THE INDUSTRIAL DISPUTES (PUNJAB) RULES, 1958

1. ***Title and application.*** — (1) These rules may be called the Industrial Disputes (Punjab) Rules, 1958.

(2) They extended to the whole of the state of Punjab.

2. ***Interpretation.*** – In these rules, unless there is anything repugnant in the subject or context:

(a) “Act” means the Industrial Disputes, Act, 1947 (XIV of 1947);

(b) “ Chairman” means the chairman of a Board or Court of, if the Court consists of one person only, such person;

(c) “Committee” means a Works Committee constituted under sub-section (1) of Section 3 of the Act;

(d) “Form” means a

form in the Schedule to these rules;

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

PART I

Procedure for reference of Industrial Disputes to Boards of Conciliation, Courts of Enquiry, Labour Courts or Industrial Tribunals.

3. ***Application.*** – An application under sub-section (2) of Section 10 for the reference of an industrial dispute to a Board, Court, Labour Court, or Tribunal, shall be made in Form A and shall be delivered personally or forwarded by registered post in triplicate to the Labour Commissioner Punjab. The application shall be accompanied by statement setting forth--

(a) the parties to the dispute;

(b) the specific matter in dispute;

(c) the total number of workmen employed in the undertaking affected;

(d) an estimate of the number of workmen affected or likely to be affected by the dispute; and

(e) the efforts made by the parties themselves to adjust the dispute.

4. ***Attestation of Application.*** — The application, and the statement accompanying it shall be signed:

(a) in the case of an employer by the employer himself, or when the employer is an incorporated company or other body corporate by the Agent, manager or other principal officer of the Corporation;

(b) in the case of workmen, either by the President and Secretary of registered trade union of the workmen, or by five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held for the purpose.

(c) [1]"in the case of an individual workman, by the workman himself or by any officer of the trade union of which he is a member or by another workman in the same establishment duly authorized by him in this behalf:

Provided that such workman is not a member of a different trade union."

Note: -- Application not made in accordance with the provision of rules 3 and 4 shall not be considered at all.

5. ***Notification of appointment of Board, Court, Labour or Tribunal. --***The appointment of a Board, Court, Labour Court, or Tribunal, together with the names of persons constituting the Board, Court, Labour Court of Tribunal shall be notified in the Official Gazette

6. ***Notice to parties to Nominate representatives. --***(1) if the Labour Commissioner, Punjab proposes to appoint a Board, it shall send a notice in Form B to the parties requiring them to nominate within a reasonable time persons to represent them on the Board.

(2) The notice to the employer shall be sent to the employer personally or if the employer is an incorporated company or a body corporate, to the agent, manner or other principal officer of such company or body.

(3) The notice to the workman shall be sent –

(a) in the case of workmen who are members of a registered trade union, to the President of Secretary of the trade Union: and

(b) in the case of workmen who are not members of a registered trade union, to any one workman who has attested the application made under Rule 3; and in this case a copy of the notice shall er who shall display copies

thereof in English, Hindi and the regional language on notice-board in a conspicuous manner at the main entrance to the premises of the establishment.

PART II

Arbitration Agreement

7. ***Arbitration agreement.*** **--**An arbitration agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in Form 'C' and shall be delivered personally or forwarded by registered post in triplicate to the Labour Commissioner, Punjab.

8. ***Attestation of the arbitration agreement.--***The arbitration agreement shall be signed: -

(a) in the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate by the agent, manager or other principal officer of the Corporation;

1 Inserted vide Haryana Govt. Notification No. GSR 94/CA. 4/47/S/38 Amd.(1)/76 dated 21.4.1976

(b) in the case of workmen, by any officer or a trade union of the workmen or by five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held of the purpose.

(c) 2"in the case of an individual workman, by the workman himself or by any officer of the trade union of which he is a member or by another workman in the same establishment duly authorized by him in this behalf:

Provided that such workman is not a member of a different trade union."

Explanation. **--**In this rule 'Officer' means any of the following officer, namely: --

(a) the President;
(b) the Vice-President;
(c) the Secretary (including the General Secretary);
(d) a Joint Secretary;
(e) any other officer of the trade union authorized in this behalf by the President and Secretary of the Union.

3**8-A.** ***Notification regarding arbitration agreement by majority of each party.--*** Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the person making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette for the information of the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute.

PART III

Powers, Procedure, and Duties of Conciliation Officer, Boards, Courts, Labour Courts, Tribunals and arbitrators.

9. ***Conciliation proceedings in Public Utility Service.*** **--**(1) The conciliation Officer, on receipt of a notice of a strike or lock-out given under Rule 70 or Rule 71, shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute question.

(2) Where the Conciliation Officer receives no notice of the strike or lockout under Rule 70 or rule 71, but he consider it necessary to intervene in the dispute, he may give formal intimation in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

10. *Conciliation Proceedings in Non-Public Utility Service.* -- Where the Conciliation Officer receives any informati prehended industrial dispute

2 Inserted vide Haryana Govt. Notification No. G.S.R 94/CA. 4/47/S/38 Amd.(1)/76 dated 21.4.1976

3 Added vide Notification No. G.S.R. 175/C.A. 14/47/S-35/Amd.(4)/66 dated 9th. August, 166

which does not relate to public utility service and he considers it necessary to intervene in the dispute, he shall give formal intimation to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as my be specified therein.

4[10-A. *Parties to submit statements.* -- (1) The party representing workmen involved in an industrial dispute in a public utility service shall forward a statement of its demands along with a copy of the notice prescribed under Rule 70 to the Conciliation Officer concerned. The statement shall be accompanied by as many spare copies there of as there are opposite parties.

(2)5 The party representing workmen, or in the case of an individual workmen, the workman, himself involved in a dispute in a non-public utility service shall forward a statement of its demands to the Conciliation Officer concerned before such date as may be specified by him for commencing conciliation proceedings. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

(2-A) The conciliation Officer shall send to the opposite party concerned a copy of the statement received under sub-rule (1) or sub-rule (2), as the case may be, who shall file its rejoinder with the Conciliation Officer within a period of one week of its receipt:

Provided that the Conciliation Officer may when he considers necessary extend the time limit for the filing of the rejoinder by any party.

(3) The statement of demands submitted by [he party representing the workmen, or in the case of individual workman by the workman himself] under sub-rule (1) or sub-rule (2) along with a copy of the rejoinder submitted under sub-rule (2-A) shall be transmitted to the State government by the Conciliation Officer concerned with his report under sub-section (4) of Section 12. [Substituted vide Haryana Govt. Notification No. G.S.R 94/CA. 4/47/S/38 Amd.(1)/76 dated 21.4.1976].

(4) Where an employer, or [the party representing the workmen, or in the case of individual workman, the workman himself] applies to the State Government for reference of an industrial dispute to a Labour Court of Tribunal, such application shall be accompanied by a statement of the demands or matters in dispute with as many spare copies thereof as there are opposite parties. [Substituted vide Haryana Govt. Notification No. G.S.R 94/CA. 4/47/S/38 Amd.(1)/76 dated 21.4.1976].

(5) The statement referred to in sub-rules (1), (2) and (4) and every copy thereof required under the said sub-rules to accompany the said statement shall be duly signed, on behalf of the party, by the person making it.

4 New Rules 10-A and 10-B added by Punjab Govt. Notification No. 653(1)-Lab.I-59/2802 dated the 19th. January, 1959.

5 Substituted vide Haryana Government Notification No. G.S.R 94/CA. 4/47/S/38 Amd.(1)/76 dated 21.4.1976

FOR HARYANA

10-B. *Proceedings before the Labour Court or Tribunal.* -- (1) Where the State Government refers any case for adjudication to a Labour Court of Tribunal it shall send to the Labour /Court or Tribunal concerned and to the opposite party concerned in the industrial dispute, a copy of every such order of reference together with a copy of the statement received by the State Government under sub-rule (3) or sub-rule (4) of Rule 10-

A:

6["Provided that where the Labour Court or the Tribunal, as the case may be considers it necessary, it may allow at any stage of the proceedings amendments to such statement to the extent5 as may be necessary for the purpose of determining the real issues included in the order of reference," 11(b) in sub-rule (2), for the second proviso, the following proviso shall be substituted, namely: -

"Provided further that where the Labour Court of the Tribunal, as the case may be, considers it necessary it may-

(a) extend the time limit for filing of rejoinder for reasons to be recorded in writing; (b) reduce the time limit for filing of rejoinder to one week in emergent cases; or (c) where both the parties agree, reduce the time limit for filing of rejoinder as per agreement; or

(d) where both the parties agree, dispense with the requirement of filing of rejoinder altogether; or

(e) allow at any stage of the proceedings, amendments to rejoinder to the extent as may be necessary for the purpose of determining the real issues included in the order of reference."

(2) Within two weeks of the receipt of the statement referred to in sub-rule (1), the opposite party shall file its rejoinder with the Labour Court of Tribunal, as the case may be, and simultaneously forward a copy thereof to the other party:

Provided that such rejoinder shall relate only to such of the issues as are included in the order for reference:

Provided further that where the Labour Court of Tribunal, as the case may be, considers it necessary, it may extend the time limit for the filing of rejoinder by any party.

(3) The Labour Court or Tribunal, as the case may be, shall ordinarily fix the date for the first hearing of the dispute within six weeks of the date on which it was referred for adjudication:

Provided that the Labour Court or Tribunal as the case may be, may for reasons to be recorded in writing, fix a later date for the first hearing of the dispute.

(4) The hearing shall ordinarily be continued from day to day and arguments shall follow immediately after the closing of evidence:

6 Added by Haryana Govt. Notification No. G.S.R 94/CA. 4/47/S/38 Amd.(1)/76 dated 21.4.1976].

Provided that no case shall be adjourned for arguments for more than a week.

(5) The Labour Court or Tribunal, as the case may be shall not ordinarily grant an adjournment for a period exceeding a week at a time not more than three adjournments in all at the instance of any one of the parties to the dispute:

Provided that the Labour Court or Tribunal as the case may be, may for reasons to be recorded in writing, grant an adjournment exceeding a week or more than three adjournments at the substance of any one of the parties to the dispute.

(6) The Labour Court or Tribunal, as the case may be, shall, as the examination of each witness proceeds, make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the Presiding Officer.

Provided that the Labour Court or Tribunal, as the case may be, may follow the procedure laid down in Rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908, if it considers necessary so to do, in view of the nature of the particulars industrial dispute pending before.

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(1) While referring an industrial dispute for adjudication to a Labour Court or Tribunal, The State Government shall direct the Party raising the dispute to file a statement of claim, complete with relevant documents, list of reliance and witnesses with the Labour Court or Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute.

(2) The Labour Court or Tribunal, as the case may be, after ascertaining the copies of statement of claim are furnished to the opposite party or parties as required under sub-rule (1), by the party, raising the dispute shall fix the first hearing on date not beyond one month from the date of receipt of the order of reference and the opposite party or parties as the case may be, shall file their written statement together with documents, list of reliance and witnesses within a period of fifteen days from the date of first hearing and simultaneously forward a copy thereof to the other party.

