THE TAMIL NADU INDUSTRIAL DISPUTES RULES, 1958

(G.O. Ms. No. 4856, Industries, Labour and Co-operation, 18th December, 1958) S.R.O No. A-8258 of 1958.—In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Governor of Madras hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section :--

PRELIMINARY

1[**1. Short title and extent.** – (1) These rules may be called the 2[Tamil Nadu] Industrial Disputes Rules, 1958.

(2) They shall extend to the whole of the State of Madras including the territories specified in the Second Schedule to the Andhra Pradesh and Madras(Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).]

2.Definitions. – (1) In these rules, unless there is anything repugnant in the subject or context –

(a) "Act" means the Industrial Disputes Act, 1947 (Central Act XIV of 1947);

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

(c) "Committee" means a Works Committee constituted under sub-section (1) of section 3;

(d) "form" means a form set out in the Schedule to these rules;

(e) "registered trade union" means a Trade Union registered under the Indian Trade Unions Act, 1926 (Central Act XVI of 1926);

(f) "section" means a section of the Act.

(2) In relation to an industry carried on by or under the authority of a department of the State Government, the Officer in-charge of the industrial ----------

---------- 1 Subs. by S.R.O No. A-1011 of 1961, dated the 27th September, 1961.

2 Subs. by S.R.O. No. A-960 of 1972, dated the 28th October, 1972, for "Madras".

establishment concerned or such other officer as may be notified by the State Government from time to time shall be the "employer" in respect of that establishment, within the meaning of clause (g) of section 2.

WORKS COMMITTEE

3. Constitution. – Any employer to whom an order made under sub-section (1) of 3 relates shall forthwith proceed to constitute a Works Committee in the manner specified in the following rules.

4. Number of members. – The number of members constituting the Committee shall be fixed by the employer 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.

5. Representatives of the employer.— The representatives of the employer shall be nominated by the employer, and shall, as far as possible, be the manager and the senior officials in direct touch with, or associated withthe working of the establishment.

6. Representatives of the workmen. – The representatives of the workmen shall be elected by the workmen engaged in the establishment :

Provided that the employer may, if he thinks fit, divide the workmen entitled to vote into different electoral constituencies so as to afford representation to the various categories, groups and classes of workmen, and to the sections, shops and departments of the establishment and direct that the workmen shall vote in the constituencies in which their names are included.

7. Consultation with the trade unions. – The Employer shall consult the registered trade union or unions, if any, in which the workmen of his establishment are members, in regard to the matters specified in rules 4 and 6.

8. Qualification of candidates for election. – Any workman of not less than 19 years of age and with a service of not less than five years 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 five years :

Provided further that the aggregate service of a workman in different concerns under the same employer shall be taken into account for the purpose of this rule, if the standing orders provide for transfer of workmen from one such concern to another.

9. Qualification for voters. – All workmen, who have been employed in the establishment for more than six months [1][ending with the date fixed by the employer under sub-rule (1) of rule 10] shall be entitled to vote in the election of the representatives of workmen.

10. Procedure for election. –(1) The employer shall fix a date as the closing date for receiving nominations 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 not later than ten 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 in the establishment. The notice shall specify the number of persons to be elected by the groups, sections, shops or departments.

(4) A copy of such notice shall be sent to the registered trade union or unions concerned.

11. Nomination of candidates for election. – (1) Everynomination shall be made on a nomination paper in Form "A" copies of which shall be supplied by the employer to the workmen requiring them.

(2) Each nomination paper shall be signed by the candidate to whom it relates and attested by at least two other voters belonging to the electoral constituency concerned and shall be delivered to the employer.

12. Scrutiny of nomination papers.– (1) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinized

---

1 Ins. by S.R.O No. A-199 of 1964, dated the 8th February, 1964.

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 –

(i) thepersons nominated is not eligible to be a candidate under rule 8; or

(ii) the requirements of rule 11 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.

13. Voting in election. – (1) If the number of candidates, who have been validly nominated is equal to the 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;

[1][Provided that voting shall be by secret ballot.]

(4) The voting shall be conducted by the employer, and, if any of the workmen concerned belongs to a registered trade union, by such of them as the registered trade union may nominate.

[2][(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.]

14. Arrangements for election. – The employer shall be responsible for all arrangements in connection with the election.

15. Term of office. – (1) The term of office of workmen's representatives on the Committee, other than a member chosen to fill a casual vacancy, shall be six years.

---

1. Ins. vide S.R.O No. A-315 of 1961, dated the 8thMarch, 1961. 2. Ins. vide S.R.O No. A-499 of 1966, dated the 24th May, 1966.

Provided that in the case of the Committee constituted for the first time after these rules come into force, as nearly as may be, one-third of the total number of representatives shall retire at the end of two years and, as nearly as may be, half the number of the remaining representatives shall retire at the end of the fourth year,

Explanation. – The names of the representatives for the purpose of the above proviso shall be determined by the Chairman of the Committee by drawing lots from among the members:

Provided further that the above rule shall not apply in the case of the Works Committee functioning on the day on which these rules come into force. The term of such a Committee shall be three years from the date of its first meeting, at the end of which period it shall be reconstituted according to these rules.

(2) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor.

(3) The nominations of employer's representatives on the Committee may be cancelled and fresh nominations made by the employer at any time after giving previous notice to the members of the Committee.

1[**16. Vacancies**. -- Vacancies in a Committee shall be filled up --

(i) in the event of workmen's representatives ceasing to be a member under sub-rule (1) of rule 15 or ceasing to be employed in the establishment or in the event of his ceasing to represent the trade or vocation he was representing or his resignation or death, his successor shall be electedin accordance with category, group, class, section, shop or department to which the member vacating the seat belonged.

(ii) on the employer's side, by nomination by the employer as provided for in sub-rule (3) of rule 15].

17. Officers of the Committee. – (1) The Committee shall have among 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 Committee shall elect the Chairman and the Vice-Chairman :

---

1 Subs. vide S.R.O No. A-408 of 1976, dated the 5th October, 1976.

Provided that where the Chairman is elected from amongst the representatives of the employer, the Vice-Chairman shall be elected from amongst the representatives of workmen and vice versa :

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 from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of workmen and vice versa.

Provided further that the post of the Secretary or 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.

18. Number of meetings.--1[(1)] The Committee may meet as often as necessary, but not less than once in every month :

Provided that in the case of a seasonal establishment which works only for a part of the year, the Committee shall meet only during the season when the establishment works.

2[(2) Copies of the decision arrived at each meeting shall be sent to the 3Joint Commissioner of Labour and 3Assistant Commissioner of Labour having jurisdiction over the area in which the establishment concerned is situated within 14 days of the date of the meeting.]

[2][**19. Transaction of business.** -- The Committee shall transact business in accordance with the by-laws framed by it which shall be subject to the approval of the [3]Joint commissioner of Labour having jurisdiction over the area in which the establishment concerned is situated.]

20. Facilities for meeting, etc. -- Accommodation for holding meetings of the Committee shall be provided by the employer. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee :

1 Re-numbered *vide* S.R.O. No. A-315 of 1961, dated the 18th March, 1961.

2 Subs. *vide* S.R.O. No. A-726 of 1966, dated the 28th July, 1966.

3 Redesignated vide G.O. (MS) No.64, dated 30th May 2018.

21. 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 inquiry as it or he may deem fit, dissolve any Works Committee at any time by an order in writing, if it or he is satisfied that the 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 Committee is dissolved under this rule, the employer shall take steps to reconstitute the Committee in accordance with these rules.

CONCILIATION

22. Conciliation proceedings in public utility service. -- The Conciliation Officer, on receipt of notice of strike or lock-out given under rule 59 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 in question.

