

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 776 OF 2004****CHAMBER OF MARATHWADA INDUSTRIES & AGRICULTURE****VERSUS****ASSISTANT REGIONAL PROVIDENT FUND COMMISSIONER**

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Advocate for Petitioner : Mr. N. S. Sawarkar h/for Mr. T K Prabhakaran

Advocate for Respondents : Mr. K. B. Chaudhary

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CORAM : S. V. GANGAPURWALA &**V. L. ACHLIYA, JJ.****DATE : 9th January, 2015****PER COURT :**

1. Mr. Choudhary, the learned counsel for the respondents fairly points out the judgment of the Apex Court in the case of **Manipal Academy of Higher Education Vs. Provident Fund Commissioner** reported in **AIR 2008 Supreme Court 1951** which lays down the principle that concept “basic wages” does not include “leave encashment”. In the light of the judgment of the Apex court, the issue involved in the present writ petition is no longer *res integra*.

2. Considering the above, the writ petition is allowed. Rule is made absolute in terms of prayer clause (C). No costs.

(V. L. ACHLIYA, J.)**(S. V. GANGAPURWALA, J.)**

JPC