(3) Whether the Labour Court or Tribunal, ass the case may be, finds that the party raising the dispute though directed did not forward the copy of the statement of claim to the opposite party or parties, it shall give direction to the concerned party to furnish the copy of the statement to the opposite party or parties as the case may be, and for the said purposes or for any other sufficient cause, extend the time-limit for filling the statement under sub-rule (1) or written statement under sub-rule (2) by an additional period of fifteen days.

(4) The party raising a dispute may submit a rejoinder, if it chooses to do so, to the written statement filed by the opposite party or parties within a period of fifteen days from the filing of written statement by the later.

(5) The Labour Court, or Tribunal, as the case may be shall fix a date for evidence within one month from the date of receipt of the statements, documents, the list of witnesses, etc. which shall ordinarily be within the sixty days of the date on which the dispute was referred to for adjudication.

(6) Evidence shall be recorded either in Court or by affidavit but in the case of an affidavit the opposite party shall have the eight to cross-examine each of the deponent filing the affidavit. As the oral examination of each witness proceeds, the Labour court or Tribunal as the case may be shall make a memorandum of the substance of what is being deposed while recording the evidence, the Labour Court of Tribunal as the case may be, shall follow the procedure laid down in Rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908.

PUNJAB AMENDMENT: 2. In Rule 10B of the Industrial Disputes (Punjab) Rules, 1958 (hereinafter referred to s the said rules) after sub-rule (6), the following sub-rule shall be added namely: -

"(7) The provisions of Rule 14 of Order VII of the Code of Civil Procedure, 1908 (5 of 1908) shall apply to statements filed under this rule by the parties to an industrial dispute before a Labour Court or Tribunal ass if such statements were plaints under the said Code."

(7) On completion of the evidence, either arguments shall be heard immediately or a date shall be fixed for arguments or oral hearing, which shall not be beyond a period of fifteen days from the close of evidence.

(8) The Labour Court or Tribunal, as the case may be, shall not ordinarily grant an adjournment for a period exceeding one week at a time, but in any case, not more than three adjournments at the instanc ute:

Provided that the Labour Court or Tribunal as the case may be may for reasons to be recorded in writing, grant an adjournment for a period exceeding one week at a time.

(9) In case any party defaults of fails to appear at any stage the Labour Court of Tribunal, as the case may be, may proceed with the reference ex-parte and decide the reference or application in the absence of the defaulting party.

Provided that the Labour Court or Tribunal, as the case may be, may on the application of either party filed before the submission of the award revoke the ex-parte order if it is satisfied that the absence of the party was on justifiable grounds.

(10) The Labour Court or Tribunal, as the case may be shall submit its award to the State government within a period of one month from the date of oral hearing/arguments or within the period mentioned in the order of reference whichever is earlier.

(11) In respect of a reference under Section 2-A, a Labour Court or Tribunal, as the case may be, shall ordinarily submit its award within a period of three months.

Provided that the Labour Court or Tribunal, as the caps may be, may for reasons to be recorded in writing, extend the period of three months for submission of the award for another specified period.

11. The Conciliation Officer may hold a meeting of the representatives of both parties, jointly or of each party separately.

12. The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.

13. ***Place and time of hearing.*** **--**[7][Subject to the provisions contained in Rules 10-A and 10-B, the sittings of the Board, Court, Labour Court or Tribunal or of an Arbitrator shall ordinarily be held at the pale where the cause of the dispute has arisen or at such other place as may be mutually agreed upon by the parties and at such times as the Chairman or the Presiding Officer, or the Arbitrator, as the case mazy be, may fix and the Chairman, or Presiding Officer or the Arbitrator, as the case may be, shall inform the parties of the same in such manner as he thinks fit.

14. *Quorum for Board and Court.* -- The quorum necessary to constitute a sitting of a Board or Court shall be as follows: --

Quorum

(i) in the case of a Board--
where the number of member is 3…2
where the number of member is 5…3

(ii) in the case of a Court--
where the number of members is not more than 2…1
where the number of member is more than 2 but less than 5…2
where the number of members is 5 or more…3

15. *Evidence.* -- A Board, Court, Labour Court or Tribunal or an Arbitrator may accept, admit or call for evidence at nay stage of the proceedings before it/him and in such manner as it/he may think fit.

16. *Administration of Oath.* -- Any number of a Board, or Court or Presiding Officer of a Labour Court of Tribunal or an Arbitrator may administer an oath.

17. *Summons.* --A summons issued by a Board, Court, Labour Court or Tribunal shall be in form 'D' and may require any person to produce before it any books, papers other documents and things in the possession of or under the control of such person in any way relating to the matter under investigation or adjudication by the Board, Court, Labour

Courts or Tribunal which the Board, Court, Labour Court or Tribunal thinks necessary for the purposes of such investigation or adjudication.

7 Substituted for the words "The sitting of a Boards, Court, Labour Court or Tribunal or of an Arbitrator" by Punjab Government Notification No. 653(1)Lab-1-59/2802 dated 19.1.1959.

8**[18.** *Service of summons or notice.* -- Subject to the provisions contained in Rule 20, any notice, summons, process or order issued by a Board, Court, Labour Court, Tribunal or an Arbitrator, empowered to issue such notice, summons, process or order may be served wither personally or by registered post and in the event of refusal by the party concerned to accept the said notice, summons, process or order, the same shall e sent again under certificate of posting.]

19. *Description of Parties in certain cases.* -- Where in any proceeding before a Board, Court, Labour Court of Tribunal or an Arbitrator, there are numerous persons arrayed on any side, such persons shall be described as follows:

(1) all such persons as are members of any trade union or association shall be described in such manner as the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may be, may determine.

20. *Manner of service in the case of numerous persons as parties to a dispute.* -- (1) Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court or Tribunal or an Arbitrator and such persons are members of any trade union or association, the service of notice on the Secretary, or where there is no Secretary, on the principal officer of trade union or association shall be deemed to be service on such persons:

Provided that where personal service on the Secretary of the Principal Officer is not practicable the service of the notice may affected by affixing a copy of the notice on the outer door or any other conspicuous part of the office of the trade union or the association.

(2) Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court or Tribunal or an Arbitrator and such persons are not members of any trade union or association, the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may be, shall, where personal service is not practicable, cause the service of any notice to be made by affixing the same at or near the main entrance of the establishment concerned.

A notice exhibited as mentioned in sub-rule (2) shall also be considered as sufficient in the case of such workman as cannot be ascertained and found.

21. *Procedure at the first sitting.* -- At the first sitting of a Board, Court, Labour Court, or Tribunal the Chairman or the Presiding Officer, as the case may be, shall call upon the parties in such order as he may think fit to state their case.

22. *Board, Court, Labour Court, Tribunal or Arbitrator may proceed ex-parte.* -- If without good cause shown, any party to proceedings before a Board, Court, Labour Court, Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour

8 Substituted vide Haryana Government Notification No. G.S.R 94/CA. 4/47/S/38 Amd.(1)/76 dated 21.4.1976

Court, Tribunal or Arbitrator may proceed as if he had duly attended or had been represented.

23. *Power of entry and Inspection.* -- A Board, or Court of any member thereof, or a Labour Court of Tribunal, or any person authorized in writing by the Board, Court, Labour Court or Tribunal, in this behalf may, for the purposes of any investigation, enquiry or adjudication entrusted to the Board, Court, Labour Court or Tribunal under the Act, at any time between the hours of sunri case of a person authorized in

writing by a Board, Court, Labour court or Tribunal after he ahs given reasonable notice, enter any building, factory, workshop, or other place or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect or anything situated therein or any matter relevant to the subject-matter of the investigation, enquiry or adjudication.

24. *Power of Boards, Courts, Labour courts and Tribunals.* -- In addition to the powers conferred by the Act, Boards, Courts, Labour Courts and Tribunals Shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when, trying a suit, in respect of the following matters, namely: --

(a) discovery and inspection;
(b) granting adjournment;
(c) reception of evidence taken on affidavit;

and the Board, Court, Labour Court or Tribunal may summon and examine any person whose evidence appears to be material and shall be deemed to be a civil court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898.

25. *Assessors.* -- Whereas assessors are appointed to advise a Tribunal under sub-section (4) of Section 7-A or sub-section (4) of Section 7-B or by the Court, Labour Court of Tribunal under sub-section (5) of Section 11, the Court, Labour court or Tribunal, as the case may be, shall in relation to proceeding before it, obtain the advice of such assessors, but such advice shall not be binding on it.

26. *Fees for copies of onwards or other documents of labour court, or tribunal.* -- (1) Fees for making a copy of an award of a Labour Court or Tribunal or any document filed in any proceedings before a Labour Court or Tribunal be charges as follows: --

(a) for the first 200 words or less, 75 naye paise;
(b) for every additional 100 words or fraction thereof, 37 naye paise;

Provided that where an award or a document exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words to the nearest hundred for the purpose of assessing the copying fee.

(2) For certifying a copy of any such award or a document, fee of Re. 1 shall be payable.

(2-A) Fees for supply of unattested copies of depositions shall be changed as follows: -

(a) where application is made before hand --

(i)for the first four pages or less
(ii)for every additional page or part thereof

---- 25 Naye Paise; ---- 6 Naye Paise;

(b) when application is not made before hand –

(i) for the first four pages or less
(ii) for every additional page or part thereof

---- 50 Naye Paise; ---- 6 Naye Paise;

(3) Copying and certifying fees shall be payable in cash in advance.

(4) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.

27. *Decision by Majority.* -- All questions arising for decision at any meeting of a Board or Court, save where the Court consists of one person shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes the Chair ng vote.

9**[28.** *Corrections of errors. –"* The Labour Court, Tribunal or Arbitrator may at any time correct any clerical mistake or error arising from an accidental slip or omission in any proceedings, report, award or decision either of its, or his own motion, or on the application of any of the parties."

29. *Proceeding before a Board, Court, Labour Court or Tribunal.* -- The proceedings before a board, Court, Labour Court or Tribunal shall be held in public:

Provided that the Board, Court, Labour Court or Tribunal may at any stage direct that any witness shall be examined or its proceedings shall be held in camera.

PART IV

Remuneration of Arbitrators, Chairman and members of Courts, Presiding Officers or Labour Courts or Tribunals, Assessors, Witness and Staff.

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"30A. *Preservation of records by the Labour Courts of Tribunals.* -- (1) The records of the Labour Courts or Tribunals specified in column 1 of the Table below shall be preserved for the period specified in the corresponding entry in column 2 thereof after the proceedings are finally disposed of by such Labour Courts or Tribunals: -

9 Substituted vide Haryana Government Notification No. G.S.R 94/CA. 4/47/S/38 Amd.(1)/76 dated 21.4.1976

TABLE

RECORDS	**Number of years for Which the records shall Be preserved.**
(i) Orders and judgments of Labour Courts or Tribunals	15 years
(ii) Exhibited documents in the above mentioned Courts or Tribunals	7 years
(iii) Other papers	7 years

(2) Notwithstanding anything contained in sub-rule (1), records of the Labour Courts or Tribunals connected with writ petitions, if any, filed in the High Court or in the Supreme Court shall be preserved till the final disposal of such writ petitions."

31. *Traveling allowance.* -- The Chairman or a member of a Board or Court, or the Presiding Officer or any Assessor of a Labour Court of Tribunal if a non-official shall be entitled to draw traveling allowance, and halting allowance, for any journey performed by him in connection with the performance of his duties, at rates admissible and subject to the conditions applicable to a Government servant of the first grade under the Rules issued by the State Government from time to time.