23. Conciliation proceedings in non-public utility service. --(1) where the Conciliation Officer receives any information about an existing or apprehended industrial dispute which does not relate to a 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 may be specified therein.

(2) The Conciliation Officer may hold a meeting of the representatives of both the parties jointly or of each party separately.

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

24. Parties to submit statements. -- The party representing workmen involved [1][or the workman or workmen concerned] in an industrial dispute in respect of which no notice has been given under rule 59 shall forward to the Conciliation Officer concerned before such date as may be specified by him for

1 Ins. vide S.R.O. No. A-541 of 1968, dated the 9th July, 1968

commencing the conciliation proceedings a statement in duplicate setting forth –

(a)the parties to the dispute;

(b)the nature and cause of the dispute including any demands made by either party on the other to which exception is taken by the opposite party;

(c)an estimate of the number of persons affected or likely to be affectedby the dispute; and

(d)the efforts made by the parties themselves to settle the dispute.

A Copy of the statement shall also be furnished simultaneously by registered post to the employer. Within seven days from the date of receipt of the statement, the employer may file his reply statement before the Conciliation Officer.

25. Memorandum of settlement. -- (1) A settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form 'B'.

(2) The settlement shall be signed by --

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

(b) in the case of workmen, either by the [1][President or Secretary] of a registered trade union of workmen or by two office-bearers of the union authorised by the [1][President or Secretary] or by five representatives of workmen duly authorised in this behalf at a meeting of the workmen held for the purpose and attended by a majority of the workmen concerned:

Provided that where the number of workmen affected is not more than 2, the settlement may be signed by the workman or workmen concerned ;

[2][(c) in the case of an industrial dispute raised in pursuance of section 2A, by the workman concerned.]

(3) The parties to a settlement arrived at otherwise than in the course of conciliation proceedings shall send a copy thereof to the Conciliation Officer

1 Subs. vide S.R.O. No. A – 2834 of 1960, dated the 5th April, 1960.

2 Ins. vide S.R.O. No. A-541 of 1968, dated the 9th July, 1968

concerned, the Commissioner of Labour, Madras and the Secretary to the Government of Madras in-charge of Labour.

(4)The Conciliation Officer shall maintain a record of all settlements effected under the Act in respect of disputes in the area within his jurisdiction in a register in Form 'C'.

[1]**[25-A. Conciliation failure report. --** The Conciliation Officer shall send the report under sub-section (4) of section 12 of the Act to the Secretary to Government of Tamil Nadu, Labour Department, Fort St. George, Madras, through the Commissioner of Labour, Madras.]

[2]**[25-B. Application to Labour Court by workmen. --** (1) Where no settlement is arrived at in the course of any conciliation proceeding taken in the case of an industrial dispute referred to in sub-section (1) of section 2-A, the Conciliation Officer shall send an intimation to the aggrieved workman with a copy marked to the employer, the Commissioner and Secretary to Government, Labour and Employment Department, Madras-9 and to the Commissioner of Labour, Madras-6.

Form C-1 to the Labour Court having jurisdiction over the area for adjudication of such dispute. Such application shall be in duplicate and filed before the Labour Court, either personally or by registered post. A copy of the intimation received from the Conciliation Officer under sub-rule (1) shall be filed along with the application.]

ARBITRATION

26. Arbitration agreement. – An arbitration agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in Form "D" and shall be delivered personally or forwarded by registered post [3][to the Secretary to the Government of Madras in charge of Labour (in triplicate)], the Commissioner of Labour, Madras, and the Conciliation Officer concerned.

[4][The agreement shall be accompanied by the consent, in writing, of arbitrator or arbitrators.]

1 Ins. *vide* S.R.O. No. A-852 of 1971, dated the 23rd August, 1971.

2 Ins. by G.O. Ms. No.505, Labour and Employment, dated the 15th March, 1989. 3 Subs. *Vide* S.R.O. No. A-139 of 1960, dated the 26th July, 1960.

4 Ins. *vide* S.R.O. No. A-626 of 1960, dated the 7th November, 1960.

27. Attestation of the Arbitration Agreement. -- The arbitration agreement shall be signed, --

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

(b) in the case of the workmen, either by the [1][President or Secretary], of a trade union of workmen or by two office-bearers of the union authorised by the [1][President or Secretary], or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose and attended by a majority of the workmen concerned :

Provided that where the number of workmen affected is not more than 5, the agreement may be signed by all the workmen concerned.

[2][(C)in the case of an industrial dispute raised in pursuance of section 2A, by the workmen concerned.]

[3]**[27-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 persons 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.] REFERENCE OF INDUSTRIAL DISPUTES

UNDER SECTION 10 (2)

28. 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 'E' and shall be accompanied by a statement setting forth –

(a) the parties to the dispute;

(b) specific matters in dispute and the cause of the dispute including any demand made by either party on the other to which exception is taken by the opposite party ;

_____ 1 subs. vide S.R.O. No. A-2834 of 1960, dated the 5th April, 1960.

2 Ins. vide S.R.O. No. A-541 of 1968, dated the 9th July, 1968.

3 Ins. vide S.R.O No. A-1014 of 1966, dated the 20th October, 1966.

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

(d) the estimate of the number of persons affected or likely to be affected by the dispute;

(e) the efforts made by the parties themselves to settle the dispute; and (f)in the case of an application for the appointment of a Court, the

specific matters on which an enquiry by a Court is desired.

(2) The application and the statement shall be forwarded in triplicate by registered post to the Secretary to the Government of Madrasin charge of Labour. A copy of the application and the statement shall also be forwarded to the Commissioner of Labour, Madras.

(3) In case of a separate application by one of the parties to the dispute, a copy thereof shall be sent to the opposite party / parties also.

29. 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 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, either by the [1][President or Secretary] of a trade union of the workmen or by two office-bearers of the union authorised by the [1][President or Secretary], or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose and attended by a majority of the workmen concerned; and

[2][(C) in the case of an industrial dispute raised in pursuance of section 2-A, by the workman concerned.]

BOARD OF CONCILIATION

30 Notice to parties to nominate representatives. -- (1) The State Government shall, before constituting a Board, issue to the parties to the dispute, a notice in Form "F" requiring them to intimate the names of persons

1 Subs. vide S.R.O. No. A-2834 of 1960, dated the 5th April, 1960.

2 Ins. vide S.R.O. No. A-541 of 1968, dated the 9th July, 1968.

whom they recommend for appointment as their representatives on the Board.

(2) The notice shall –

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

(ii) in the case of workmen who are members of a registered trade union, be sent to the Secretary of the Union; and

(iii) in the case of workmen in any establishment for whom there is no registered trade union, be served on any two of the signatories to the application under rule 29 and a copy of the notice shall also be affixed to a conspicuous place in the premises of the establishment or published in one or more newspapers which the State Government consider suitable for the purpose.

POWERS, PROCEDURE AND DUTIES OF BOARDS, COURTS, LABOUR COURTS, TRIBUNALS AND ARBITRATORS.

31. Place and time of sitting. --The sittings of a Board, Court, Labour Court or Tribunal or of an Arbitrator shall be held at such places and times as the Chairman, Labour Court, Tribunal or Arbitrator, as the case may be, may fix, and the Chairman, Labour Court, Tribunal or Arbitrator, as the case may be, shall inform the parties in such manner as he/it thinks fit, of the time and place at which the sittings are to be held:

Provided that, so far as practicable, the sitting of the Board, Court, Labour Court or Tribunal or of the Arbitrator shall be held in the locality within which the dispute to which the proceedings before it relate, arose.

32. Proceedings to be public. -- The proceedings of a Court, Labour Court or Tribunal shall be held in public:

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

33. Quorum. -- 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 members is 3	..	2
where the number of members 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 members is more than 2 but less than 5	..	2
where the number of members is 5 or more	..	3

[1][**34. Proceeding before the Labour Court or Tribunal. --**](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 and list of witnesses, with the Labour Court or Tribunal within fifteen days of the receipt of the order or reference and also to forward a copy of such statement of claim to each one of the opposite parties involved in the dispute.

