

W.P.(MD)No.28279 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.28279 of 2024

K.Ramalingam

...Petitioner

Vs

The Senior Agricultural Officer/Liquidator,
O/o.the Thanthoni Agro Engineering,
Service Co-operative Centre Limited,
Having Office of Soil Testing Lab,
Thillainagar, Rayanoor, Thanthonimalai Post,
Karur - 609 005.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus**, calling for the records pertaining to the order dated 27.09.2024, passed in C.P.No.5 of 2018, on the file of Labour Court, Tiruchirapalli, and quash the same as illegal and consequential direction to the respondent to pay the salary dues as claimed in the C.P.No.5 of 2018.

For Petitioner : Mr.K.Raghul Priyan

For Respondent : M/s.D.Farjana Ghoushia
Special Government Pleader

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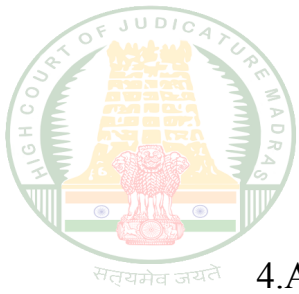
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ORDER

The present writ petition has been filed by a Superintendent of the respondent Co-operative Society Challenging the dismissal of his application filed under Section 33(C)(2) of the Industrial Disputes Act, 1947.

2.The petitioner herein who was an employee of the respondent Society claims that he had resigned on 09.07.2010, and the same was also accepted by the Society. According to him, his salary for the period between 01.08.2005 and 31.03.2007 and 01.08.2009 and 09.07.2010, has not been paid. He has further contended that surrender leave pay with interest and the 4th Pay Commission arrears have also not been paid. Seeking the above said reliefs, the petitioner had filed Computation Petition before the Labour Court, Tiruchirappalli.

3.The Management has contended that the petitioner has caused huge financial loss to the Co-operative Society and proceedings under Section 87 of the Co-operative Societies Act, are pending. Accepting the said contentions, the labour Court has proceeded to dismiss the Computation Petition. Challenging the same, the present Writ Petition has been filed.



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4. According to the learned Counsel appearing for the writ petitioner, orders were passed in the surcharge proceedings on 02.12.2024, and they were confirmed by the appellate authority. He had challenged the same in W.P.(MD)No.7055 of 2025. This Court was pleased to allow the writ petition on 17.03.2025, and remitted the matter back to the original authority. In such circumstances, there cannot be any impediment for the Co-operative Society to make payment as sought for by him in the Computation Petition.

5. Per contra, the learned Counsel appearing for the respondent Society has submitted that the petitioner has caused huge financial loss to the Society. Already terminal benefits have been released in his favour based upon the direction of this Court. In such circumstances, if the amount claimed by him under the Computation Petition is also released, it will be very difficult for the Management to recover the amount from the petitioner. Hence, he prayed for dismissal of the writ petition.

6. I have considered the submissions made on either side and perused the materials available on record.



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7.As on today, the surcharge proceedings are pending before the original authority. The terminal benefits have already been released. The petitioner has prayed for releasing the salary arrears, surrender pay and 4th Pay Commission arrears. After extracting work, the Co-operative Society cannot object to the payment of salary for the period during which the petitioner has worked. Therefore, this Court is inclined to issue a direction to the respondent to release salary. As far as the other benefits, namely, surrender pay and 4th Pay Commission arrears are concerned, they could be disbursed to the writ petitioner subject to the outcome of the surcharge proceedings.

8.In view of the above said deliberations, the respondent Society is directed to release a sum of **Rs.5,98,605/-(Rupees Five Lakhs Ninety Eight Thousand Six Hundred and Five only)** which reflects the salary of the writ petitioner. As far as the other benefits, namely, surrender pay and 4th Pay Commission arrears are concerned, they may be retained by the petitioner Society and can be disbursed depending upon the outcome of the surcharge proceedings.



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9. With the above said observations, this Writ Petition stands partly allowed. The authorities are directed to dispose of the surcharge proceedings within a period of 4(four) months from the date of receipt of a copy of this order.

No costs.

21.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The Senior Agricultural Officer/Liquidator,
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R.VIJAYAKUMAR, J.

RJR

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