32. *Fees.* -- The Chairman and a member of a Board or Court, the Presiding Officer and an assessor of a Labour Court or Tribunal wherever he is not salaried officer of Government may be granted such fees as may be sanctioned by the State government in each case.

33. *Expenses of Witness.* -- Every person who is summoned and duly attends or otherwise appears as a witness before a Board, Court, Labour Court or Tribunal or an Arbitrator shall be entitle, to an allowance for expense according to the scale for the time being in force with respect to witness in civil courts in the State where the investigation, enquiry, adjudication or arbitration is being conducted. Such allowance shall be paid by the party by whom the witness is summoned.

PART V
Notice of Change

34. *Notice of Change.* -- Any employer intending to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in the Fourth Schedule to the Act shall give notice of such intention in Form E. the notice shall be displayed conspicuously by the employer, in English as well as in the regional language understood by the majority of the workmen in the establishment on a notice board sat the main entrance to the establishment and to the Manager's officer:

Provided that where any registered trade union of workmen exists a copy of the notice shall also be served by registe5red post on the Secretary of the union.

35. *Omitted.*

PART VI

36. *Representation of Parties.* -- The authority in favour of a person or persons to represent a workman or group of workmen or an employer in any proceeding under the Act shall be in Form F.

37. *Parties Bound by acts of representatives.* -- A party appearing by a representative shall be bound by the acts of that representative.

PART VII
Works Committees

38. *Constitution.* -- Any employer to whom an order made under sub-section (1) of Section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this part.

39. *Number of members.* -- The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in, and to the sections, shops or departments of the establishment:

Provided that the total number of members shall not exceed twenty:
Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

40. *Representatives of Employee.* -- Subject to the provisions of these rules, the representatives of the employer shall be nominated by the employer and shall, as far as possible, be official in direct touch with or associated with the working of the establishment.

41. *Consultation with trade unions.* -- (1) Where any workmen of an establishment are members of a register5ed trade union, the employer shall ask the union to inform him writing--

(a) how many of the workmen are members of the union; and
(b) how their membership distributed among the sections, shops or departments of the establishment.

(2) Where an employer has reason to believe that the information furnished to him under sub-rule (1) by any trade union is false, he may, after informing the union, refer the matter to the Conciliation o\Officer concerned for his decision, and the Conciliation Officer, after hearing the parties, shall decide the matter and his decision shall be final.

42. *Groups of workmen's representatives.* -- On receipt of the information called for under Rule 41, the employer shall provide for the election of workmen's representatives on the Committee in two groups—

(1) those to be elected tablishment who are members

of the registered trade union or unions; and

(2) those to be elected by the workmen of the establishment who are not members of the registered trade union or unions;

bearing the same proportion to each other as the union members in the establishment bear to the non-members:

Provided that where more than half the workmen are members of the union or any one of the unions no such division shall be made:

Provided further that where a registered trade union neglects or fails to furnish the information called for under sub-rule (1) of Rule 41 within one month of the date of the notice requiring it to furnish such union shall for the purpose of this rule be treated as if it did not exist:

Provided further that where any reference has been made by the employer under sub-rule (2) of Rule 41 the election shall be held on receipt of decision of the Conciliation Officer.

43. *Electoral Constituencies.* -- Where under Rule 42 the workmen's representatives are to be elected into two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those, who are member of a registered trade union and other of those who are not:

Provided that the employer may, if he thinks fit, sub-divide the two electoral constituencies and direct that workman shall vote in either by groups, section, shops or departments.

44. *Qualifications of candidates for election.* -- Any workman of not less than 19 years of age and with a service of not less than one year in the establishment may if nominated as provided in these rules be a candidate for election as a representative of the workmen on the Committee:

Provided that the service qualification shall not apply to the first election in an establishment, which has been in existence for less than a year.

Explanation. -- A workman who has put in a continuous service of not less than one year in two or more establishments belonging to the same employer shall be deemed to have satisfied the service qualifications prescribed under this rule.

45. *Qualifications for voters.* -- All workmen who are not less than 18 years of age and who have put in not less than 3 months continuous service in the establishment shall be entitled to vote in the election of the representatives of workmen.

Explanation. -- A workman who has put in a continuous service of not less than 3 months in two or more establishments belonging to the same employer shall be deemed to have satisfied the service qualifications prescribed under this rule.

46. *Procedure for election.* -- (1) The employer shall fix a date as the closing date for receiving nomination of from candidates for election as workmen's representatives on the Committee.

(2) For holding the election, the employer shall also fix a date, which shall not be earlier than three days and later than fifteen days after the closing date for receiving nominations.

(3) The dates so fixed shall be notified at least seven days in advance to the workmen and the registered trade union or unions concerned. Such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, meetings shops or departments and the number to be elected by the members of the registered trade union or unions and by the on-members.

(4) A copy of such notice shall de union or unions concerned.

47. *Nomination of candidates for election.* -- (1) Every nomination shall be made on nomination paper in Form G copies of which shall be supplied by the employer to workmen requiring them.

(2) Each nomination paper shall be signed by the candidate to whom it relates and attested by at least two voters belonging to the group section, shop or department the candidate seeking election will represent, and shall be delivered to the employer, who shall issue a receipt therefore to the candidate concerned.

48. *Scrutiny of nomination papers.* -- (1) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinized by the employer in the presence of the candidates and the attesting persons and those, which are not valid, shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (a) the candidate nominated is ineligible for membership under rule 44, or (b) the requirements of rule 47 have not been complied with:

Provided that where a candidate or an attesting person is unable to be present at the time of scrutiny, he may send a duly authorized nominee for the purpose.

"48-A. *Withdrawal of candidates validity nominated.* -- Any candidate whose nomination for election has been accepted may withdraw his candidature within 48 hours of the completion of scrutiny of nomination papers."

49. *Voting in election.* -- (1) if the number of candidates who have been validly nominated is equal to number of seats, the candidates' shall be forthwith declared duly elected.

(2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer, and if any of the candidates belongs to a union, by such of them as the union may nominate shall be associated with the election.

(5) Every workman entitled to vote at an electoral constituency shall have as many votes as there are seats to be filled in the constituency:

Provided that each voter shall be entitled to cast only one vote in favour of any one candidate.

50. *Arrangements of election.* -- The employer shall be responsible for all arrangements in connection with the election.

51. *Officers of the Committee.* -- (1) The Committee shall have amount its office bearers a Chairman, a Vice-Chairman, a Secretary and a Joint Secretary. The Secretary and the Joint Secretary shall be elected every year.

(2) The Chairman, shall be nominated by the employer from amongst the employer's representatives on the Committee and he shall, as far as possible, be the head of establishment.

(2-A) The Vice-Chairman shall be elected by the members on the Committee representing the workers, from amongst themselves:

Provided that in then event of equality of votes in the election of the Vice-Chairman, the matter shall be decided by draw of a lot:

Provided further that the post of the Chairman or the Vice-Chairman, as the case may be, shall not be held by a representative of the employer or the workmen, for two consecutive terms.

(3) The Committee shall elect the Secretary and the Joint Secretary; provided that where the Secretary is elected form amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the workmen and vice-versa:

Provided further that the post of the Secretary of the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the workmen, for two consecutive years.

52. *Terms of Office.* -- (1) The terms of office of the representatives on the Committee other than a member chosen to fill a casual vacancy shall be two years.

(2) A member chosen to fill a casual vacancy shall hold office for the un-expired term off his predecessor.

53. *Vacancies.* -- In the event of workmen's representative ceasing to be employed in the establishment or in the event of his resigning the membership in the Committee is successor shall be elect5ed from the constituency to which the member vacating the seat belonged.

54. *Power to Co-opt.* -- The Committee shall have the right to co-opt in a consultative capacity persons employed in the establishment having particular or special knowledge of a matter under discussion. Such co-opted members shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

55. *Number of meetings.* -- The Committee may meet as often as necessary but not less often than once in three months (a quarter).

56. *Facilities for Meeting etc.* -- (1) The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the committee.

(2) The Secretary of the committee may, with the prior concurrence of the Chairman, put up notice regarding the work of the Committee on the notice board of the establishment.

56-A.*Submission of returns.* -- The employer shall submit half-yearly returns as in Form G.I. in triplicate, to the Conciliation Officer concerned not later than the 20th. Day of the month following the half-year.

57. *Dissolution of Works committee.* -- The State Government or where the power under Section 3 has been delegated to any officer or authority under Section 39, such officer or authority may, after making such enquiry as it or he m ay deem fit, dissolve any works Committee, at any time, by an order in writing if he or it is satisfied that Committee has not been constituted in accordance with these rules or that not less than two thirds of the number of representatives of the workmen, have, without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee has, for any other reason, ceased to function:

Provided that where a Works committee is dissolved under this rule, the employer may, and if so required by the State Government or, as the case may be, by such officer or authority, shall take step to re-constitute the Committee in accordance with these rules.

PART VIII
Miscellaneous

58. *Memorandum of Settlement.* -- (1) A settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form H.

(2) The settlement shall be signed by--

(a) in the case of an employer, by the employer himself, or by his authorized agent, or when the employer is an incorporated Company, or other body corporate, by the agent, manager or other principal officer of the corporation;

(b) in the case of workmen;

(c) [10][in the case of workman in an individual dispute under Section 2-A by workman concerned or y an officer of the trade union of which he is a member or by another workman in the same establishment duly authorized by him in this behalf]

(i) The President and Secretary of a Trade Union of workmen; or

(ii) The President, Vice-President, Secretary of General Secretary of the Trade Union of workmen and workmen preferably one of the aggrieved workmen; or

(iii) Five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held for the purpose.

(3) Where the settlement is arrived at in the course of conciliation proceeding the Conciliation Officer shall send a report thereof to the State Government together with a copy of the memorandum of settlement signed by the parties to the dispute.

(4) Where a settlement is arrived at between an employer and his workmen otherwise than in the course of conciliation proceedings before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof, to the State Government, the Labour Commissioner, Punjab and to the Conciliation Officer concerned.

59. *Companies Regarding Change of Conditions of Service etc.* -- (1) Every complaint under Section 33-A of the Act shall be presented in triplicate in

Form I and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint.

(2) Every complaint under sub-rule (1) shall be verified at the foot by the workmen making it or by some other person proved to the satisfaction of the Labour Court or Tribunal to be acquainted with the facts of the case.

(3) The person verifying shall specify, by references to the numbered paragraph of the complaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

10 Inserted vide Haryana Government Notification No. G.S.R 94/CA. 4/47/S/38 Amd.(1)/76 dated 21.4.1976

(4) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

60. *Application under Section 33.* -- (1) An employer intending to obtain the express permission in writing of the Conciliation Officer, Board, Labour Court, Tribunal, as the case may be, under sub-section (1) of sub-section (3) of Section 33 shall present an application in form J in triplicate to the Conciliation Officer, Board, Labour Court or Tribunal and shall file along with the application as many copies thereof as there are opposite parties.

(2) An employer seeking the approval of the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be, of any action taken by him under clause (a) or clause (b) of sub-section (2) of Section 33 shall present an application in form K in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file along with the application as many copies thereof as there are opposite parties.

