



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4096/2023

Ramesh Harichand Shende and Ors. .Vs. The President/Secretary, Agriculture
Produce Market Committee, Amgaon and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. B. M. Kharkate, Advocate for petitioners.
Mr. A. Madiwale, A.G.P. for respondent No.2.

CORAM : ANIL L. PANSARE, J.
DATE : DECEMBER 11, 2024

Heard.

2. The petitioners are aggrieved by judgment and order dated 20.12.2022, passed by Labour Court, Gondia in I.D.A. No. 1/2020. The petitioners were employees of respondent No.1-APMC, Amgaon. They have retired and post retirement, they expected respondent No.1 to pay encashment of earned leave for 300 days. Respondent no.1, however, paid encashment for only 240 days. Accordingly, the petitioners filed application under Section 33-C (2) of the Industrial Disputes Act, 1947 for payment of their dues.

3. The Labour Court dismissed the application on the count that there is dispute as to whether the petitioners are entitled for encashment of 240 days or 300 days. The Labour Court referred to Rule 37 of Service Rules (Exh.-41), which speaks of entitlement of 240 days earned leave. One of the petitioners (original applicant No.1), deposed before the Labour Court that by way of amendment in the said Rule, the

petitioners are entitled for 300 days earned leave. The petitioners, however, have not produced the amended Rules and, therefore, the Labour Court refused to grant benefit.

4. Counsel for the petitioners submits that the amended Rules along with Government Resolution were placed before the Labour Court, however, the Labour Court, inadvertently failed to recognize the same. He has then invited my attention to the reply filed by respondent No.1 to the present petition wherein in paragraph 4, respondent No.1 has stated that vide order dated 10.10.2023, the District Deputy Registrar, Cooperative Societies, Gondia has accorded administrative sanction for payment of encashment of 300 days of earned leave to the petitioners and accordingly recommendation has been made for payment of encashment of 60 days to each petitioner, total amounting to Rs.2,91,719/-.

5. Similar is the stand of respondent No.2. Learned A.G.P. Submits that the Government of Maharashtra has, by circular dated 28.08.2014, issued through Cooperation, Marketing and Textile Department, recommended that the employees of A.P.M.C. in the State are entitled for pay and allowances at par with the State employee. It is further stated that the D.D.R. has, vide letter dated 05.06.2023, approved the proposal forwarded by respondent No.1, for payment of encashment of leave to the petitioners.

6. Thus, it appears that the dispute has been resolved. Respondent No.1 has, in fact, recommended the concerned

authority for payment of 60 days earned leave to the petitioners.

7. That being so, the purpose filing of this petition will be served if respondent No.1 is directed to pay the balance amount along with interest, if there is no legal impediment for payment of interest to the petitioners, within four weeks from today. Accordingly, the impugned order dated 20.12.2022 passed by Labour Court, Gondia in I.D.A. No.1/2020, is quashed and set aside with the above directions to respondent no.1. The writ petition is disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)

Kahale