SALES PROMOTION EMPLOYEES RULE 1976

8 The Sales Promotion Employees (....) Rules, 1976 [R. 1.3 THE SALES PROMOTION EMPLOYEES (CONDITIONS OF SERVICE) RULES, 19761 In exercise orthe po ers connerred by sub-section read with sub-section (2) of section 12 orthe Sales Promotion Emp/oyccs (Conditions of Service) Act, 1976 (11 or 1976), the Central Government hereby makes the To//owing rules, nanlely.•— CHAPTER 1 PRELIMINARY l. Short title.—These rules may be called the Sales Promotion Employee; (Conditions of Service) Rules, 1976. —In these rules unless the context otherwise requires,— 2. Definitions. (a) (b) (c) (d) (g) (h) (j) (k) "Act" means the Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976); "authorised medical attendant" means the Inedical practitioner authorised by the employer for the purposes of any of the provisions of the Act or the rules made thereunder; "casual leave" means leave to cover casual absence of the sales promotion enlployees from duty for personal reasons; "earned leave" Ineans leave admissible under clause (a) of section 4; "extraordinary leave" means leave granted to the sales promotion employee in special circumstances and when— (a) no other leave is admissible; or (b) other leave is admissible but the employee applies in writing for the grant of extraordinary leave; "Form" means a Form appended to these rules; "leave" means earned leave, leave on medical certificate, extraordinary leave, leave not due, casual leave, study leave or quarantine leave; "leave not due" means leave which is not due to the sales promotion employee but which may be granted to him in anticipation of its being earned subsequently; "leave on medical certificate" means leave admissible under clause (b) of section 4; "quarantine leave" means leave of absence from duty by reason of the presence of an infectious disease in household of the sales promotion employee; "section" means a section of the Act; "study leave" means leave granted to a sales promotion employee to enable him to undertake a course of study

3. Applicability of this Chapter.— The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any agreement or Contract of service or award applicable to a sales promotion employ'ee: l. Vide G.S.R. 1 13 (E), dated 8th March, 1976, published in the Gazette of India, Extra., Pt. H, Sec. 3 (i), dated 8th March, 1976. The Sales Pronlotion Ejnployecs (. R. 4-14] Rules, 1976 provided that where under any such agreement or contract or award is entitled to benefits in provided in this Chapter which are to hill) than those to which he would be entitled to under this Chapter, the sales ennployce shall continue to bc entitled to the Inore favourable benefits in respect of that Inattcr notwithstanding that he received benefits in respect or other Inattcrs under these rules

4. Number of holidays in a year—— A sales promotion employee shall be entitled to ten holidays in a calendar year

5. Compensatory holidays. Ifa sales pron10tion employee is required to attend to his duties on a holiday, a compensatory holiday shall be given to him, within thirty days inuncdiately following the holiday, on a day mutually agreed upon by hilli and his einployer

6. Wages for holidays.—— A sales promotion employee shall be entitled to wages ofall holidays, as if he was on duty

7. Wages for weekly day of rest.—— A sales promotion employee shall be entitled to wages for the weekly day of rest as if he was on duty

8. Competent omcers.— Every establishment may designate one or more officers in the establishment as competent officers for the purpose of this Chapter

9. Application for leave.--- (l) A sales promotion employee who desires to obtain leave of absence shall apply in writing to the competent officer. (2) Application for leave, other than for casual leave, leave on medical certificate and quarantine leave, shall be made not less then one month before the date of conunencement of leave, except in urgent or unforeseen circumstances

10. Recording of reason for refusal or postponement of leave.—— If leave is refused or postponed, the competent officer shall record the reasons for such refusal or postponement as the case Inay be, and send a copy of the order to the sales promotion employee concerned

11. Affixing of holidays to leave.— I-lolidays, other than weekly days of rest, shall not be prefixed or stiffixed to any leave without the prior sanction of the competent officer

12. Holidays intervening during the period of leave.——A holiday, including a weekly rest day, interven ing during any leave, except casual leave, granted under these rules shall forni part of the period of leave