(3) Every application under sub-rule (1) or sub-rule (2) shall be verified at the foot by the employer making it or by some other person proved to the satisfaction of the Conciliation Officer, Board, Labour Court or Tribunal making it or by some other persons proved to the satisfaction of the Conciliation Officer, Board, Labour court or Tribunal to be acquainted with the facts of the case.

(4) The person verifying shall specify by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

(5) The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified.

61. *Protected Workmen.* -- (1) Every registered trade union connected with an industrial establishment, to, which the Act applies, shall communicate to the employer, before the 11[30th. April] every year, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the union, should be recognized as “protected workmen”. Any change in the incumbency of any such officer shall be communicated to the employer by the Union within fifteen days of such change.

(2) The employer shall, subject to Section 33, sub-section (4) recognize such workmen to be 12 [protected workmen for a period of twelve months from the date of such communication] for the purposes of sub-section (3) of the said section and communicate to the union, in writing, within fifteen days of the receipt of the names and address under sub-rule (1), the list of workmen recognized as protected workmen.

(3) where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workmen, admissible for the establishment, under

[11] Substituted vide Haryana Government Notification No. G.S.R 94/CA. 4/47/S/38 Amd.(1)/76 dated 21.4.1976

[12] ibid

Section 33, sub-section (4), the employer shall recognize as protected workmen only such maximum number of workmen:

Provided that, where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the unions that the numbers of recognized "protected workmen" in individual unions bear roughly the same proportion to one another as the membership figures of the unions. The employer shall in that case intimate in writing to the President or the Secretary of the union the number of protected workmen allotted to it:

Provided further that where the number of "protected workmen" allotted to a union under this sub-rule falls short of the number of officers of the unions seeking protection, the union shall be entitled to select the officers to be recognized as protected workmen. Such selection shall be made by the union and communicated to the employer within five days of the receipt of the employer's letter.

(4) When a dispute arises between an employer and any registered trade union where a particular workman should be recognized as a "protected workman" or not, the dispute shall, be referred to the Conciliation Officer concerned for decision. An appeal against the decision of the Conciliation Officer shall lie to the Labour Commissioner, Punjab, whose decision thereon shall be final.

[13]**[61-A.** Where any money is due from the employer to a workman or a group of workmen under a settlement or any award or under the provisions of Chapter V-A, the workman or the group of workmen, as the case may be, may apply in Form K-1, for the recovery of the money due:

Provided that in the case of a person authorized in writing by the workman or in the case of death of the workman, the assignee or heir of the deceased workman, the application by the authorized person or the assignee or heirs of the deceased workman, as the case may be, shall be made in form K-2.

(2) Where any workman or a group of workmen is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money, the workmen or the group of workmen, as the case may be, may apply to the specific Labour Court in form K-3 for the determination of the amount due or as the case may be, the amount at which such benefit should be computed.

(3) Where the Labour Court has determined the amount of benefit under sub-rule (2) the workman concerned may apply in form K-4 for the recovery of money due to him.

62. *Appointment of Commissioner.* -- Where it is necessary to appoint a Commissioner under sub-section (3) of Section 33-C of the Act, the Labour Court may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a person with experience as a Judge of a Civil Court, or as a stipendiary magistrate or as a Registrar or Secretary of a Labour Court or Tribunal constituted under the Act.

[13] Substituted vide Notification No. G.S.R. 175/C.A. 14/47 S.38/Amd. (4)/66, dated 9th. August, 1966.

63. *Fee for the Commissioner etc.* -- (1) Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioners' Fees and other incidental expenses and direct the payment thereof, into the nearest treasury, within a specified time, by such party or parties and in such proportion

as it may consider fit. The Commission shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:

Provided that the Labour Court may from time to time direct that any further sum of sums be deposited into the treasury within such time and by such parties as it may consider fit:

Provided further that the Labour Court may, in its discretion, extend the time for depositing the sum into the treasury.

(2) The Labour Court may, at any time, for reasons to be recorded in writing vary the amount of the Commissioner's fees in consultation with the parties.

(3) The Labour Court may direct that the fees shall be disbursed to the Commissioner in such installments and on such dates as it may consider fit.

(4) The un-disbursed balance, if any, of the sum deposited shall be refunded to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

64. *Time of Submission of Report.* -- (1) Every order for the issue of a Commission shall appoint a date, allowing sufficient time for the Commissioner to submit his report.

(2) If for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply before the expiry of the said date, for extension of time setting forth grounds thereof and the Labour Court shall take such grounds into consideration in passing orders on the application:

Provided that the Labour Court may grant extension of time not withstanding that no application for such extension has been received from the Commissioner within the prescribed time limit.

65. *Local Investigation.* -- In any industrial dispute in which the Labour Court deems a local investigation to be requisite or proper for the purpose of commuting the money value of a benefit, the Labour Court may issue a Commission to a person referred to in rule 62 directing him to make such investigation and to report thereon to it.

66. *Commissioner's Report.* -- (1) The Commissioner after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence together with his report in writing signed by him to the Labour Court.

(2) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute by the Labour Court or with the permissions of the Labour Court, any of the parties to the industrial dispute may examine

the Commissioner personally before the Labour Court regarding any of the matters referred to him or mentioned in his report or as to his report or as to the manner in which he has made the investigation.

(3) Where the Labour Court is for any reason dissatisfied with the proceedings of the Commissioner it may direct such further enquiry to be made as it shall think fit.

67. *Power of Commissioner.* -- Any Commissioner appointed under these rules may unless otherwise directed by the order of appointment—

(a) examine the parties themselves and an witnesses whom they or any of them may produce and any other person whom the Commissioner think proper to cal upon to give evidence in the matter referred to him;

(b) call for and examine documents and other things relevant to the subject of enquiry;

(c) at any reasonable time enter upon or into any land or building mentioned in the order.

68. *Summoning of Witnesses, etc.* -- (1) The provisions of the Code of Civil Procedure, 1908 (Act V of 108), relating to the summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to persons acquired to give evidence or to produce documents before the Commissioner under these Rules.

(2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited scale for the time being in force for payment of such allowance to witnesses appearing in the Civil Courts.

69. *Representation of Parties before the Commissioner.* -- The parties to the industrial dispute shall appear before the Commissioner, either in person or by any other person who is competent to represent them in the proceedings before the Labour Court.

70. *Notice of Strike.* -- (1) The Notice of strike to be given by workmen in a public utility service shall be in

71. *Notice of Lock-out.* -- The notice of lock-out to be given by an employer carrying on a public utility service shall be

Form M.

14[The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Managers office]

72. *Report of Lock-out or Strike.* -- The Notice of lock-out or strike in a public utility service to be submitted by the employer under sub-section (3) of Section 22, shall be in Form N.

14 Inserted vide Haryana Govt. Notification No. G.S.R. 94/C.A. 4/47/S.38/Amd.(1)/76 dated 21.4.1976

73. *Report of notice of Strike or Lock-out.* -- The report of notice of a strike or lock out to be submitted b the employer under sub-section (6) of Section 22 shall be sent by registered post or given personally to the Conciliation Officer appointed for the local area concerned, with copy by registered post to—

(1) The Administrative Department of the Government of Punjab;

(2) The Labour Commissioner, Punjab;

(3) The District Magistrate concerned.

74. *Register of Settlements.* -- The Conciliation Officer shall file all settlements effected under this Act in respect of disputes in the area within his jurisdiction in a register maintained for the purpose as in Form O.

74-A. *Notice of lay off.* -- (1) If any workman employed in a industrial establishment as defined in the Explanation below Section 25-A (not being an industrial establishment) referred to in sub-section (1) of that section is laid off, then the employer concerned shall give notices of commencement and termination of such lay-off in Form O-1 and O-2, respectively, within seven days of such commencement or termination, as the case may be.

(2) Such notices shall be given by an employer in every case irrespective of whether, in his opinion, the workman, laid off is or is not entitled to compensation under Section 25-C.

15FOR PUNJAB

"74-B.*Application for permission to lay-off under section 25M.* -- (1) Application for permission to lay-off any workman under sub-section (1), or for permission to continue a lay-off under sub-section (2) of section 25m shall be made in form O-3 and delivered to the authority specified under sub-section (1) of the said section 25M either personally or by registered post acknowledgement due and where the application is sent by registered post, the date on which the same was delivered to the said authority shall be deemed to be the date on which the application was made for the purpose of sub-section (4) of the said section 25M

(2) The application for permission shall be made in triplicate and sufficient number of copies of the application, for service on the workmen concerned, shall also be submitted along with the application.

(3) The employer concerned shall furnish to the authority to whom the application for permission has been made such further information as the authority considers necessary for arriving at a decision on the application, as and when called for by such authority, so as to enable the authority to communicate the permission or refusal to grant permission within the period specified in Sub-section (4) of section 25M.

(4) Where the permission to lay off has been granted by the said authority, the employer concerned shall give to the Labour Commissioner, Punjab, a notice a commencement and

15 Inserted vide notation dt. 25-5-77

termination of such lay-off in Form O-1 and O-2 respectively and where a permission to continue a lay-off has been granted b the said authority, the employer shall give to the Labour Commissioner, Punjab, a t of such lay off in Form O-1, in

case such a notice has not already been given under sub-rule (1) of rule 74A, and a notice of termination of such lay-off in Form O-2.

(5) The notice of commencement and termination of lay-off referred to in sub rule (4) shall be given within the period specified in sub-rule (1) of rule 74A.

FOR HARYANA

16**[74-B.***Application for permission to lay off under Section 25M.* -- (1) Application for permission to lay off any workman under sub-section (1), or for permission to continue lay off under sub-section (2) of Section 25M shall be made in Form O-3 and delivered to the authority specified under sub-section (1) either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same was delivered to the said authority shall be deemed to be the date on which the application was made, for the purposes of sub-section (4) of the said section.

(2) The application for permission shall be made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall also be submitted along with the application.

(3) The employer concerned shall furnish to the authority to whom the application for permission has been made such further information as the authority considers necessary for arriving at a decision on the application, as and when called for by such authority, so as to enable the authority to communicate the permission or refusal to grant permission within the period specified in sub-section (4) of Section 25-M.

(4) Where the permission to lay off has been granted by the said authority, the employee concerned shall give to the Labour Commissioner, Haryana, Chandigarh, notice of commencement and termination of such lay off in form O-1 and O-2 respectively and where permission to continue a layoff has been granted by the said authority, the employer, shall give to the Labour Commissioner, Haryana, Chandigarh, a notice of commencement of such lay off in From O-1 in case such a notice has not already been given under sub-rule (1) of rule 74A and a notice of termination of such lay off in Form O-2.

(5) The notice of commencement and termination of lay off referred in sub-rule (4) shall be given within the period specified in sub-rule (1) of rule 74-A.]

