

**ENQUERY: As per the Factories Act, 1948, is a worker entitled to wages in lieu of the quantum of leave if he joins on February 1, 2024, and quit on July 30, 2024?**

**RESPONSE: As per the Factories Act, 1948, specifically Section 79(3), a worker is entitled to wages in lieu of the quantum of leave if he leaves employment before availing the full annual leave to which he is entitled. This applies even if the worker has not completed the full period required to earn leave under the general provisions of Section 79.**

A detailed breakdown based on the given scenario:

**Fact Scenario:**

- The worker joined on **1st February 2024** and quit on **30th July 2024**.
- We need to determine whether the worker is entitled to wages in lieu of annual leave based on the leave accrued up to their quitting date.

**Key Points from Section 79(3):**

- If a worker **quits** (or is discharged, dismissed, etc.) before they can fully take their entitled annual leave, they are still entitled to wages in lieu of leave. The entitlement is based on the leave accrued up to the date of quitting.
- The leave quantum is calculated at the rate specified in Section 79(1), which is:
  - 1 day for every 20 days of work if the worker is an adult (as is the case here).

**Calculation of Leave:**

The worker's entitlement to leave would normally depend on the total number of days worked in the **calendar year**. However, since the worker did not complete the full year, we will calculate the leave accrued up to the date they left the job (30th July 2024).

**Total Days Worked:**

From 1st February 2024 to 30th July 2024 = 156 days (assuming no leave, or break days but excluding Sundays).

**Leave Accrued:**

According to Section 79(1), an adult worker earns 1 day of leave for every 20 days of work. The worker worked for 156 days, so the calculation is:

**Leave Accrued = 156 days worked/20 = 7.8 days of leave (8 days of leave)**

**Wages in Lieu of Leave:**

If the worker quits employment on 30th July 2024, he is entitled to 8 days of wages in lieu of leave. This is calculated as per the leave that was due but not availed, as per Section 79(3).

**Conclusion:**

Even though the worker joined in February and left in July, **Section 79(3)** ensures they are entitled to wages for the leave they earned during their employment. In this case, the worker would be entitled to wages in lieu of 8 days of leave for the period worked (from 1st February to 30th July).

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