner:-**

Ex-P1 – 21.01.2016 – Copy of Order passed by this court in I.D.No.167/2015

Ex.P2 – 26.10.2016 – Copy of Order passed by this court in I.A.No.27/2016 in I.D.No.167/2015

Ex.P3 – 04.01.2017 – Copy of Order passed by this court in C.P.No.35/2016

Ex.P4 – 30.01.2017 – Copy of Promotion order passed by the respondent society

Ex.P5 – ----- – Copy of Petitioner's Bank Passbook

**Presiding Officer,  
Additional Labour Court,  
Vellore.**