17**[75.***Notice of retrenchment.* -- If any employer desires to retrench any workman in his industrial establishment who has been in continuous service for a period of not less than one year under him [herein after referred to as "workman" in this rule and in rules 76 and

16 Inserted vide Haryana Govt. Notification No. G.S.R. 140/CA 14/47/S.38/Amd.(2)/76 dated 27.5.76 17 Substituted vide Haryana Govt. Notification No. G.S.R. 94/C.A. 4/47/S.38/Amd.(1)/76 dated 21.4.1976

77"], he shall give notice of such retrenchment as in Form P to the State Government, the Labour Commissioner, Haryana, the Labour-cum-Conciliation Officer of the area and the Employment Exchange concerned, by registered post in the following manner, namely: --

(a) where notice is given to the workman, notice of retrenchment shall be sent within three days from the date on which notice is given to the workman;

(b) where no notice is given to the workman, and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and

(c) where retrenchment is carried out under an agreement which specifies a date for the termination of service notice of retrenchment shall be sent so as to reach the State Government, the Labour Commissioner, Haryana, the Labour-cum-Conciliation Officer of the area and the Employment Exchange concerned, at least one month before such date:

Provided that if the date of termination of service agreed upon is within thirty days of the agreement, notice of retrenchment shall be sent to the State Government, the Labour-commissioner, Haryana the Labour-cum-Conciliation Officer of the are and the Employment Exchange concerned within three days of the agreement.

FOR PUNJAB

"75-A.*Notice of and application for permission for retrenchment.* -- (1) Notice under clause (c) of sub-section (1) of section 25N for retrenchment shall be served in Form PA and served on the State Government or such authority as may be specified by the State Government under the said clause either personally or by registered post acknowledgement due and where the notice is served by registered post, the date on which the same is delivered to the State Government or authority shall be deemed to by the date of service of the notice for the purposes of sub-section (3) of the said section.

(2) Application for permission for retrenchment under sub-section (4) of section 25N shall be made in Form PB (with attested copy of the notice given by the employer under clause (a) of section 25F appended thereto and delivered to such authority as may be specified by the Government either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same is delivered to the said authority shall be deemed to be the date on which the application is made for the purposes of sub section (5) of the said section.

(3) The notice, or as the case may be, the application shall be served or made in triplicate and sufficient number of copies thereof for service on the workmen concerned shall be submitted along with the notice or as the case may be the application.

(4) The employer concerned shall furnish to the State Government or to the authority to whom the notice for retrenchment has been given or the application for permission for retrenchment has been made, under clause (c) of sub-section (1) or, as the case may be, sub section (4) of section 25N, such further information as the State Government, or as the case may be, the authority considers necessary for arriving at a decision on the notice or, as the case may be, the application, as and when called for by such authority so as to enable the authority to communicate its permission, or refusal to grant permission within

the period specified in sub-section (3) or , as the case may be, sub-section (5) of section 25N."

FOR HARYANA

[18]**[75-A.***Notice of, and application for permission for retrenchment.* -- (1) Notice under clause (c) of sub-section (1) of Section 25-N for retrenchment shall be served in Form PA and served on the State Government or such authority as may be specified by that Govt. under the said clause either personally or by registered post acknowledgment due and where the notice is served by registered post, the date on which the same was delivered to the State Government or the authority shall be deemed to be the date of service of the notice of the said section.

(2) Application for permission for retrenchment under sub-section (4) of Section 25-N shall be made in Form PB (with attested copy of the notice given by the employer under clause (a) of Section 25-F appended thereto) and delivered to the State Government or to such authority as may be specified by that Government either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same was delivered to the State Government or the authority shall be deemed to be the date on which the application was made for the purposes of sub-section (5) of the said section.

(3) The notice, or, as the case may be, the application shall be served or made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall be submitted along with the notice, or as the case may be, the application.

(4) The employer concerned shall furnish to the State Government or the authority to whom the notice for retrenchment has been given or the application for permission for retrenchment has been made under clause (c) of sub-section (1) or, as the case ma be, sub-section (4) of the said Section 25-N such further information as the State Government or, as the case may be the authority considers necessary for arriving at a decision on the notice or, as the case may be, the application, as and when called for by such authority so as to enable the State Government or the authority to communicate its permission or refusal to grant permission within the period specified in sub-section (3) or, as the case may be, sub-section (5) of the said Section 25-N]."

19**[“75-B.***Notice of Closure.* -- If an employer intends to close down an undertaking, he shall, give notice of such closure in Form Q to the State Government, the Labour Commissioner, the Labour-cum-Conciliation Officer of the area and Employment Exchange concerned by registered post.]

FOR PUNJAB

18 Inserted vide Haryana Govt. Notification No. G.S.R. 140/Ca 14/47/S.38/Amd.(2)/76 dated 27.5.76
19 Rule 75-A renumbered, as Rule 75-B vide Haryana Govt. Notification No. G.S.R. 140/C.A. 14/47/S.38/Amd. (2) 76 dated 27.5.76 and by Punjab vide GSR 60 dt. 25-5-77.

“75-C.*Notice of and application for permission for closure.* -- (1) Notice under sub section (1) of section 25-O of intended closure shall be given in Form QA and served on the State Government either personally or by registered post acknowledgement due.

(2) Application for permission to close down an undertaking, under sub-section (3) of Section 25-O, shall be made in Form QB (with attested copy of the notice served by the employer under sub section (1) of section 25FFA appended thereto and delivered to the State Government either personally or by registered post acknowledgement due and where the application is sent by registered post, the date on which the same is delivered to the State Government shall be deemed to be the date on which the application is made for the purpose of sub-section (4) of the said section.

(3) The notice, or as the case may be, the application shall be made in triplicate.

(4) The employer concerned shall furnish to the State Government to whom the notice of intended closure has been given or the application for permission to close down has been made such further information as that Government considers necessary for arriving at a decision on the notice, or as the case may be, the application, and calls for from such employer.”

FOR HARYANA

20**[“75-C.***Notice of application for permission for closure.* -- (1) Notice under sub section (1) of Section 25-O of intended closure shall be given in Form QA and served on the State Government either personament due.

(2) Application for permission to close down an undertaking, under sub section (3) of Section 25-O shall be made in Form QB (with attested copy of the notice served by the employer under sub-section (1) of Section 25FFA appended thereto) and delivered to the State Government either personally or by registered post acknowledgement due and where the application is sent by registered post the date which the same was delivered to the State Government shall be deemed to be the date on which the application was made for the purposes of sub-section (4) of the said section.

(3) The notice or, as the case may be, application shall be made in triplicate.

(4) The employer concerned shall furnish to the state Government to whom the notice of intended closure has been given or the application for permission to close down has been made such further information as that Government considers necessary for arriving at a decision on the notice, or as the case may be the application, and calls for from such employer.]"

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[20] Inserted vide Haryana Govt. Notification No. G.S.R. 140/CA 14/47/S.38/Amd.(2)/76 dated 27.5.76

SCHEDULE

[21]FORM A

(See Rule 3)

**** Board of Conciliation**

Form of application for the reference of an Industrial dispute to a Court of enquiry/Labour Court/Tribunal.

Under Section 10(2 of the Industrial Disputes Act, 1947.

Whereas an industrial dispute ** is apprehended/exists between _____ and _____ and it is expedient that ** the matters specified in the enclosed statement which are connected with or relevant to the dispute_____ ** Conciliation/A Court of Enquiry/adjudication by a board of _____ an application a Labour Court/A Tribunal is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 147, that the ** said matters/said dispute should be referred to a board of "*Conciliation/*Court of Enquiry/a Labour Court/ a Tribunal.

*This application is made by the undersigned who ** have/has been duly authorized to do so by virtue of a resolution (copy enclosed) adopted by a majority of members present at a meeting of _____ held on the _____ 19_____.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Punjab) Rules, 1958, is attached.

Dated the _____ Signature of ** Employer_____

Signature of the ** President of the Trade Union _____ or Agent _____ or Manager _____ Secretary of the Trade Union _____ or principal officer of the Corporation.

OR

**Signature of five representatives duly authorized (vide resolution enclosed).

* Where applicable.

** Delete whichever is not applicable.

To

The Secretary to Government, Punjab,
Labour Department, Chandigarh.

[21] Form 'A' substituted by Punjab Govt. Notification No. 653(1) Lab-I 59/2802 dated 19.1.1959

Statement required under Rule 3 of the Industrial Disputes (Punjab) Rules, 1958, accompany the form of application prescribed under sub-section (2) of Section 10 of the Industrial Disputes Act, 147: -

(a) Parties to the dispute including the name and address of the establishment or undertaking involved.

(b) Specific matters in dispute.

(c) Total number of workmen employed in the undertaking affected.

(d) Estimated number of workmen affected or likely to be affected by the dispute.

(e) Efforts made by the parties themselves to adjust the dispute.

FORM B
(SEE RULE 6)

Whereas an industrial dispute has arisen/is apprehended between and _____ and it is expedient to refer the said dispute under Section 10 of the Industrial Disputes Act, 1947, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the _____ the name(s) and address(es) of one (two) person(s) whom you wish to be recommended for appointment as your representative (s) on the said Board.

If you fail to make the recommendation b the date specified above, the State Government will select and appoint such person(s) as it thinks fit to represent you.

Secretary of Government Punjab,
Labour Department.

---

[22]FORM C
(SEE RULE 7)
AGREEMENT
[Under Section 10-A of the Industrial Disputes Act, 1947]
between

Name of the parties _____

[22] Substituted vide Haryana Govt. Notification No. G.S.R. 94/C.A..4/47/S.38/Amd.(1)76 dated 21.4.1976

Representing employer(s)_____

Representing workman/workmen_____

It is hereby agreed between the parties to refer the following dispute to the arbitration of _____ (here specify the name(s) and address(es) of the arbitrator(s).

(i) Specific matters in dispute.

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

(iii) Name of the workman in case he himself is involved in the dispute or the name of the union, if any, representing the workman or workmen in question.

(iv) Total number of workmen employed in the undertaking affected.

(v) Estimated number of workmen affected or likely to be affected by the dispute.

We further agree that the majority decision of the arbitrator(s) shall be binding on us in case the arbitrators are equally divided in their opinion they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator(s) shall make his (their) award within a period of _____(here specify the period agreed upon by the parties) from the date of publication of this agreement in the Official Gazette by the appropriate Government or within such further time as is extended by mutual agreement between us in writing. In case, the award is not made within the period aforementioned, the reference to the arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitrator.

Signature of the parties,
Representing employer
Representing workman/workmen.

Witnesses:

1. _____

2. _____

Copy to: -

(i) The Conciliation Officer (here enter office address of the Conciliation Officer in the local area concerned).

(ii) The Labour Commissioner, Haryana.

(iii) The Secretary to Government Haryana, Labour Department."

FORM D
(SEE RULE 17)

Whereas an industrial dispute between _____ and _____ has been referred to this Board of Conciliation for investigation and settlement _____ Court of Enquiry for investigation _____ Labour Court/Tribunal for adjudication under Section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board/Court/Labour Court/Tribunal in person on the _____ day of _____ at _____o' clock in the _____ noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Board/Court/Labour Court/Tribunal.

Chairman/Secretary, Board of Conciliation
Court of Enquiry

OR

Dated _____

Presiding Officer/Secretary, Labour Court
Tribunal

FORM E
(SEE RULE 34)

Notice of change of service conditions proposed by an employer

Name of employer _____

Address _____

Dated the _____ day of _____ 19_____.

In accordance with Section 9A of Industrial Disputes Act, 1947, I/We hereby give notice to all concerned that it is my/our intention to effect the change/changes specified in the annexure, with effect from _____ in this conditions of service applicable to workmen in respect of the matters specified in the Fourth Schedule to the said Act.