(2) The Labour Court or Tribunal after ascertaining the copies of statement of claim have been furnished to the other side by the party raising the dispute shall fix the first hearing on a date not beyond one month from the date of receipt of the order of reference and the opposite party or parties shall file their written statements, together with documents and list of witnesses within a period of fifteen days from the date of first hearing and simultaneously forward a copy thereof to the other party.

(3) Where the Labour Court or Tribunal, as the case may be, finds that the party raising the dispute though directed by the State Government 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 and for the said purpose or for any other sufficient cause, extend the time limit for filing the statement under sub-rule (1) or written statement under sub-rule (2) for a further period not exceeding fifteen days.

---

1 Subs. by S.R.O. A/115(a)/85 dated the 28th may, 1985.

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

(5) The Labour Court or Tribunal, as the case may be, may allow at any state of the proceedings, amendment to such statement or rejoinder to the extent necessary for the purpose of determining the real issues included in the order of reference.

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

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

(8) After the evidence is recorded, either arguments shall be heard immediately or a date shall be fixed for arguments / oral hearing which shall not be beyond a period of fifteen days from the date of closing of the evidence.

(9) The Labour Court or the Tribunal, as the case may be, shall not grant more than three adjournments in any case and such adjournment shall not exceed a period of seven days at a time.

Provided that where the Labour Court, or Tribunal, as the case may be, is of opinion that the adjournment granted for a period of seven days at any one time is not sufficient such Labour Court or Tribunal may, for reasons to be recorded in writing grant adjournment for a period exceeding seven days.

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

(11) Notwithstanding anything contained in sub-rule (10), the Labour Court or the Tribunal, as the case may be, may, before submitting the award to

the State Government, revoke the *ex-parte*proceedings on the application of the party made within 15 days of the *ex-parte* proceedings if it is satisfied that the party has been prevented from attending the proceedings for valid reasons:

Provided that an application may be admitted after the said period of 15 days, if the applicant satisfies the Labour Court or Tribunal, as the case may be, that he had sufficient cause for not preferring the application within that period.

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

(13) In respect of reference under section 2-A, the Labour Court or Tribunal as the case may be, shall ordinarily submit its award within a period of three months or within such period which the Labour Court or Tribunal, as the case may be, may extend, for reasons to be recorded in writing.

35. Preliminary enquiry. -- A Labour Court or Tribunal, while investigating any industrial dispute, may in its discretion, settle the issue in the light of a preliminary enquiry, which it may hold for the purpose, and thereafter adjudicate the said dispute.

36. Summons. -- (1) Summons issued by a ı[Conciliation Officer], Board, Court, Labour Court or Tribunal shall be in the following form : --

Summons to the parties to the dispute – Form “G”

Summons to witnesses to appear and give evidence – Form “H”

Summons for production of documents – Form “I”

(2) Whenever the validity of the standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (Central Act XX or 1946) is challenged, a Labour Court or Tribunal may summon the certifying officer as defined in that Act and call for the production of any documents in his possession.

37. Service of summons or notice. -- (1) Where there are numerous persons as parties to any proceedings before a 1[Conciliation Officer] Board, Court, Labour Courtor Tribunal or an Arbitrator, and such persons are members of any trade union or association, the service of notice on the Secretary, or

---

1 Ins. vide G.O. Ms. No. 1003, Labour and Employment 25th September, 1990.

where there is no Secretary, on the principal officer of the union or association shall be deemed to be service on persons.

(2) Where there are numerous persons as partiesto any proceedings before a 1[Conciliation Officer] Board, Court, Labour Court or Tribunal or an Arbitrator and such persons are not members of any trade union or association, the 1[Conciliation Officer], Board, Court, Labour Court or Tribunal or the Arbitrator may, 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.

(3) A notice served as specified in sub-rule (2) shall be considered as sufficient in the case of such workmen as cannot be ascertained and found.

(4)Subject to the provisions of sub-rules (1) to (3), any notice, summons, process or order issued by the 1[Conciliation Officer], Board, Court, Labour Court or Tribunal or an Arbitrator empowered to issue such notice, summons, process or order, may be served either personally or by registered post.

2[(5) In case the service contemplated in sub-rule (4) proves ineffectual, such notice, summons, process or order may be sent along with a letter of request to the District Judge of the area concerned for service through the Nazareth under his control.]

38. Documents. --All books, papers and other documents or things produced before a 1[Conciliation Officer], Board, Court, Labour Court or Tribunal or an Arbitrator, whether voluntarily or in pursuance of a summons, may be inspected by the 1[Conciliation Officer], Board, Court, Labour Court or Tribunal, or the Arbitrator, and also by such parties as the 1[Conciliation Officer], Board, Court, Labour Court or Tribunal, or the Arbitrator allows; but the information obtained therefrom shall not, except as provided in the Act, be made public, and such parts of the books, papers, documents or things as, in the opinion of the 1[Conciliation Officer], Board, Court, Labour Court or Tribunal, or the Arbitrator, do not relate to the matters at issue may be sealed up.

---

1 Ins. vide G.O. Ms. No. 1003, Labour and Employment 25th September, 1990.

2 Ins. vide S.R.O. A.-459 of 1975, dated the 15th September, 1975.

39. Evidence. – A 1[Conciliation Officer], Board, Court, Labour Court or Tribunal, or an Arbitrator may call for, admit or accept any evidence at any stage and in any manner, which in equity and good conscience he thinks fit.

40. Administration of oath. --Any member of a Board or Court or any Labour Court; or Tribunal, or an Arbitrator may administer oath.

41. Recording of evidence. -- Evidence adduced before a Court, Labour Court or Tribunal or an Arbitrator shall be recorded in the form of memorandum of evidence as laid down in rule 13 of Order XVIII in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908). Such memorandum shall be a substance of what the witness deposes and shall be written and signed by the Chairman of the Board or Court, or by the Labour court or Tribunal or the Arbitrator, as the case may be :

2[Provided that the Board, Court, Labour Court or Tribunal or an Arbitrator, 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 (Central Act V of 1908), if it or he considers necessary so to do, in view of the nature of the particular industrial dispute pending before it or him.]

42. Power of entry and inspection. – A Conciliation Officer, a Board or Court, or any member thereof, or a Labour Court, Tribunal or an Arbitrator or any person authorised in writing by the Conciliation Officer, Board, Court, Labour Court, Tribunal or Arbitrator in this behalf may, for the purpose of any conciliation, investigation, enquiry or adjudication entrusted to the Conciliation Officer, Board, Court, Labour Court, Tribunal or an Arbitrator under the Act, at any time between the hours of

sunrise and sunset, and in the case of a person authorised in writing by a Conciliation Officer, Board, Court, Labour Court, Tribunal or an Arbitrator after he has 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 of anything situated therein or any matter relevant to the subject-matter of the conciliation, investigation, enquiry or adjudication.

_____ 1 Ins. by G.O Ms. No. 1003, Labour & Employment, dated 25th September, 1990.

2 Vide S.R.O 140 of 1960, dated the 26th July, 1960.

43. Power of Courts, Boards, Labour Courts and Tribunals. – (1) In addition to the powers conferred by sub-sec.(3) of Sec.11, the provisions of Order XI in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908), in so far as they relate to the appearance of plaintiffs and defendants in suits, shall apply to the appearance of parties in the proceedings before a Court, Board, Labour Court or Tribunal.

(2) A Court, Board, Labour Court or Tribunal may summon and examine *suo moto* any person whose evidence appears to it to be material and it shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Central Act V of 1898).