13. Recall before expiry of leave.— (I) The establishment may recall a sales employee on leave if the employer considers it necessary to do so and in the event of such recall the employee shall be entitled to travelling allowance for the journey undertaken by him to join duty if at the time of recall the ernployee is spending his leave at a place other than his headquarters. (2) The travelling al lowance which shall be paid to a sales promotion employee under sub-rule (l) shall be determined in accordance with the rules of the establishment governing travelling allowance for journeys undertaken by the employees in the course of their duties

14. Earned leave and cash compensation for earned leave not availed of.—— (l) The maximum limit up to which earned leave can be accutnulated shall be 1 80 The Sales Promotion Employees (....) Rules, 1976 10 days out of which a sales promotion employee can avail himself of 90 days a time: Provided that where a sales promotion employee is suffering from any lingeril illness such as, tuberculosis, cancer, leprosy, heart disease or mental illness, orar disability which prevents him from attending to his duties, the competent authorit may allow the sales promotion employee to avail himself of earned leave for an period exceeding 90 days at a time. (2) When a sales promotion employee voluntarily relinquishes his post, o retires from service on reaching the age of superannuation, he shall be entitled cash compensation for earned leave earned by him and not availed of: Provided that a sales promotion employee shall not be entitled to cash compensation for earned leave not availed of for a period exceeding 120 days. (3) Notwithstanding anything contained in sub-rule (2) where a sales promotion employee had applied for earned leave due to him so as to enable him to avail of such leave immediately before he voluntarily relinquishes his post or retires on reaching the age of superannuation and such leave was refused, the sales promotion employee shall be entitled to cash compensation for the entire period of earned leave so refused as well as cash compensation for the period of earned leave due to him, in respect of which no application to avail of the same was made; so, however, that the total period of earned leave for which cash compensation shall be payable under this sub-rule shall not exceed 180 days. (4) Where a sales promotion employee dies while in service his heirs shall be entitled to cash compensation for the entire earned leave due to such employee and not availed of. (5) Where a sales proinotion employee's services are terminated for any reason whatsoever (not being termination as punishrnent), he shall be entitled to cash compensation for the entire earned leave due to him and not availed of. (6) The cash compensation payable under this rule in respect of earned leave shall be equal to the amount of wages due to the sales promotion employee for the period of leave not availed Ofor reftlsed

15. Medical leave.—(l) For the purposes of availing leave on medical certificate under clause (b) of section 4, the sales promotion employee shall produce a medical certificate froin on authorised medical attendant: Provided that where a sales promotion employee has proceeded to a place other than his headquarters with the permission of his employer or in the course Of the discharge of his duties and there falls ill, he may produce a medical certificate from any registered Inedical practitioner practising at the place where he falls ill: Provided further that the employer may, when the registered medical practitioner whose certificate is produced is not in the service of the Government' arrange at his own expense for the medical examination of the employee concerned by any Government Medical Officer not below the rank ofa Civil Assistant Surgeon or by any other Medical Officer in charge ofa hospital run by a local authority ora public organisation at that place. (2) Leave on Inedical certificate may be taken in continuation Ofearned leave' The Sales Promotion Employees (....) Rules, 1976 R. 16-23] 11 (3) A sales promotion employee shall be entitled at his option to convert leave on medical certificate on one-half of the wages to half the amount of leave on full wages (hereinafter referred to as converted leave). (4) Leave on medical certificate or converted leave may be granted to an employee at his request notwithstanding that earned leave is due to him. (5) Every establishment may authorise one or more medical practitioners registered under the Indian Medical Council Act, 1956 (102 of 1956) as authorised medical attendants for the purposes of the Act or the rules made thereunder

16. Quarantine leave.—(l) Where, in consequence of the presence of an infecti0US disease, in the house-hold ofa sales promotion employee, his attendance is considered hazardous to the health of other people,

the employee concerned may be granted quarantine leave. (2) The quarantine leave may be granted for a period upto 30 days on the recommendation of the authorised medical attendant or Public Health Officer. (3) A sales promotion employee on quarantine leave shall be treated as on duty for all purposes