Signature_____

Designation_____

ANNEXURE

(Here specify the change/changes intended to be effected)

Copy forwarded to: -

1. The Secretary of registered trade union, if any.
2. Conciliation Officer (here enter office address of the Conciliation Officer in the local area concerned).
3. Labour Commissioner, Punjab.

FORM F
(SEE RULE 36)

Before

Reference No. _____(here mention the authority concerned) of _____ Workmen

Versus

In the matter of _____ I/We hereby authorize Shri/Sarvshri _____ to represent me/us in the above matter.

Dated the _____ day of _____19____.

Signature of person(s)
Nominating the representative(s)
Accepted.

Signature ore representative(s) Address
Address.

FORM G
(SEE RULE 47)
Form of Nomination Paper

Name of Industrial Establishment Group/Section/Shop/Department

I nominate (here enter the name of the workmen's representative eligible for election) a candidate for election to the Works Committee. He is eligible as a voter in the constituency for which he is nominated.

Dated_____

Signature of proposer.

I agree to the proposed nomination.

Signature of Candidate

Dated _____

Attested by:

(To be signed by any two voters belonging to the electoral constituency)

(1)

(2)

FORM G-I
(SEE RULE 56-A)

Progress report on constitution and functioning of Works Committee for the half year ending the 30th. June/31st. December: -

1. Name and address of the establishment.
2. Name of the employer.
3. (a) Name of workmen employed.
   (b) Number of workmen employed.
   (c) Names of unions, if any.
   (d) Affiliation of the Union(s) in the Central Organization of workers.
4. If the Works Committee has been functioning: -
   (a) Date of constitution.
   (b) Number of workmen's representatives (elected members).
   (c) Number of workmen's representatives (nominated members).
   (d) Number of meetings held during the half-year (with dates).
5. If the Works Committee had not been functioning, the difficulties encountered in its constitution/functioning.
6. General remarks, if any.

Date _____.

Place _____.

Signature of employer of his
Representative

FORM H
(SEE RULE 58)
Form for Memorandum of Settlement

Names of Parties: -

Representing employer(s):
Representing workmen:

Short recital of the case
Terms of Settlement.

Signature of the parties_____

Witnesses:
(1)
(2)

*Signature of Conciliation Officer/Board of Conciliation.

Copy to: -

(1) Conciliation Officer (Here enter the office address of the Conciliation Officer in the local area concerned).
(2) Labour Commissioner, Punjab.
(3) The Secretary to Government of Punjab, Labour Department.

*[Substituted for the words "Rule 59 of the Industrial Disputes (Punjab Rules) 1958 by Government Notification No. 653(1)-Lab-1-59/2802 dated 19th. January, 1959]

FORM I
(SEE RULE 59)
Labour Court

Before the _____
Tribunal

Complaint under Section 33 of the Industrial Disputes Act, 1947.

A_____Complainant9s)
Address:

Versus

B_____Opposite Party(ies)

In the matter of Reference No. _____

The petitioner(s) begs/beg to complaint that the opposite party(ies) has/have been guilty of a contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947 (XIV of 1947) as shown below:

(Here set out briefly the particulars showing the manner in which the alleged contravention has taken place and the ground on which the order or act of the Management is challenged).

_____ *In cases of settlements effected by

Conciliation Officer

Board of Conciliation

*In cases where settlements are arrived at between the employer and his workmen otherwise than in the course of Conciliation Proceeding.

The complainant(s) accordingly Prays/pray that the Labour Court/Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexure required *(under rule 59 of the Industrial Disputes (Punjab) Rules, 1958 are submitted herewith.

Signature of the Complainant(s)

Verification

I do solemnly declare that what is stated in paragraphs _____ above is true to my knowledge and that what is stated in paragraphs_____ above is stated upon information received and believed by me to be true. This verification is signed by me at _____ on _____ day of _____19____.

Signature or Thumb-impression
of the person verifying

*[substituted for the words “Rule 59 of the Industrial Disputes (Punjab Rules) 1958 by Government Notification No. 653(1)-Lab-1-59/2802 dated 19th. January, 1959]

FORM J

[SEE RULE 60(1)]

Before (here mention the Conciliation Officer, Board, Labour Court of Tribunal).

Application for permission under Sub-section (1) of _____

Section 33 of Industrial Disputes Act, 1947, (XIV of 1947) in the matter of Reference No. Sub-section (3) of

_____ A._____ Applicant

Address:

Versus

B_____Opposite Party(ies)

Address(es):

The above mentioned applicant begs to state as follows: -

(Here set out the relevant facts an circumstances of the case and the grounds on which the permission is sought for).

The applicant, therefore, prays that express permission may kindly be granted to him to take the following action, namely:

(Here mention the action specified in clause(a) or clause (b) of sub-section (1)/sub-section (3) of Section 33)

Signature of the applicant

Dated this_____ day of _____19_____.

Space for verification

(Signature of the person verifying)

Date (on which the verification was signed)_____

Place (at which the verification was signed)_____

FORM K

[SEE RULE 60(2)]

Before (here mention the Conciliation Officer, Board, Labour Court, or Tribunal)

Application under sub-section (2) of Section 33 of the Industrial Disputes Act, 1947 (XIV of 1947) in the matter of reference No. _____

A_____Applicant.

Versus

B_____Opposite Party(ies)

The above mentioned applicant begs to state as follows: -

(Here set out the relevant facts and circumstances of the case)

* The workman/workmen discharges/dismissed under clause (b) of sub-section (2) of section 33 has/have been paid wages for one month.

The applicant prays that Conciliation Officer/Board/Labour Court/Tribunal may be pleased to approve for the action taken, namely: -

(Here mention the action taken under clause (h) or clause (b) of sub-section (2) of section 33)

Signature of the applicant

Dated this _____ day of _____ 19 .

Space for verification

(Signature of the person verifying)

Date (on which the verification was signed) _____

Place (at which the verification was signed)_____

*[Delete if not applicable]

[23]FORM K-1 TO FORM K-4

FORM K-1
[SEERULE 61-A(1)]

Application under sub-section (1) of Section-33-C of the Industrial Disputes Act, 1947.

To

(1) The Secretary to Government Punjab, Labor Department, Chandigarh.
(2) The Labour Commissioner Punjab, Chandigarh.

Sir,

I/We have to state that I am/we are entitled to receive from Messrs _____ a sum of Rs. _____ on account of _____ under the provisions of Chapter V-A of the Industrial Disputes Act, 1947, in terms of the award dated the _____ given by _____ in terms of the settlement, dated the _____ arrived at between the said Messrs_____ and their workmen through_____ duly elected representatives.

I/We further state that I/We further state that I/We served the management with a demand notice by registered post on _____ for the said amount, which the management has neither paid nor offered to pay to me/us even though a fortnight has since elapsed. The details of the amount have been mentioned in the statement hereto annexed.

I/We request that the said sum may kindly be recovered from the management under sub-section (1) of Section 33-C of the Industrial Disputes Act, 147, and paid to me/us as early as possible.

Signature of the applicant(s)

Address(es)
1.
2.
3.
4.
Station_____
Date_____

ANNEXURE

(Here indicate the details of the amount(s) claimed)

[23] Substituted vide Notification No. G.S.R. 175/C.A. 14/47/S.38/Amd.(4)66, dated 9.8.1966

FORM K-2
[SEE RULE 61-A(1) PROVISION]

Application by a person authorized by a workman or by the assignee or heir of a deceased workman under sub-section (1) of Section 33-C of the Industrial Disputes Act, 1947.

To

1. The Secretary to Government Punjab,
   Labour Department, Chandigarh.
2. The Labour Commissioner, Punjab
   Chandigarh.

Sir,

I, [Shri/Shrimati/Kumari_____ have to state that Shri/Shrimati/Kumari_____ is/was entitled to receive from Messrs_____ a sum of Rs. _____ on account of _____ under the Provisions of Chapter V-A of the Industrial Disputes Act, 1947/in terms of the award, dated the _____ given by _____ in terms of the settlement, dated the _____ arrived at between and said Messrs_____, and their workmen through_____the duly elected representatives.

I further state that I served the management with a demand notice by registered post on _____ for the said amount, which the management has neither paid nor offered to pay to me even though a fortnight has since elapsed. The details of the amount have been mentioned in the terms hereto annexed.

I request that the said sum may kindly be recovered from the management under sub-section (1) of Section 33-C of the Industrial Disputes Act, 1947, and paid to me as early as possible.

* I haves been duly authorized in writing by (here insert the name of the workmen) to make this application and to receive the payment of the aforesaid amount due to him.

* I am the assignee/heir of the deceased workman and am, entitled to receive the payment of the aforesaid amount due to him.

Signature of the applicant

Station _____ Address_____

Dated_____

ANNEXURE

(Here indicate the details of the amount claimed)

[Strike out the portions inapplicable]

FORM K-3
[SEE RULE 61-A(2)]

Application under sub-section (2) of Section 33-C of the Industrial Disputes Act, 1947.

Before the Punjab Government Labour Court at_____ between

(1) Name of the applicant(s)
(2) Name of the employer

The petitioner,_____ a workman of _____ The petitioners undersigned workmen of M/s_____is/are entitled to receive from the said M/s_____ the money/benefits mentioned in the statement hereto annexed.

It is prayed that the Court be pleased to determine the amount/amounts due to the petitioner(s).

Signature or thumb impression(s)
Address(es) of the applicant(s)

1._____
2._____
3._____
4._____

Station_____
Dated_____

ANNEXURE

(Here to set out the details of the money due or the benefits accrued together with the case for their admissibility)

FORM K-4
[SEE RULE 61-A(3)]

Application under sub-section (1) of Section 33-C of the Industrial Disputes Act, 1947.

To

1. The Secretary to Government Punjab.
   Labour Department, Chandigarh.
2. The Labour Commissioner, Punjab.
   Chandigarh.

Sir,

I have to state that I am entitled to receive from Messrs_____ P.O._____ District_____(with whom I am/was employed) a sum of Rs._____ in terms of the award dated the _____ given by _____ in terms of the settlement dated the _____ under Chapter V-A of the Industrial Disputes Act, 1947, according to the determination of the Labour Court_____. A certified copy of the said Labour Court's finding is enclosed. I request that the said sum of money may kindly be recovered from Messrs_____ under sub-section (1) of Section 33-C of the said Act and paid to me.

Signature of the applicant
Address_____

Station _____
Dated _____

FORM L

[SEE RULE 70]

Form of notices of strike to be given by the employee(s) in Public utility service.

Name of Union

_____

Names of elected representatives of employees where no trade union exists.

Address

Dated the _____ day of _____ 19 .

To

(The name of the employer)

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of Section 22 of the Industrial Disputes Act, 1947, I/we hereby give you notice that

I propose to call a strike

We propose to go on strike

On _____ 19 _____ for reasons explained in the annexure.

Yours faithfully

Secretary of the Union

Representative of the employees elected at a meeting held on

ANNEXURE

State of the case.

Copy to:

1. Conciliation Officer, (Here enter office address of the Conciliation Officer, in the local area concerned).
2. Labour Commissioner, Punjab.

FORM M
[SEE RULE 71]

Form of notice of lock-out to be given by an employer carrying on a public utility service.

Name of employer_____
Address_____
Dated the _____ day of _____ 19_____.