1(3) A Labour Court or Tribunal shall also have all the powers of a civil court under Order XXI of the Code of Civil Procedure, 1908 (Central Act V of 1908) to execute its own award or any settlement as defined in clause (p) of Section 2 of the Act, as a decree of a civil court.

44. Description of parties in certain cases. -- Where in any proceeding before a Board, Court, Labour Court, or 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 by the name of such trade union or association; and

(2) all such persons as are not 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.

45. Appearance by legal practitioners. -- A legal practitioner representing a party to a dispute under sub-section (4) of section 36 shall file a memorandum of appearance.

46. Representation of parties in proceedings. --(1) The authorisation to represent a worker or workers, under clause (c) of sub-section (1) of section 36, shall be in Form "J". The authorisation to represent an employer, under clause (c) of sub-section (2) of section 36 shall be in Form "K". The authorisation shall be presented to the Conciliation Officer, Board, Court, Labour Court, Tribunal or Arbitrator and shall form part of the record.

_____

1 Added. by G.O. Ms. No. 157, Labour and Employment (D2), dated the 1st October 2015. TNGG No. 43, dated 28.10.2015 Part III Section 1(a) Page No.42

(2) A party appearing by a representative shall be bound by the acts of that representative.

47. Right of representatives. -- The representatives of the parties appearing before a Board, Court, Labour Court, Tribunal or an Arbitrator, shall have the right of examination, cross-examination and re-examination and addressing the Board, Court, Labour Court, Tribunal or Arbitrator when any evidence has been called.

48. *Ex-parte* Proceedings. –(1) If, without showing sufficient cause any party to proceedings before a Board, Court, Labour Court, Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal or the Arbitrator may proceed as if the party had duly attended or had been represented.

(2) The Board, Court, Labour Court, or Tribunal or an Arbitrator may, for sufficient cause, set aside, after notice to the opposite party, the *ex-parte* decision either wholly or in part, on an application made within 15 days of the *ex-parte* decision :

Provided that an application may be admitted after the said period of 15 days, if the applicant satisfies the Board, Court, Labour Court or Tribunal or Arbitrator, as the case may be, that he had sufficient cause for not preferring the application within that period.

(3) An application under sub-rule (2) shall be supported by an affidavit.

[1][**48-A. Application for restitution. --** Where and in so far as an *ex-parte* decision is set aside under rule 48, the Board, Court, Labour Court, or Tribunal or an Arbitrator shall, on the application of any party entitled to any benefit by way of restitution or otherwise, cause such restitution to be made as will, so far as may be, place the parties in the position which they would have occupied but for such *ex-parte* decision or such part thereof as has been set aside and for this purpose the Board, Court, Labour Court or Tribunal or an Arbitrator may make such orders as may be deemed necessary.]

49. Assessors. -- Where assessors are appointed under sub-section (4) of section 7-A or sub-section (5) of section 11, the Tribunal, Court, or Labour

---

1 vide S.R.O. No. A-1032 of 1961, dated the 5th October, 1961.

Court shall, in relation to the proceeding before it, obtain the advice of such assessors, but such advice shall not be binding on it.

50. 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 Chairman shall have and exercise a second or casting vote.

51. Pronouncement in open Court. --[1][(1) Labour Courts and Tribunals may, if they consider expedient so to do pronounce in open Court their award or the essential features thereof in case of urgency provided that such oral pronouncement in open Court shall not be made until the Labour Court or the Tribunal, as the case may be, has the text of its award ready along with the copies intended for submission to the State Government.]

(2) Labour Courts and Tribunals shall pronounce in open Court their orders on applications made by the employers under Section 33 either on the day on which the hearing is completed or on some future day of which due notice shall be given to the parties.

52. Computation of relief in terms of money while passing awards. -- When any relief is awarded by the Labour Court or Industrial Tribunal on any dispute referred to it by the State Government for adjudication, the Labour Court or Industrial Tribunal shall compute the relief so awarded in terms of money if it can be so computed and specify the amount that should be paid to the party.

53. Complaints to Labour Courts or Tribunal under section 33-A. --(1) A complaint under section 33-A shall be in duplicate in Form "L" and filed before the Labour Court or Tribunal before whom the proceedings are pending either personally or by registered post. A copy of it shall be served simultaneously either personally or by registered post with acknowledgment due on the employer. The nature of service shall be indicated on the copies of the complaint presented to the Labour Court or Tribunal, as the case may be. The endorsement of service or the acknowledgment of the opposite party, as soon as it is received, shall also be filed before the Labour Court, or Tribunal, as the case may be, without delay.

1 Ins. *vide* S.R.O. No. A-735 of 1960, dated the 28th November, 1960.

(2) Any workman may make the complaint individually or two or more workmen having similar grievance may make a joint complaint. The complaint shall be signed by the complainant or complainants.

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

(4) The person verifying shall specify, by references to the numbered paragraphs of the complaint, what he verified of his own knowledge and whathe verified 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 signed.

(6) The employer shall file a counter before the Labour Court or Tribunal either personally or by registered post within a week from the date of receipt of the complaint and shall serve a copy of it on the complainant or complainants either personally or by registered post acknowledgment due. The endorsements of service or the acknowledgment of the complaint or complaints shall be filed with the Labour Court or Tribunal, as the case may be, as soon as it is received. The Labour Court or Tribunal may, in exceptional cases, grant extension of time not exceeding 15 days for filing the counter. If the counter is not filed within the specified time, the Labour Court or Tribunal, shall proceed with the complaint after giving a week's notice to the parties concerned.

54. Mode of computation of cash value under section 33-C (2) of the Act. --[1][(1)] [2][Where any workman is entitled to receive from the employer any money or any benefit, the workman himself or any other person authorised by the workman or in the case of death of the workman, his assignee or heirs as the case may be, may make an application under sub-section (2) of section 33-C to the Labour Court. The application by the workman shall be made in Form 'M' and the application by the assignee or heirs or any person authorised by the workman shall be made in Form 'M-1'.]

The average retail prices at the nearest market for the period of three months immediately preceding the month for which the wages are to be computed shall be taken into account in computing the cash value of wages paid in kind and of concession in respect of essential commodities supplied at concessional rates.

1 Re-numbered as Sub-Sec. (1) by S.R.O. No.A-2835 of 1960, 5.4.1960 2 Subs. *vide* S.R.O. No.A-4/83, dated the 8th December, 1982.

[1][The Labour Court shall communicate to the parties, by registered post, a gist of the order passed on such application as soon as practicable, after conclusion of the hearing.]

[2][(3) The Labour Court shall also communicate a copy of the order passed on such application to the Secretary to Government of Tamil Nadu in-charge of Labour along with a copy of the earlier order, if any, issued by it in respect of the same matter.]

[3]**[55. Correction of errors. --** A Board, Court, Labour Court, Tribunal or an 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. Any such correction in relation to any award if made after the award is published shall also be published in the same manner as the original award.]

TRAVELLING ALLOWANCE

56. Remuneration of Arbitrators, Chairman and Members of Courts and Boards, Labour Courts and Tribunals, Assessors, witness and staff. -- (1) A member of a Court or Board if a non-official, shall be entitled to draw travelling allowance and non-official, shall be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the following rate and subject to the provisions of the Madras Travelling Allowance Rules : --

Railway fare admissible for journey by rail.	*Allowances admissible for journey by road.	Daily Allowance for halts
One second class fare plus daily allowance.	*24 Paise per Kilo metre	Rs.6

1 Ins. *vide* S.R.O. A-2835 of 1960, dated the 5th April, 1960.

2 Ins. by S.R.O. A-218/76, dated the 9th June, 1976.

3 Subs. *vide* S.R.O. No.A-408 of 1976, dated the 5thOctober, 1976. * Subs. *vide* S.R.O. No.A-454, dated the 28th April, 1966.

