THE PUNJAB INDUSTRIAL ESTALISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS AND CASUAL AND SICK LEAVE) RULES, 1966 (6.1 – 6.10)

No. G.S.R. 72/P.A. – 14/65/S.15/6 dated the 5th. April, 1966 – With reference to Punjab Government Labour Department Notification No. GSR. 225/P.A.- 14/65/S. 15/65, dated 19th. October, 1965 and in exercise of the powers conferred by Section 15 of the Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1965, the Governor of Punjab is pleased to make the following rules, namely: -

1. Short Title. **–** These rules may be called the Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Rules, 1966.

2. Definitions. **--** In these rules, unless context otherwise requires: -

(a) 'Act' means the Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1965.

(b) 'Conciliation Officer' means a Conciliation Officer notified as such under the Industrial Disputes Act, 1947.

(c) 'Form' means a form appended to these rules.

(d) 'Representatives of the workers' shall mean the representatives of the workers on the Works Committee constituted under Section 3 of the Industrial Disputes Act, 1947, and where there is no such Works Committee the representatives of the Worker elected in the manner prescribed under Rule 4.

(e) 'Section' means a section of the Act.

3. Festival Holidays. -- Section 3(1)(a) read with Section 15(2)(a). **—** (1) The[1] [Five] festival holiday required to be allowed under Section 3(1)(b) shall be determined in consultation with the representatives of the workers before the 30th. November each year for the ensuing calendar year. He holidays so determined shall be notified to the workers before the 31st.December each year y exhibiting a copy of the same on a notice board kept at a conspicuous place where the majority of the workers enter the premises of the industrial establishment and also tat the Time-keeper's Office, if any; and a copy of the same shall be delivered to the Inspector of the area before the 21st. December each year.

(2) For exercising claim for half festival holiday as provided in proviso to sub-section (1) of Section 3 a written application to this effect shall be received by the employer before the 31st. October every year which shall be signed by not less than 10 per cent workers of the industrial establishment on rolls on that day indicating the name of festivals on which they want to avail half holidays if any difficulty in this arises, the matter will be settled by the employer in consultation with the representatives of the workers.

[1] Substituted by Haryana Govt. Notification No. G.S.R. 23/P.A./14/65/S.15/73 dated 9.2.1973

(3) In case it is not possible to determine the festival holidays under sub-rules (1) and (2) before 3.0th. November, the matter shall be referred by the employer to the Conciliation Officer of the area immediately but not later than the 1st. December. The Conciliation officer shall make efforts to bring about settlement between the employer and the workers. In case the Conciliation Officer is not able to bring about any settlement between the employer and the workers with 15 days of the receipt of the reference from the employer he shall refer the matter to the Labour Commissioner, Punjab, for his decision. The Labour Commissioner, Punjab, shall give his decision before the 31st. December, which shall be final.

4. Election of representatives of workers, Section 3(1) read with Section 15(1). -- Where there is not Works Committee constituted under Section 3 of the Industrial Disputes Act, 1947, the representatives of the workers shall be elected from amongst the workers. The election shall be arranged by the employer in the month of October each year for this purpose he shall issue seven days' notice and invite nomination where after election shall be held by show of hands.

5. Casual Leave. Section 4 read with Section 15(2)(b). -- (1) During the first year of service a workman may be allowed not more than two days' casual leave for every three month of service.

(2) The unavailed casual leave shall lapse at the end of the calendar year. If any casual leave due is refused by the employer in his own interest the worker shall be compensated by grant of casual leave on any other day or by payment of the average daily wages for that day.

(3) The causal leave shall not be combined with any kind of leave except with the express permission of the employer.

(4) Except for emergent reasons, casual leave shall not be asked or allowed for more than two days at a time.

(5) An application for casual leave shall be made two days in advance to the management concerned and permission obtained before hand:

Provided that in case of urgency or death or serious illness in the family such application can be made immediately on resuming duty, giving cogent reason for inability to obtain prior permission.

(6) If a substantial number of workers apply for casual leave in a concerned manner and for identical period and the employer has reasons to believe that the leave has been applied for with an intention to affect the working of the establishment adversely, the employee may reject the application and the worker shall not be entitled to claim any compensation for leave thus refused:

Provided further that a worker may apply for leave thus rejected afresh at any other time during the year and/such application may then be considered by the employer in the normal course.

6. Sick Leave. Section 4 read with Section 15(a)(b). -- (1) If sick leave is for more than two days, it shall be granted on application supported by a medical certificate from a registered medical practitioner;

Provided that the employer may require the worker to get countersigned such medical certificate from the authorized medical officer of the Industrial Establishment, of any, or form the Doctor incharge of the Government Hospital of the area and the fee for getting the medical certificate countersigned shall be borne by the employer.

(2) In case a worker is suspended to be suffering from any contagious or infectious disease, he may got medically examined by the employer at his (employer's) expense and allo0wed to proceed on leave as though the worker had applied for being sent on leave him self.

Maintenance of Records. Section 15(2)(O) -- (1) Every employer shall submit to the Inspector of the area a statement of Festival Holidays to be allowed to the workers during the calendar year before the 31st. December of the preceding year in Form 'A'. A copy of this

statement will be exhibited on a Notice board to be kept in the industrial establishment at conspicuous place and shall be available for inspection at all times.

(2) The amount of festival holidays, casual leave and sick leave shall be maintained in Form 'D'.

8. Penalties. Section 15(3). -- Any person who contravenes any provision of the rules shall be punishable with the fine, which may extend to fifty rupees.

FORM 'A'
[SEE RULE 7(1)

Statement of Festival Holidays to be sent to the Inspector of the area and to be exhibited and maintained in a factory under the Punjab Industrial Establishment (National and Festival Holidays and Casual and Sick Leave) Rules, 1966.

S.No.	Name and Address of the estab-lishment	Particulars of the days observed as Festival	Whether whole day or half day	No. and date of the settlement through the Works Committee of the representatives of the workers, vide which the Holidays were determined.	REMARKS
1	2	3	4	5	6

FORM 'B'
[SEE RULE 7(2)]

Register of Festival Holidays, Casual and Sick Leave in respect of Shri _____ for the year 19 _____ under the Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Rules, 1966.

1. Date of joining service_____.

2. Whether covered by the Employees State Insurance Scheme _____ Yes/No.

S.No.	Number of Festival Holidays/casual/ Sick leave due at the beginning of the year	Period of which festival holidays/ casual/sick leave applied for	Whether granted or refused	Remarks