To

(The Secretary of the Registered Union, if any)

Dear Sir,

In accordance with the provisions of sub-section (2) of Section 22 of the Industrial Disputes Act, 1947, I/we hereby inform you that it is my/our intention to effect a lock-out with effect from _____ for the reasons explained in the annexe.

Yours faithfully,

ANNXURE

Statement of case.

Copy to:

1. Conciliation Officer, (Here enter office address of the Conciliation Officer, in the local area concerned).
2. Labour Commissioner, Punjab.

FORM N
[SEE RULE 72]

Form of Report of Strike or Lock-out in a public utility service. Information to be supplied in this form immediately on the occurrence of a strike or lock out in a public utility service to the Conciliation Officer for the local area concerned.

		No. of workers involved			
Name of under-taking	Station and working District	Normal strength	Directly	Indirectly	Strike of Lock-out
1	2	3	4	5	6
Date of commence-ment of strike or	Cause of strike agreement in the information given?	Was notice	Is there any per-manent agency of undertaking for the settlement of disputes between the employer and workmen? If any, exists, particulars thereof.		Any other or lock-
7	8	9	10		11

Note: Column (3). **–** Give the average of workmen employed during the month previous to the day on which the strike or lock-out occurred. While reckoning the average, omit the days on which the attendance was not normal for reasons other than individual reasons of particular workman. Thus days on which strike or lock-out occurs or communal holiday is enjoyed by a large section of workers should be omitted.

Column (4). **–** If say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers, has to be closed then 200 should be shown under "directly" and the remaining under "indirectly". If the strike (of 200 workers does not affect the working of the other departments of factory, the number of workers involved would only be 200, which figure should appear under "directly" and column "indirectly" would be blank.

Column (8). **–**Give the main causes of the dispute as well as the immediate cause that led to the strike or lock out.

*[Where the settlement was effected at the intervention of the conciliation machinery, or by mutual negotiations between the parties, may be indicated here]

FORM 0
[SEE RULE 74]
REGISTER PART I

Serial No.	Industry	Parties to The settlement	Date of settlement	Remarks

PART II

(Should contain one copy each of the settlements in the serial order indicated I Part I)

FORM O-1
[SEE RULE 74-A]

To

The Labour Commissioner, Punjab,
Chandigarh.

Sir,

1. Under Rule 74-A of the Industrial Disputes (Punjab) Rules, 1958, I/we hereby inform you that I/We have laid off_____ out of a total of _____ workmen employed in the [24]establishment with effect [25]from _____ for the reasons explained in the Annexure.

2. Such of the workmen concerned as are entitled to compensation under Section 25-C of the Industrial Disputes Act, 1947, will be paid compensation due to them.

Yours faithfully,
[26]

Copy forwarded to Conciliation Officer (here specify the address of the Conciliation Officer of the local area concerned).

ANNEXURE
Statement of reasons
----

[24] Here insert the number of workmen
[25] Here insert the date
[26] Here insert the position which the person who signs the letter with the employer issuing the letter.

FORM O-2
[SEE RULE 74-A]

To

The Labour Commissioner, Punjab,
Chandigarh.

Sir,

As required by Rule 74-A of the Industrial Dispute (Punjab) Rules, 1958, and in continuation of my/our notice dated _____ inform o-1, I/We hereby inform you that the lay off in my/our establishment has ended on _____

Yours faithfully[27]

Copy of the Conciliation Officer _____ (here specify the address of the Conciliation Officer of the local area concerned).

[1. Here insert the number of workmen.

2. Here insert the date.

3. Here insert the position, which the person who signs the letter holds with the employer issuing the letter].

FOR PUNJAB

"FORM O-3"

(To be submitted in triplicate with additional number of copies for service on the workmen concerned.)"

[See Rule 74B(1)]

Form of application for permission to lay off/to continue the lay-off of workmen in Industrial Establishments to which provisions of Chapter VN of the Industrial Disputes Act, 1947 (Act 14 of 1947) apply.

To

(The authority specified under sub section (1) of section 25M)

Sir,

[27] Here insert the position which the person who signs the letter with the employer issuing the letter.

Under sub-section (1)/sub-section (2) of section 25M of Industrial Disputes Act, 1947 (Act 14 of 1947) read with sub rule (1) of rule 74B of the Industrial Disputes (Punjab) Rules, 1958, I/We hereby apply for permission to lay off/permission to continue the lay-off of _____ workmen of a total of _____ workmen reemployed in my/our establishment with effect from _____ for the reasons set out in the Annexure.

Permission is solicited for the lay off/to continue the lay-off of the said workmen.

Such of the workmen permitted to be laid off will be paid such compensation, if any, to which he is entitled under sub-section (6) of section 25M, read with section 25C, of the Industrial Disputes Act, 1947 (Act 14 of 194).

Yours faithfully
(Signature)

ANNEXURE

(Please give replies against each item)

Item No. –

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone numbers.

2. Status of undertaking: -

(i) Whether central public sector/state public sector/foreign majority company/joint sector, etc.

(ii) If belongs to large industrial house, please indicate the controlling group and if a foreign majority company indicate the extent of foreign holdings.

(iii) Whether the undertaking is licensed/registered and if so name of the licensing registration authority and licence/registration certificate numbers.

3. (a) Names and address of the affected workmen proposed to be laid off/names and addresses of the workmen laid off before the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act 32 of 1976) and the dates from which each of them have been laid off.

(b) The nature of the duties of the workmen referred to in sub-item (a) the units/section/shops where they are or were working and the wages drawn by them.

4. Product/products of the undertaking.

5. Details relating to installed capacity, licensed capacity and utilized capacity.

6. (i) Annual production, item-wise for the preceding three years. (ii) Production figures, month-wise, for the preceding twelve months.

7. Work in progress, item-wise and value wise.

8. Any arrangements regarding off-loading or sub-contracting of products of any components thereof.

9. Position of the order book item wise and value-wise for a period of six months, or one year next following and for the period after the expiry of the said one-year.

10. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.

11. Balance sheets, profits and loss accounts and audit reports for the last three years.

12. Financial position of the company.

13. Names of the inter-connected companies or companies under the same management.

14. The total number of workmen category-wise and the number of employees other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.

15. Administrative, general and selling cost in absolute terms per year in the last three years and percentage thereof to the total cost.

16. Details of lay-offs resorted to in the last three years (other than the layoff for which permission is sought), including the periods of such lay-offs the number of workmen involved in each such lay-off and the reasons thereof.

17. Anticipated savings due to the proposed lay-off/lay off for the continuance of which permission is sought.

18. Any proposal for effecting savings on account of reduction in: -

(i) Managerial remuneration;

(ii) Sales promotion cost; and
(iii) General administration expenses.

19. Position of stocks on last day of each of the months in the preceding twelve months.
20. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months, both item-wise and value-wise.
21. Reasons for the proposed lay-off/lay off for the continuance of which permission is sought.
22. Any specific attempts made so far to avoid the proposed lay off/lay off for the continuance of which permission is sought.
23. Any other relevant factors with details thereof.

Strike out whatever is inapplicable.

[28]FORM P
[SEE RULE 75]

Form of Notice of Retrenchment to be given by an employer under Clause (C) of Section 25-F of the Industrial Disputes Act, 1947.

Name of employer _____

Address_____

Dated the_____ day of _____19 .

To

The Secretary to the Government Haryana,
Labour Department, Chandigarh.

Sir,

1. Under Clause (c) of Section 25-F of the Industrial Disputes Act, 1947 (14 of 1947), I/we hereby inform you that I/we have decided to retrench _____ workmen with effect from _____ for the reasons explained in Annexure.
2. The workmen concerned were given on _____ 19 _____ one month's notice in writing as required under clause (a) of Section 25-F of that Act. Retrenchment is being affected in pursuance of an agreement, a copy of which is enclosed. The workmen were given on the _____ 19_____ one month's pay in lieu of notice, required in clause (a) of Section 25-F of that Act.
3. The total number of workmen employed the industrial establishment is _____ and the total number of those who will be affected by the retrenchment is given below: -

Category and designation of workmen to be retrenched	Number of workmen	
	Employed	To be retrenched
1	2	3

[28] Substituted vide Hry. Govt. Notification No. G.S.R. 94/Ca4/47/S.38/Amd.(1)/76 dt. 21.4.76.

4. I/We hereby, declare that the workman/workmen concerned has/have been/will be paid compensation due to them under Section 25-F of the Act, on _____/the expiry of the notice period.

Yours faithfully

ANNEXURE

Copy to: -

(1) The Labour-cum Conciliation Officer (here enter the office address of the Labour-cum-conciliation Officer in local concerned).

(2) The Labour Commissioner, Haryana, Chandigarh.

(3) The employment Officer, Employment Exchange_____
(Here enter the office address of the Employment Exchange concerned).

_____

* Here insert the position, which the person who signs the letter holds with the employer issuing the letter.

FOR PUNJAB

FORM PA

(To be made in triplicate with additional number of copies for service on the workmen concerned).

[SEE RULE 75A(1)]

Form of notice for permission for retrenchment of workmen to be given by an employer under clause (c) of sub-section (1) of section 25N of the Industrial Disputes Act, 1947 (Act 14 of 1947).

Dated_____

To

_____
(The authority specified under clause (c) of sub-section (1) of section 25N of the Act).

1. Under clause (c) of sub-section (1) of section 25N of the Industrial Disputes Act, 1947 (Act 14 of 1947), I/we hereby inform you that I/we propose to retrench _____ workmen (being workmen to whom sub-section (1) of section 25N applies) with effect from _____ for the reason set out in the Annexure.
2. The workmen concerned have been given notice in writing as required under clause (a) of subsection (1) of section 25N of the Act/have not been give notice since the retrenchment is being proposed to be effected under an agreement (a copy of which is enclosed) as provided in the proviso to the said clause.
3. The total number of workmen employed in the industrial establishment is _____ and the total number of those who will be affected by the proposed retrenchment is as given below: -

Category and designation of workmen to be retrenched	Number of workmen	
	Employed	To be retrenched
1	2	3

4. Permission is solicited for the proposed retrenchment, under clause (c) of sub-section (1) of section 25N of the Industrial Disputes Act, 1947 (Act 14 of 1947).
5. I/We hereby declare that the workmen permitted to be retrenched will be paid compensation due to them under clause (b) of sub-section (1) of section 25N of the Act.

Yours faithfully,

(Signature)

ANNEXURE

(Please give replies against each item)

Item No. –

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone numbers.
2. Status of undertaking –
   - (i) Whether Central public sector/State public sector/foreign majority company/joint sector, etc.
   - (ii) If belongs to large industrial house, please indicate the controlling group and if a foreign majority company, indicate the extent of foreign holdings.
   - (iii) Whether the undertaking is licenced/registered and if so, name of licencing/registration authority and licence/registration certificate numbers.
3. Names and addresses of the workmen proposed to be retrenched and the nature of their duties, the units/sections shops where they are working and the wages drawn by them.
4. Product/Products of the undertaking.
5. Details relating to installed capacity, licensed capacity and the utilized capacity.
6. (i) Annual production item-wise for the preceding twelve months.