17. Extraordinary leave.— A sales promotion employee may be granted extraordinary leave in special circumstances without wages at the discretion of the employer

18. Leave not due.—A sales promotion employee who has.no leave to his credit, may be granted leave not due, at the discretion of the employer

19. Study leave.— A sales promotion employee may be granted study leave with or without wages at the discretion of the employer

20. Casual I) A sales.promotion employee shall be eligible for casual leave for fifteen days in a calendar year. (2) Casual leave not availed of during a calendar year shall not be carried forward to the following year. (3) The sales promotion employee may take any amount of casual leave at a time and casual leave may be combined with any other kind of leave

21. An employee on casual leave shall be entitled to wages as if he was on duty.CHAPTERIII LETTER OF APPOINTMENT 22. (I) The letter of appointment to be furnished to a sales promotion employee under section 5 shall be in Form A. (2) Every change in the particulars mentioned in the letter of appointment given to an employee shall be communicated to the employee concerned forthwith either by personal service with proper receipt or by registered post acknowledgement due. CHAPTERIV REGISTERS AND OTHER DOCUMENTS 23. Maintenance of Registers and other documents.—- Every establishment shall prepare and maintain the following registers and records, namely: (a) a Register of Sales Promotion Employees in Form B; [

Form C; a Register of Service Books in Form D; Leave Account of each employee in Form E.[See rule l)] LETTER OF APPOINTMENT Name ofthe establishment Address Name of the employer Name and address of the sales promotion employee* is appointed as in Shri/Smt (insert here the designation) this establishment with effect form His/Her appointment is on probationfor (insert here the period) temporary basis/ permanent basis. His/Her scale of wages/rate of increment in wages per (insert here the period) shall be (insert here the amount) He/Shewilldrawatotalwages of per (insert here the amount) composed of the following, namely Dearness Allowance (i) Basic Pay (insert here the amount) (insert here the amount) (ii) allowances (insert here the particulars) Other conditions of service Signature of the employer. FORMB [See rule REGISTEROF SALESPROMOTIONEMPLOYEES Name of establishment Place • Name of employer Date as Total Total Names Desig- Remune- on 1st of number number of sales nation ration every of emplo- of sales promotion month yees promotion employees employees 2 5 Date Particulars Re- of sales mark promotion employees re-signed, retired etc. Signature of einployer Any change of address of the employee shall be comuunicated to the ernp10.\ß'V Form c-D] The Sales Promotion Employees (....) Rules, 1976 FORM C [see rule 23(b)] SERVICE BOOK 13 (2) (3) (4) (5) (6) (7) (8) (9) Name Native Place Postal Address Father's name and Address Date of birth Educational and other qualifications Date of first appointment and nature of job Date of termination of employment, resignation, retirement or death Reasons for termination (10) Personal marks of identification (11) Signature of the sales promotion employee (12) Signature with date and designation of the employer Post Scale held of pay of the post held Whether : Emoluments (i) permanent drawn : (ii) temporary or Wages and (iii) any other Commission to be shown category separately FORM D Sig- nature of the emp- loyee Signa- ture of the emp- loyer Recorded Re- incerment, marks reward or apprecia- tion of the employee [See rule 23(c)] REGISTEROF SERVICE BOOKS FOR SALES PROMOTION EMPLOYEES Name of establishment Place Name of employer S.No. Name and designation of the Service Book No. Sales promotion employees Remarks 14 The Sales Promotion Employccs (Rules, 1976 [Forni FORM E [See rule LEAVE ACCOUNT Narne of establishinent Narne of Sales pron10tion enil)loyee Period of Duty No. of Leave Balance of Place Date or joining scrvicc days earned leave carried Froni Balance of earned leave 9 2 3 4 Leave on Medical Certificate Due Availed over 5 12 Total leave duc 6 Other kinds of leave Availed IO From 11 From 13 To 14 liarne(l Icavc From 7 8 Remarks 15