



WEB COPY

W.P.No.27540 of 2021
and W.M.P.No.29086 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27540 of 2021
and W.M.P.No.29086 of 2021

The Management,
Park Town Co-operative Wholesale Stores Ltd.,
Rep. by its Joint Registrar / Managing Director,
No.G-133, 1st Main Road,
Annanagar East,
Chennai - 600 102.
Now at No.263, MTH Road,
Villivakkam,
Chennai - 600 049.

...

Petitioner

versus

1.The Authority,
Under the Payment of Wages Act /
Joint Commissioner of Labour - I,
Chennai - 6.

2.M.Chinnappan

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorari, calling for the records of the order
passed by the first respondent in Sa.Pa.Sa.No.31 of 2019 dated 08.10.2021.

For Petitioner : M/s.R.Soundhari



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For Respondent No.1 : M/s.S.Jayanthy
Additional Government Pleader
For Respondent No.2 : M/s.R.Saritha

ORDER

The Writ Petition has been filed challenging the order of the Joint Commissioner of Labour - 1, Chennai, dated 08.10.2021 by allowing the leave encashment benefits to the second respondent.

2. M/s.R.Soundhari, learned counsel for the petitioner submitted that the Bye-Laws of the Company do not permit the leave encashment.

3. Attention was drawn to Regulation 23(3)(b) of the Special Bye-Laws to show that only 12 days of Casual Leave, 30 days of Privilege Leave and Sick Leave in accordance with the years of service put up by the employees alone have been permitted and hence, the encashment of leave benefits allowed by the authority is not legal.

4. However, the Privilege Leave is allowed for 30 days for every 12 months of service and the upper limit has been fixed at 240 days and the



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temporary employees or probationers shall be eligible for Privilege Leave at half the rates of the above specified leave. It seems the above leave is along with pay, that is why the upper limit has been fixed upto a maximum period of 240 days.

5. It appears that even though different terminology is employed instead of earned leave, the characteristics of Privilege Leave is almost the same as that of Earned Leave. Since the encashment with Privilege Leave has been granted to a portion of such leave earlier and proceedings have been issued in this regard, I don't find any reasons to adopt a different standard for the remaining Privilege Leave in his account, Hence, I do not find any reasons to interfere with the order of the Joint Commissioner of Labour - 1, Chennai.

6. In the result, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

07.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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