   (iii) Production figures month-wise for the preceding twelve months.
7. Work in progress item-wise and value-wise.
8. Any arrangement regarding off-loading or sub-contracting of products of any components thereof.
9. Position of the order book item wise and value-wise for a period of six months, and one year next following, and for the period after the expiry of the said one-year.
10. Number of working days in a week with number of shifts per day and strength of workmen per each shift.
11. Balance sheet; profit and loss account and audit reports for the last three years.
12. Financial position of the company.
13. Names of the inter-connected companies or companies under the same management.
14. (i) The total number of workmen (category-wise) and the number of employees other than workmen as defined in the Industrial Disputes Act, 947 (Act 14 of 1947), employed in the undertaking.

    (ii) Percentage of wages of workmen to the total cost of production.
15. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
16. Details of retrenchment resorted to in the last three years, including dates of retrenchment, the number of workmen involved in each case, and the reasons thereof.
17. Has any of the retrenched workmen been given re-employment and if so, when? Give details.

18. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the position of the workmen affected indicating their length of service including broken periods of service?
19. Anticipated savings due to the proposed retrenchment.
20. Any proposal for effecting savings on account of reduction in –
    (i) managerial remuneration;
    (ii) sales promotion cost; and
    (iii) administration expenses.
21. Position of stock on the last day of each of the months in the preceding twelve months.
22. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value-wise.
23. Reasons for the proposed retrenchment
24. Any specific attempt made so far to avoid the proposed retrenchment.
25. Any other relevant factors with details thereof.

FORM PB

(To be made in triplicate with additional number of copies for service on the workmen concerned)

[SEE RULE 75-A(2)]

Form of application for permission for retrenchment of workmen in case where the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act 32 of 1976), the period of notice given under clause (a) of Section 5-F for the retrenchment has not expired.

Date_____

To

_____

(The authority referred to in sub-section (2) of section 25-N)

Sir,

I/We have given notice on _____ under clause (a) of Section 25F for the retrenchment of the workman/workmen specified below (Attested copy/copies of the notice/is/are appended thereto):

Name and address of the workman/workmen.	Category and designation
1	2

2. The period of notice referred to above has not expired.

3. I/We hereby solicit permission for the retrenchment of the workmen referred to above under sub-section (4) of section 25N of the Industrial Disputes Act, 1947 (Act 14 of 1947) for the reasons set out in the Annexure.

Yours faithfully,
(Signature)

ANNEXURE

(Please give replies against each item)

Item No. –

1. Name of the undertaking with complete postal address including telegraphic addresses and telephone numbers.

2. Status of undertaking –

   (i) Whether Central public sector/State public sector/foreign majority company/joint sector, etc.

   (ii) If belongs to large industrial house, please indicate the controlling group and if a foreign majority company, indicate the extent of foreign holdings.

   (iii) Whether the undertaking is licenced/registered and if so, name of licencing/registration authority and licence/registration certificate numbers.

3. Names of the workmen proposed to be retrenched and the nature of their duties, the units/sections shops where they are working and the wages drawn by them.

4. Product/Products of the undertaking.

5. Details relating to installed capacity, licensed capacity and the utilized capacity. 6. (i) Annual production item-wise for the preceding three years.

   (ii) Production figures month-wise for the preceding twelve months.

7. Work in progress item-wise and value-wise.

8. Any arrangement regarding off-loading or sub-contracting of products of any components thereof.

9. Position of the order book item wise and value-wise for a period of six months, and one year next following, and for the period after the expiry of the said one-year.

10. Number of working days in a week with number of shifts per day and strength of workmen per each shift.

11. Balance sheet, profit and loss account and audit reports for the last three years.

12. Financial position of the company.

13. Names of the inter-connected companies or companies under the same management.

14. (i) The total number of workmen category-wise and the number of employees other than workmen as defined in the Industrial Disputes Act, 947 (Act 14 of 1947), employed in the undertaking.

   (ii) Percentage of wages of workmen to the total cost of production.

15. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.

16. Details of retrenchment resorted to in the last three years, including dates of retrenchment, the number of workmen involved in each case, and the reasons thereof.

17. Has any of the retrenched workmen been given re-employment and if so, when? Give details.

18. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the position of the workmen affected indicating their length of service including broken periods of service?

19. Anticipated savings due to the proposed retrenchment.

20. Any proposal for effecting savings on account of reduction in –

   (i) managerial re

(ii) sales promotion cost; and
(iii) General administration expenses.

21. Position of stock on the last day of each of the months in the preceding twelve months.
22. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value-wise.
23. Reasons for the proposed retrenchment
24. Any specific attempt made so far to avoid the proposed retrenchment.
25. Any other relevant factors with details thereof.

FORM QA

(To be submitted in triplicate)

[SEE RULE 75C(1)]

Form of notice for permission of closure to be given by an employer under sub-section (1) of Section 25-O of the Industrial Disputes Act, 1947 (Act 14 of 1947).

Date_____

To
The Secretary to Government, Punjab,
Labour Department, Chandigarh
Sir,

Under Section 25-O of the Industrial Disputes Act, 1947 (Act 14 of 1947), I/We hereby inform you that I/we propose to close down the undertaking specified below of (Name of the Industrial establishment)

(Give details of the undertaking)

with effect form_____ for the reasons explained in the Annexure.

2. The number of workmen whose services will be terminated on account of the closure of the undertaking is _____ (number of workmen).

3. Permission is solicited for the proposed closure.

4. I/we hereby declare that in the event of approval for the closure being granted, every workmen in the undertaking to whom sub-section (7) of the said Section 25O applies will be given notice and paid compensation as specified in Section 25-N of the Industrial Disputes Act, 1947 (Act 14 of 1947), as if workman had been retrenched under that section.

Yours faithfully,
(Signature)

ANNEXURE

(Please give replies against each item)

Item No. –

1. Name of the industrial establishment with complete postal address including telegraphic addresses and telephone numbers.
2. Status of undertaking –
   (i) Whether Central public sector/State public sector/foreign majority company/joint sector, etc.
   (ii) If belongs to large industrial house, please indicate the controlling group and if a foreign majority company, indicate the extent of foreign holdings.

(iii) Whether the undertaking is licenced/registered and if so, name of licencing/registration authority and licence/registration certificate numbers.

3. The total number and categories of workmen affected by the proposed closure, along with addresses of the workmen and the details of wages drawn by them.

4. Product/Products of the undertaking.

5. Details relating to installed capacity, licensed capacity and the utilized capacity.

6. (i) Annual production item-wise for the preceding three years.

(ii) Production figures month-wise for the preceding twelve months.

7. Work in progress item-wise and value-wise.

8. Any arrangement regarding off-loading or sub-contracting of products of any components thereof.

9. Details of persons or the organization to whom the job(s) is (are) being entrusted relationship/interest of the persons/organizations with the director(s) for the officer(s) of the company.

10. Position of the order book item wise and value-wise for a period of six months, and one year next following, and for the period after the expiry of the said one-year.

11. Number of working days in a week with number of shifts per day and strength of workmen per each shift.

12. Balance sheet, profit and loss account and audit reports for the last three years.

13. Financial position of the company.

14. (i) Names of the inter-connected companies or companies under the same management.

(ii) Details about inter corporate investments and changes during the last one year.

(iv) Interest of any of the directors/officers of the undertaking producing same or similar type of product.

15. Percentage of wages of workmen to the total cost of production.

16. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.

17. Inventory position item-wise and value-wise for the preceding twelve months (Inventories to be shown in respect of finished products, components and raw materials to be shown separately item-wise and values-wise)

18. Selling arrangement for the last three years and any change in the selling arrangement in the preceding twelve months.

19. Full details of the interest of the directors and officer of the company in the organization/persons involved in selling products of the undertaking.

20. Buying arrangements for raw materials and components.

21. Interests of the directors and officers with the organization/persons involved in buying raw materials and components for the undertaking.

22. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value-wise.

23. Reasons for the proposed closure.

24. Any specific attempts made so far to avoid the closure.

25. Any other relevant factors with details thereof.

FOR PUNJAB

FORM QB

(To be submitted in triplicate)

[SEE RULE 75C(2)]

Form of application for permission to close down an undertaking in cases whereat the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act 32 of 1976), the period of notice given under sub-section (1) of Section 25FFA of intention to close down an undertaking has not expired.

Date_____

To

The Secretary to Government, Punjab,
Labour Department, Chandigarh.

Sir,

I/we have give notice on _____ under sub-section (1) of Section 25FFA of our intention to close down an undertaking specified below:

(Name of Industrial establishment)
(Attested copy of the notice is appended hereto)
(Give details of the undertaking)

2. The period of notice referred to above has not expired.

3. I/we hereby solicit permission to close down the said undertaking under sub-section (3) of Section 25 of the Industrial Disputes Act, 147 (Act 14 of 1947) for the reasons set out in the Annexure.

4. I/we hereby declare that in the event of permission for the closure being granted, every workman in the undertaking to whom sub section (7) of the said Section 25 O applies will be given notice and paid compensation as specified in Section 25-N of the Industrial Disputes Act, 1947 (Act 14 of 1947) as if the workman had been retrenched under that section.

Yours faithfully,
(Signature)

ANNEXURE

(Please give replies against each item)

Item No. –

1. Name of the industrial establishment with complete postal address including telegraphic addresses and telephone numbers.

2. Status of undertaking –

(i) Whether Central public sector/State public sector/foreign majority company/joint sector, etc.

(ii) If belongs to large industrial house, please indicate the controlling group and if a foreign majority company, indicate the extent of foreign holdings.

(iii) Whether the undertaking is licenced/registered and if so, name of licencing/registration authority and licence/registration certificate numbers.

3. Date of the notice under sub-section (1) of Section 25FA and the date on which the said notice was served nment.

4. The total number and categories of workmen affected by the proposed closure, along with addresses of the workmen and the details of wages drawn by them. 5. Product/Products of the undertaking.

6. Details relating to installed capacity, licensed capacity and the utilized capacity. 7. (i) Annual production item-wise for the preceding three years.

(ii) Production figures month-wise for the preceding twelve months.

8. Work in progress item-wise and value-wise.

9. Any arrangement regarding off-loading or sub-contracting of products of any components thereof.

10. Details of persons or the organization to whom the job(s) is (are) being entrusted relationship/interest of the persons/organizations with the director(s) for the officer(s) of the company.

11. Position of the order book item wise and value-wise for a period of six months, and one year next following, and for the period after the expiry of the said one-year.

12. Number of working days in a week with number of shifts per day and strength of workmen per each shift.

13. Balance sheet, profit and loss account and audit reports for the last three years.

14. Financial position of the company.

15. (i) Names of the inter-connected companies or companies under the same management.

(ii) Details about inter-corporate investments and changes during the last one year.

(iii) Interest of any of the directors/officers of the undertaking producing same or similar type of product.

16. Percentage of wages of workmen to the total cost of production.

17. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.

18. Inventory position item-wise and value-wise for the preceding twelve months (Inventories to be shown in respect of finished products, components and raw materials to be shown separately item-wise and values-wise)

19. Selling arrangement for the last three years and any change in the selling arrangement in the preceding twelve months.

20. Full details of the interest of the directors and officer of the company in the organization/persons involved in selling products of the undertaking.

21. Buying arrangements for raw materials and components.

22. Interests of the directors and officers with the organization/persons involved in buying raw materials and components for the undertaking.

23. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value-wise.

24. Reasons for the proposed closure.

25. Any specific attempts made so far to avoid the closure.

26. Any other relevant factors with details thereof.
