

**THE HON'BLE SRI JUSTICE DILIP B.BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

WRIT APPEAL No.640 of 2007

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JUDGMENT: (per Hon'ble Sri Justice A.Ramalingeswara Rao)

This writ appeal is directed against the order in W.P.No.21823 of 2006 dated 23.10.2006 passed by the learned single Judge. The writ petition is filed by the appellants herein challenging the order dated 24.02.2006 in M.P.No.58/2002 filed before the Industrial Tribunal-cum-Labour Court, Visakhapatnam, seeking certain amounts from the Management as arrears. One of the amounts sought by the employee before the Labour Court was with regard to encashment of leave for 77 days to his credit. It was contended before the Labour Court by the Managing Director that in view of Rule 50 (B) of (Leave) Regulations of A.P.S.R.T.C. only in case of retirement on superannuation or retirement on medical grounds or death while in service, such encashment is permissible but not in a case where the employee was terminated from service. The Labour Court did not accept the said contention and by order dated 24.02.2006 held that the petitioner before it i.e. the first respondent herein was entitled to encash 77 days of earned leave to his credit as per Rules. The said order was challenged by the appellants herein in W.P.No.21823 of 2006 and the same was dismissed by order dated 23.10.2006. Against the said order, the appellants filed the present appeal.

Heard.

It is not in dispute that the first respondent was removed from service and had 77 days earned leave to his credit at the time of removal from service. We have perused Rule 50 (B) of (Leave) Regulations of A.P.S.R.T.C. as applicable to its employees and it does not contain any prohibition for encashment of leave in case of employees, who were removed from service. Hence, we are satisfied that the view taken by the Labour Court as confirmed by the learned

single Judge is correct and there is no merit in the writ appeal.

Accordingly, the writ appeal is dismissed. No order as to costs.

Miscellaneous petitions pending in the case, if any, also stand disposed of.

Dilip B.Bhosale, J

A.Ramalingeswara Rao, J

13th April, 2015.
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