NOTE. -- If night journeys are performed by rail, cost of reserving sleeping accommodation in second class may be claimed.

(2) If a retired official is appointed as a Labour Court or Tribunal, he shall be eligible to draw travelling allowance with reference to the pay drawn by him at the time of his retirement.

1[(3) The Chairman and members of a Court or Board, Labour Court or Tribunal and Assessor of a Labour Court or Tribunal wherever the Chairman, Member, Assessor or other person concerned is not a salaried officer of the Government shall be granted such fees or honorarium as may be decided by the Courts concerned taking into account the nature of work involved and the status of the Chairman, Members, Assessors or any person concerned, subject to the approval of the State Government in each case.

(4) (i) Conciliation Officers can be utilized as Assessors purely for fact-finding and reporting in cases in which their services are considered necessary by the Industrial Tribunal or Labour Courts. The Conciliation Officers' reports shall not contain any personal expression of opinions or views that may later compromise their position as Conciliation Officer in respect of that establishment.

(ii) The Industrial Tribunal and Labour Courts shall consult the Commissioner of Labour prior to the appointment of Conciliation Officers as Assessors. The Commissioner of Labour as the Head of Department, before permitting any Conciliation Officer to be an Assessor, shall satisfy himself –

(a) that the Conciliation Officer concerned is suitable for taking up the work of the Assessor, in any particular case, and

(b) that his work as an Assessor shall not interfere with his normal duties as a Conciliation Officer.

(iii) No Conciliation Officer shall act as an Assessor more than two times in a year.

(iv) The remuneration fixed by the Industrial Tribunal and Labour Courts for the work of a Conciliation Officer as Assessor shall not exceed in each case 50 per cent. of the actual pay of the Conciliation Officer.

1 Subs. *vide* S.R.O. No.A-417, dated the 1st April, 1965

(v) Drawal of remuneration by the Conciliation Officer for working as Assessor shall be with the prior approval of the Commissioner of Labour in each case.]

1[2(5)] Wherever the arbitrator is not a salaried officer of the Government, he shall be granted such fees or honorarium as may be sanctioned by the State Government in consultation with him and the parties to the case.

3[(6) Every person who is summoned and duly attends as a witness before a Court, Board, Labour Court, Tribunal or an Arbitrator shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil Courts in the State.

57. Notice of change. -- Any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule to the Act, shall give notice of such intention in Form "N".

4[The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Manager's Office. The notice which is affixed on the notice board shall be in English, and in any other language understood by the majority of the workmen in the establishment concerned :

Provided that where any registered trade union of workmen exists, a copy of the notice shall also be served by registered post on the Secretary of such union. A copy of the notice shall simultaneously be forwarded by the employer to the Commissioner of Labour, Chennai, and Conciliation Officer concerned.]

58.5[Omitted]

59. Notice of strike and lock-out. --(1) A notice of strike required under sub-section (1) of section 22 shall be in Form "O" and a notice of lock-out required under sub-section (2) of section 22 shall be in Form "P" and shall be accompanied by a statement setting forth :-

(a) the parties to the dispute;

1 This was originally Ins. by S.R.O. No. 724 of 1960, dated the 28th November, 1960.

2 Re-numbered *vide* S.R.O. No. A-417, dated the 1st April, 1965. 3Re-numbered as sub-sec. (6) of that section *vide ibid*.

4Ins. by S.R.O. No. A-444 of 1960, dated the 5th October, 1960 5 Omitted, ibid.

(b) the nature and cause of the dispute, including any demand made by either party on the other to which exception is taken by the opposite party;

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

(d)the efforts made by the parties themselves to settle the dispute.

(2) The notice 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 employees –

(i) where all the employees who are parties to the dispute are members of a registered trade union, by two officers of the union, duly authorised in this behalf at a meeting held for the purpose and attended by a majority of the members of the registered trade union; and

(ii) in other cases, by not less than five of the employees concerned duly authorised in this behalf at a meeting held for the purpose and attended by a majority of the employees affected.

(3) Copies of the notice in Form "O" of Form "P" shall be furnished by registered post to the opposite party (employer or employees, as the case may be), the Conciliation Officer having jurisdiction, the District Magistrate of the district, the Commissioner of Labour, Madras, and the Secretary to the Government of Madrasin-charge of Labour.

1[The notice in Form "P" shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the manager's office :

Provided that where a registered trade union exists, a copy of the notice shall be served on the Secretary of the said Union.]

(4)The report required to be sent by an employer under sub-section (5) of section 22 shall be sent to the Conciliation Officer and the District Magistrate of the district and the Commissioner of Labour, Madras, and the Secretary to the Government of Madras, in-charge of Labour.

1 Added by S.R.O. No. A-25 of 1960, dated the 22nd June, 1960

1**[59A.Notice of strike and lock-out intimation by telephone or telegram.--** In any industry where the workmen go on strike or the employer declares a lock-out, the management and the Unions at whose behest the workmen have gone on strike shall give telephonic or telegraphic intimation within 24 hours form the commencement of strike or lock-out to the 2Assistant Commissioner of Labour or the 2Deputy Commissioner of Labour concerned, specifying –

(i) the total number of workmen in the industry;

(ii) the number of persons involved in the strike or lock-out

(iii) the causes for the strike or lock-out;

(iv) the names of the unions functioning in the establishment;

(v) The time and date of commencement of the strike or lock-out.

Information regarding commencement of strike or lock-out may be furnished by telegram where the Assistant Commissioner of Labour or the Deputy Commissioner of Labour concerned could not be contacted over the telephone.]

60. Report of lock-out or strike. -- The report of a 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 "Q".

[3]**[60A. Notice of lay-off. --** (1) If any workman employed in an industrial establishment as defined in the Explanation to section 25A [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 Forms Q-1 and Q-2 respectively within seven days of the end of the calendar month in which the lay-off commences and that in which it concludes, 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 25C.]

[4][60B. Application for permission to lay-off under section 25M. – (1) Application for permission to lay-off any workman under sub-section (1) of Section25-M shall be made in Form Q-3 and delivered to the authority specified

1 Added by G.O.D. No. 67, L&E, (D2), 14-1-1992

2 Redesignated vide G.O. (MS) No.64, dated 30th May 2018.

Tamil Nadu Government Gazette No. 28, Part II Section 2,11th July 2018. 3 Ins. vide S.R.O. No.A-58 of 1961, dated the 4th January, 1961.

4 Subs. by S.R.O. No. A/115 (a)/85, dated the 28th May, 1985.

under sub-section (1) either personally or by registered post with acknowledgment 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 has been made, for the purpose of sub-section (5) of the said section.

(2) The application for permission shall be made in triplicate in Form Q-3. A copy of such application shall be served simultaneously by registered post on the President or Secretary of registered trade union(s) functioning in the establishment and a notice in this regard shall also be displayed conspicuously by the employer on a Notice Board at the main entrance to the establishment for the information of all the workmen concerned at the same time when applications are served on the prescribed authority.

(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.

(4) (a) Where the permission to lay-off has been granted by the said authority, the employer shall give to the Commissioner of Labour a notice of commencement and termination of such lay-off in Form Q-1 and Q-2 respectively.

(b) Where the permission to continue the lay-off has been granted by the said authority, the employer shall give similar notice of commencement and termination of such lay-off to the Commissioner of Labour in Forms Q-1 and Q-2 respectively, if such notice has not already been given under sub-rule (1) of rule 60-A.

(5) The notice of commencement and termination of lay-off referred to in sub-section (4) shall be given within the period specified in sub-rule (1) of rule 60A.]

