



W.P. Nos.37803 and 37804 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.37803 and 37804 of 2016

and

W.M.P. Nos.32399 and 32400 of 2016

The Management
H.H.619, Vadamatimangalam Primary Agricultural
Co-operative Credit Society
Rep. by its President
Vadamathimangalam and Post
Polur Taluk, Tiruvannamalai District.

... Petitioner in both the writ petitions

-VS-

1.M.Vasudevan
2.B.Pandurangan

3. The Presiding Officer
Principal Labour Court
Vellore.

... Respondents in W.P.no.37803 of 2016

1.S.Ragavendiran
2. D.Sundaram
3. R.Mahalingam
4. The Presiding Officer
Principal Labour Court
Vellore.

... Respondents in W.P.no.37804 of 2016

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the passing of the order in C.P.Nos.29 and 30 of 2015 dated



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06.04.2016 on the file of the Principal Labour Court, Vellore and quash the same in the interest of justice.

For Petitioners : Mr.L.P.Shanmugasundaram
(in both Wps)

For Respondents : Mr.S.T.Varadarajulu (R1&R2)
(in both Wps)

COMMON ORDER

Since the issue involved in both the cases are one and the same and hence, the same are disposed of by way of this common order.

2. These writ petitions have been filed seeking to quash the impugned orders passed in C.P.Nos.29 and 30 of 2015 dated 06.04.2016 on the file of the Principal Labour Court, Vellore.

3. The case of the petitioner Management is that the private respondents were employed in the petitioner Management and they filed computation petition before the Labour Court claiming encashment of earned leave for 240 days. Prior to that, the employees are entitled only for 60 days for encashment of earned leave as per the Bye-law. However, on the contrary to the amendment of the Bye-law, the Labour Court has passed the impugned order in favour of the private respondents/workmen and directed the petitioner to pay



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the encashment to the workmen. Aggrieved over the same, both the writ petitions have filed.

4. The learned counsel for the petitioner submitted that the special bye-law was amended on 29.06.2017 for granting earned leave upto 240 days. Prior to that, the employees are entitled only for 60 days. Whereas the Labour Court has passed an award in favour of the workmen, which is unsustainable one.

5. Per contra, the learned counsel for the private respondents submitted that already the Registrar of Cooperative Society issued a notification on 13.04.2015 and held that the persons, who are working in the Society, are entitled to encash the earned leave upto 240 days on 17.02.1995 onwards and the said letter was marked as exhibit before the Labour Court and hence, the Labour Court has rightly passed the impugned order in favour of the workmen, which need not be interfered with.

6. Heard the learned counsel for the petitioner and the learned counsel for the private respondent and perused the materials available on record.



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7. The facts of the case are not in dispute. Admittedly, the private respondents have retired from the petitioner Management and received the terminal benefits except earned leave encashment. After retirement, the workmen have filed computation petition before the Labour Court for claiming the encashment of EL as per the Government Order No.15, dated 17.02.1995 and the said Government Order was marked as Exhibit. In such view of the matter, this Court finds no perversity in the impugned order passed by the Labour Court and the same is confirmed.

8. Accordingly, both the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

17.07.2023

Rli

Index: Yes/No

NCS : Yes/No

To

1. The Presiding Officer
Principal Labour Court
Vellore.



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M.DHANDAPANI, J.

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