

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 873 OF 2017

Maharashtra State Road Transport Corporation	...Petitioner
Vs.	
Shri Kancharu Kondaji Chavhanke	...Respondent

Mr.G.S. Hegde for Petitioner.
Mr.A.S. Pandire for Respondent.

CORAM : S.C. GUPTE, J.

DATE : 11 JUNE 2018

P.C. :

Heard learned Counsel for the parties.

2 This petition challenges a judgment and order of the Labour Court at Nashik in an application under the Industrial Disputes Act for service benefits denied to the Respondent.

3 It was the Respondent's case that he was not paid emoluments towards encashment of 50 days' earned leave and further leave of 22 days on the basis of his daily wages. By its impugned order dated 30 September 2015, the Labour Court directed the Petitioner corporation to pay leave salary for 50 days in the sum of Rs.28,550/- and also for a period of 22 days in the sum of Rs.12,562/- on the basis of daily wages. This order is challenged by the Petitioner corporation.

4 Before the Labour Court, the Petitioner corporation has relied on certain calculations for deducting 52/57 days earned leave from the

account of the Applicant. The court notes that there is no document on record concerning this deduction based on the number of days during which the Respondent employee worked on daily wages as also after he was absorbed into permanent scale. Admitted record shows the Respondent's entitlement for encashment of 50 days' earned leave which was denied to him and also 22 days encashment for work on daily wages based on the circular of the Petitioner corporation. The circular shows that each workman, who is on daily wages, is entitled to get one day's earned leave for the work of 12 days. It is not in dispute that for the number of days worked by the Respondent in permanent scale, he is entitled to encashment of 50 days of earned leave. The only question, as noted above, is of deduction for which no record is produced by the Petitioner corporation.

5 In the premises, there is no infirmity with the impugned order of the Labour Court. There is, thus, no merit in the petition. The petition is dismissed. The Petitioner corporation is directed to pay the amount of earned leave and interest to the Respondent in accordance with the order of the Labour Court within four weeks from today.

(S.C. GUPTE, J.)