[1][**61. Notice of retrenchment.** -- If any employer desires to retrench any workmen employed in his industrial establishment who has been in continuous service for not less than one year under him (hereinafter referred to as 'workmen' in this rule and in rules 62 and 63), he shall give notice of such retrenchment [2][as required under clause (c) of section 25F in Form 'R'] to the State Government, the Commissioner of Labour, Madras, the Conciliation

1 Subs. *vide* S.R.O. No. A-384 of 1976, dated 22.9.1976.

Officer having jurisdiction over the area and the Employment Exchange concerned and such notice shall be served on that Government, the Commissioner of Labour, Madras, The Conciliation Officer having jurisdiction over the area and the Employment Exchange concerned by registered post in the following manner : --

(a) [1][where notice under clause (a) of section 25F 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 [1][in lieu thereof under clause (a) of section 25-F, the notice], shall be sent to the State Government on the date on which such wages are paid ; and

(c) Where retrenchment is carried out under an agreement which specifies a date [1][for the termination of service according to proviso to clause (a) of section 25F], notice of retrenchment shall be sent so as to reach the State Government, the Commissioner of Labour, Madras, the Conciliation Officer having jurisdiction over 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 30 days of the agreement, the notice of retrenchment shall be sent to the State Government, the Commissioner of Labour, Madras, the Conciliation Officer having jurisdiction over the area and the Employment Exchange concerned, within three days of the agreement.]

[2]**[61-A. Application for permission for retrenchment. --** (1) Notice under clause (a) of sub-section (1) section 25N for retrenchment shall be served on the workman in Form R-1 and on the State Government or such authority as may be specified by that Government under clause (b) of sub-section (1) of the said section 25-N either personally or by registered post with acknowledgment due.

(2) Application for permission for retrenchment under sub-section (2) of section 25-N shall be made in Form R-2 and delivered to the State Government or to such authority as may be specified by that Government either personally or by registered post with acknowledgment due and where the application is sent by the registered post, the date on which the same is delivered to the State Government or the authority shall be deemed to be the date on which the application has been made for the purpose of sub-section (4) of the said section.

1 Subs. vide G.O. Ms. No. 2545, L & E dated 2.11.1981.

2Subs. by S.R.O. No.A/115 (a)/85, dated the 28th May 1985.

(3) The application for permission shall be made in triplicate in Form R-2. A copy of such application shall be served simultaneously by registered post on the President or Secretary of registered trade union(s) functioning in the establishment and a notice in this regard shall also be displayed conspicuously by the employer on a Notice Board at the main entrance to the establishment for the information of all the concerned workmen at the same time when applications are served on the prescribed authority.

(4) The employer concerned shall furnish to the State Government or the authority specified to whom the application for permission for retrenchment has been made, such further information as the State Government or, the authority specified considers necessary for arriving at a decision on the application as and when called for by the State Government or by such authority.]

[1]**[61-AA. Notice of closure. --** If an employer intends to close down an undertaking, he shall give notice [2][of such closure as required under section 25FFA in Form 'R-3'] to the State Government, the Commissioner of Labour, the Conciliation Officer having jurisdiction over the area in which the undertaking is situated and the Employment Exchange concerned, by registered post.]

[3]**[61-B. Application for permission for closure. --** (1) Application for permission to close down an undertaking under sub-section (1) of section 25-O shall be made in Form R-4 and delivered to the State Government, either personally or by registered post with acknowledgment 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 has been made for the purpose of sub-section (3) of the said section.

(2) The application for permission shall be made in triplicate in Form R-4. A copy of such application shall be served simultaneously by registered post or on the President or Secretary of the registered trade union(s) functioning in the establishment and a notice in this regard shall also be displayed conspicuously by the employer on a Notice Board at the main entrance to the establishment for the information of all the concerned workmen at the same time when applications are served on the State Government.

(3) The employer concerned shall furnish to the State Government to whom 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 application.]

1 Ins. vide S.R.O. No. A-384 of 1976, dated the 22nd September, 1976.

2 Subs. by G.O. Ms. No. 2545, Labour and Employment, dated the 12th November, 1981.

3 Subs. by S.R.O. No. A/115(a)/85, dated the 28th May, 1985.

62. Maintenance of seniority list of workmen. -- (1) The employer shall prepare and maintain a list of all workmen in each category employed in his establishment, their names being arranged according to seniority of service in the category concerned. He shall make out copies of the list of all workmen in the particular category in which retrenchment is contemplated indicating in it clearly the names of all those who are proposed to be retrenched and cause copies of such list to be pasted on the notice board in a conspicuous place in the premises of the establishment easily accessible to the workmen, at least seven days before the date of actual retrenchment. Copies of the list shall also be sent to the registered trade union connected with the industrial establishment.

(2) As soon as a retrenchment is effected, he shall also prepare another list of workmen who were retrenched at the time as also those retrenched during the [1][preceding twenty-four months], their names being arranged according to the seniority of their service in the category and cause copies thereof to be pasted on the notice board in a conspicuous place in the premises of the establishment easily accessible to the retrenched workmen. Copies of the list shall also be sent to the registered trade union connected with the industrial establishment.

63. Re-employment of retrenched workmen. -- (1) On the occurrence of vacancies after retrenchment, when an employer proposes to take into his employ any person, he shall –

(i) arrange for the display on the notice board in the premises of the industrial establishment of the details of the vacancies to be filled ;

(ii) give notice of the vacancies in writing to every individual retrenched workman eligible to be considered for the vacancies, such notice being despatched by registered post to the address given by the workman at the time of retrenchment or any time thereafter ;

(iii) at the same time send a notice to the registered trade union or unions of workmen connected with the industrial establishment giving the number of vacancies and he names of the retrenched persons addressed ; and

1 Subs. by G.O. Ms. No. 814, Labour, dated the 21st April, 1988.

(iv) if the employer seeks the assistance of the Employment Exchange in the area in filling the vacancies, inform the Exchange that the names of such of his retrenched employees as may have been registered with the Exchange may be submitted to him along with the names of other suitable candidates :

[1][Provided that clause (ii) shall not apply to vacancies which are temporary or casual and of less than a month's duration or which arise after the expiry of a period of two years from the date of retrenchment.

2) A retrenched workman on receipt of the notice of vacancies from the employer shall offer himself for work or send a reply within a period of ten days from the date on which the notice is posted, and, if he fails to do so, he shall lose all his claim for preference in future vacancies and the employer shall be free to fill the vacancies in all cases when retrenched persons do not come forward for re-employment.

64. Application to the Conciliation Officer, Board, Labour Court or Industrial Tribunal under Section 33. -- (1) An application under sub-section (1) or sub-section (3) of section 33 shall be in duplicate in Form "S" and filed before the Conciliation Officer, Board, Labour Court or Tribunal either personally or by registered post acknowledgment due. A copy of it shall also be served simultaneously either personally or by registered post acknowledgment due on the workman or the workmen concerned and the fact indicated on copies of the application presented to the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be.

(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 "T" in duplicate to such Conciliation Officer, Board, Labour Court or Tribunal either personally or by registered post with acknowledgment due. A copy of it shall also be

served simultaneously either personally or by registered post acknowledgment due on the workman or workmen concerned and the fact indicated on the copies of the application presented to the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be.

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

1 Subs. vide S.R.O. No. A-37/85, dated the 20th February, 1985.

(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.

(6) The workman or workmen concerned shall file a counter before the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be, either personally or by registered post within a week from the date of receipt of the application and shall serve a copy of it on the employer either personally or by registered post acknowledgment due. The endorsement of service or the acknowledgment of the employer shall be filed before the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be, as soon as it is received. The Conciliation Officer, Board, Labour Court or Tribunal may, in exceptional cases, grant extension of time not exceeding fifteen days for filing the counter. If the counter is not filed within the specified time, he shall proceed with the application after giving a week's notice to the parties concerned.

65. Protected workmen. --[1][(1) Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer, before the 30th September of every year, the names and addresses of such of its officers as are employed in that establishment and as in its opinion, should be recognised as "protected workmen" during the subsequent calendar year. Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

In case of any dispute between the employer and any registered trade union in respect of matters connected with the recognition of "protected workmen", the 30th September of an year shall be taken as the date for determining the representative character of each union for the purpose of this rule.]

(2) The employer shall, subject to sub-section (4) of Section 33, recognise such workmen to be "protected workmen" 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 addresses under sub-rule (1), the list of workmen recognised as "protected workmen". :

1 Subs. vide S.R.O. No. A-443 of 1960, dated the 5th October, 1960.

Provided that where the number of officers suggested for recognition as "protected workmen" falls short of the number of officers for whom recognition can be given in respect of the union concerned, the employer shall intimate the fact to the union and the union shall thereupon be entitled to select additional officers to be recognised 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. On receipt of the communication, the employer shall act as specified in this sub-rule.

(3) Where the number of officers suggested for recognition by the union exceeds that for which recognition can be given according to sub-section (4) of section 33, the required number shall be selected according to the order of priority suggested by the union.

(4) Where there is more than one registered trade union in the establishment, the maximum number of workmen to be recognised as "protected workmen" shall be so distributed by the employer among the unions, that the number of recognised "protected workmen" in the individual unions bear, as nearly as possible, the same proportion to one another as the membership figures of the unions. The

employer shall, in that case, intimate in writing to the secretary or principal officer of the union the number of "protected workmen" allotted to it.

(5) When a dispute arises between the employer and any registered trade union in respect of matters connected with the recognition of "protected workmen" under this rule, the dispute shall be referred to the 1Assistant Commissioner of Labour concerned. He may call for and scrutinise such of the records as may be considered to be relevant and shall give the parties a reasonable opportunity of stating their case before giving a decision. The decision given by the Assistant Commissioner of Labour shall be final:

Provided that the decision shall have effect only for a period of six months from the date of such decision or till the 30th September of the year immediately following the year referred to in sub-rule (1), whichever is earlier.

66. Application to Government for issuing a certificate under section 33C (1) of the Act. -- An application to the State Government for the issue of a certificate under section 33-C (1) shall be made in Form "U".

67. Holidays to Labour Courts and Industrial Tribunals. -- The Tribunals and Labour Courts shall work on all days other than those declared by the State Government, as holidays for the Government Offices.

68. Preservation of records. -- Files relating to industrial disputes and the applications under the Act specified in column (1) of the table below shall be preserved for the period specified in the corresponding entries in column (2) thereof.

1 Redesignated vide G.O. (MS) No.64, dated 30th May 2018.

THE TABLE

Records	**Period of retention**
(1)	**(2)**
1[A. *In the offices of the Tribunals and Labour Courts*	
1. All records and papers relating to an Industrial dispute including all applications connected with that dispute.	Three years from the date of final order of the High Court on the writ petition, or where a writ appeal or an appeal to the Supreme Court has been preferred, three years from the date of final order on the writ appeal or appeal to the Supreme Court, as the case may be: Provided that where there are connected complaints, the records and papers relating to the industrial dispute shall not be destroyed until after three years from the date of publication of the award or of the final order. In such cases the period of retention shall be three years from the date of the final order in the dispute or the complaint whichever is later.

1 Subs. vide S.R.O. No. A-440, dated the 5th April, 1965.

2. All records and papers relating to complaints under section 33-A.	Three years from the date of the final order on the complaint or the

connected main dispute including the orders on writ petitions, writ appeals or civil appeal to the Supreme Court, whichever is later.

3. All records and papers including applications relating to any other proceedings.	One year from the date of final decision.]	

B. In the offices of the Conciliation Officers --

1. All records and papers relating to disputes which have been referred for adjudication.	Three years from the date of decision, provided that if any matter arising out of the decision (recovery of dues under award and the like) is pending at the end of the period of three years, the records shall be retained for a further period of one year after the matter aforesaid is settled.	
2. Other records and papers not falling under item 1.	Three years from the date of settlement or from the date of the issue of the Government orders as the case may be.	

Explanation. -- The date of final decision for the purpose of this rule means in the case in which there has been an appeal, the date of the decision of the appellate authority.

69. Manner of destruction of records. -- (1) After the period of retention specified in rule 68, the records may be destroyed either by tearing or burning in the presence of the head of the office, provided that records of a secret or confidential nature shall be destroyed only by burning.

(2) The records destroyed by tearing may be sold or otherwise disposed of in such manner as the head of the office thinks fit.

[1][**70. Application for certified copy of award, order or documents. --**](1) (a) A party entitled to obtain a copy of an award or order of a Labour Court, Tribunal or Arbitrator, or any document filed in or connected with, any proceeding before a Labour Court, Tribunal, Arbitrator or Conciliation Officer may present an application In Form V appended to these rules to the Labour Court, Tribunal, Arbitrator or Conciliation Officer as the case may be. The application Inter alia should contain the name of the petitioner and his interest in the dispute or proceeding.

(b) A defective application shall be returned for rectification. If it is not presented again within ten days from the date of the receipt of notice, such application shall be rejected.

Explanation. -- An application may be treated as defective, (i) if it is not in proper form; (ii) if it is not duly filled in; (iii) if it is lacking in details of particulars; (iv) if it is not duly presented as required by the rules.

(c) The value of copy stamps or Court-fee stamps leviable in each case shall be intimated to the party, who shall, within ten days from the date of the receipt of such intimation, deposit or furnish the copy stamps or Court-fee stamps.

(d) If the requisite copy stamps or Court-fee stamps are not deposited or furnished within the period aforesaid, the application shall be rejected.

(2) Fees for making copies of documents. -- (a) Fees for making a copy of an award or order of a Labour Court or Tribunal or Arbitrator or any document filed in or connected with any proceeding before a Labour Court, Tribunal, Arbitrator or Conciliation Officer shall be charged as follows: --

(i) for the first 200 words or less, 75 Paise;

(ii) for every additional 100 words, or fraction thereof, 40 Paise:

(b) Fees for copying shall be paid by the parties in the form of copy stamp papers, or Court-fee stamps.

1 Subs vide S.R.O. No. A-929 of 1971, dated the 3rd August, 1971.

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

1(3) Where a party applies for a copy of orders in Inter-alia Application Petitions and who is a workman or workmen or trade union representing the workman or workmen as the case may be, he shall be provided with a copy of such orders at free of cost.

2**[71. Lapsed deposits. --** (1) The Industrial Tribunal may sanction the credit to the Government of (a) all deposits not exceeding five rupees which remain unclaimed for one whole financial year; (b) balances not exceeding five rupees of deposits partly repaid during the year then closing; (c) all sums deposited for the purpose of securing the attendance of witnesses; and (d) all sums paid into the Tribunal for securing the services of Government Officers, which balances and sums have been unclaimed for one whole year.

The Tribunal may for reasons to be recorded in writing, sanction the retention in deposit of any sum referred to above.

(2) All sums other than those mentioned in sub-rule (1) paid into or deposited with the Industrial Tribunal may be credited to Government, if they have remained unclaimed for four full financial years and if a notice has been issued in respect of them in the manner hereinafter prescribed.

Explanation.-- (i) The four complete years referred to above should be counted with reference to the date of last payment and not from the date of the last original deposit.

(ii) Amounts In respect of pending and stayed cases should not be lapsed. For such Items, the four years' period should be reckoned only from the date of the final order.

(3) A statement of the sums which shall be liable to be credited to Government on the 15th February ensuing shall be published in the ordinary issue of the Fort St. George Gazette $ in the month of December in 3[Form 'W'].]

1.Added. by G.O. (Ms) No.242, Labour and Employment (D2) Department, dated the 8th December 2016. Tamil Nadu Government Gazette 11.01.2017,No.2 Part III – Section 1(a), Page No.8

2 Ins. vide S.R.O. No. A-584 of 1969, dated the 10th June, 1969.

3 Subs. vide S.R.O. No. A-422/75, dated the 19th August, 1975.

72. Refund of lapsed deposits. -- (1) After the lapsed deposits have been credited to Government, cheques should not be drawn against these deposits. If necessary, applications should be made to the Accountant-General through the Pay and Accounts Officer, so that he may note the number of the deposit thereon.

(2) Application for refund of lapsed deposits, shall, in the first instance, be made to the Tribunal which remitted the deposit and shall be stamped with a Court-fee of Rs. 1.

(3) Lapsed deposits credited to Government may be refunded on the authority of the officer by whom the deposit was remitted.

(4) There must be a separate application for lapsed deposits repayable to each person.]

1**[73]. Penalties. --** A contravention of any of these rules shall be punishable with fine not exceeding fifty rupees.

1**[74]. Repeal. --** The MadrasIndustrial Disputes Rules, 1948, and the Travancore-Cochin Industrial Disputes Rules, 1951, In so far as the latter rules apply to the Kanyakumari District and the Shencottah taluk of the Tirunelveli district, are hereby repealed:

Provided that any order made or action taken under the rules hereby repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

---

1 Re-numbered vide S.R.O. No. A-584 of 1969, dated the 10th June, 1969.

z

THE SCHEDULE

FORM "A"

[*See* Rule 11 (1)] *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) as a candidate for election to the Works Committee.

Date Signature of proposer

I agree to the proposed nomination.

Date Signature of candidate

Attested by (1)

(2)

(To be signed by any two voters belonging to the electoralconstituency.) --------

FORM "B"

[*See* Rule 25 (1)]

Form for Memorandum of Settlement Names of Parties:

Representing employer(s):

Representing Workmen:

1[$ Number and broad description of the categories of workmen covered by the settlement]

1. Subs. *vide* S.R.O. No. A-4 of 1960, dated the 22nd June, 1960.

Short recital of the case

Terms of settlement

$ Witnesses:

(1)

(2)

Signatures of the parties.

* Signature of Conciliation Officer/Board of Conciliation.

Copy to :--

(1) The Secretary to the Government of Madras in-charge of Labour, Fort St. George, Madras- 9.

$(2) The Conciliation Officer, (Here enter the office address of the Conciliation Officer in the local area concerned).

(3) The Commissioner of Labour, Madras

* in cases of settlements effected by ConciliationOfficer/Board of Conciliation.

$ In cases where settlements are arrived at between theemployer and his workmen otherwise than inthe course ofconciliation proceedings.

.....

FORM “C”

[*See* Rule 25 (4)]

Register

Part I

Serial No.	Industry	Parties to the settlement	Date of Settlement	Remarks
(1) (2)	(3)	(4)	(5)	

SECTON A.-- Settlements arrived at in the course ofconciliation proceedings-

SECTION B.-- Other settlements

Part II

(Should contain copies of the settlements in the serialorder indicated in Part I.)

.....

***[FORM "C-1"**

[*See* rule 25B (2)]

BEFORE THE LABOUR COURT

APPLICATION UNDER SECTION 2-A (2) OF THE INDUSTRIAL DISPUTES ACT, 1947 (CENTRAL ACT XIV OF 1947)

A. Applicant vs.

B. Opposite Party(ies)

Address(es)

The abovementioned applicant submits as follows:-

(Here set out the details of the case. If necessary, aseparate statement may be enclosed.)

The applicant raised an industrial dispute before theConciliation Officer.....under sub-section (1) of section 2-Aof the Industrial Disputes Act, 1947 (Central Act XIV of 1947).The applicant submits that no settlement was arrived at in thecourse of the conciliation proceedings before the said conciliation officer and the intimation received from the conciliationofficer is appended. The applicant prays that the Labour Courtmay be pleased to take this dispute for adjudication.

Dated this day of 19 .

Signature or thumb-impression of the applicant.

* Ins. by G.O. Ms. No. 505, L & E., dated the 15th March, 1989.

VERIFICATION

I .....do hereby solemnly declare that what is stated in paragraphs ..... above is true to my own 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 the day of ..... 19.....

Signature or thumb-impression of the applicant.

.....

FORM "D"

(*See* Rule 26)

AGREEMENT

(Under section 10-A of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).]

Between
Name of the parties.

Representing employers :

Representing workmen :

It is hereby agreed by and between the parties to refer the following industrial 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 thename and address of the establishment or undertaking involved.

(iii) Name of the Union, if any, representing the 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 decisions of thearbitrator(s) shall be binding on us/in case the arbitrators areequally dividedin 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

[1][here specify the period agreed upon by the parties form the date of publication of this agreement in the *Tamil Nadu Government Gazette*)] or within such further time as is extended by mutual agreement between us in writing. In case the award in not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties :--

Witnesses

(1) Representing employers.

(2) Representing Workmen.

Copy to :--

(1) The Conciliation Officer (here enter the officeaddress of the Conciliation Officer in the local area concerned).

(2) The Commissioner of Labour, Madras.

(3) The Secretary to the Government of Madras in charge of Labour, Fort st. George, Madras – 9.

* Where applicable

…….

FORM"E"

(*See* Rule 28)

Form of application under section 10 (2) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), for the reference of an industrial dispute to a Court of Enquiry/Board of Conciliation/Labour Court/Tribunal.

Whereas an industrial dispute is apprehended/exists between. ……..... and ……..….. and it is expedient that the disputes/mattersspecified in the enclosed statement which are connected with orrelevant to, the dispute should be referred for enquiry/settlement/ adjudication, to a Court of Enquiry / Board of Conciliation / Labour CourtTribunal, an application is hereby made under section 10 (2)of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), that the said

1 Subs. by S.R.O. No. A-408 of 1976, dated the 5th October, 1976.

disputes/ matters should be referred to a Court of Enquiry/Board of Conciliation/Labour Court/ Tribunal.

This application is made by the undersigned who has/have been duly authorised to do so by*

*(Where an application is made on behalf of the employees, state the manner in which the authority was given.)

A statement giving the particulars of the dispute as required by rule 28 of the Tamil Nadu Industrial Disputes Rules, 1958, is enclosed.

(Signature of Applicants)

To

The Secretary to the Government of Madras in-charge ofLabour, Fort St. George, Madras-9.

Copy to the Commissioner of Labour, Madras.

ENCLOSURE

Statement required under rule 28 of the Tamil NaduIndustrial Disputes Rules, 1958, to accompany the form of application.

(a) Parties to the dispute ;

(b) Specific matters in dispute and the cause of the dispute including any demand made by either party on the other towhich exception is taken by the opposite party;

(c) Total number of workmen employed in the undertaking;

(d) Estimate of the number of persons affected or likely to be affected by the dispute;

(e) Efforts made by the parties themselves to settle thedispute; and

(f) In the case of an application for the appointment ofa Court, the specific matters on which an enquiry by a Court is desired.

……

FORM "F"

(*See* Rule 30)

Form of notice to nominate representatives

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 (Central Act XIV of 1947), to a Board of Conciliation for promoting a settlement thereof, you are hereby required to intimate to the undersigned within a month from the date of service of this notice, the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board.

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

Secretary to the Government
of
Madras in charge of Labour,

1[FORM "G"

(*See* Rule 36)

SUMMONS TO THE PARTIES TO THE DISPUTE

whereas, an industrial dispute between……. and ……..... has been apprehended by the undersigned Conciliation officer/referred to this Board of Conciliation/Court of Enquiry/Labour Court /Tribunal for settlement/Enquiry/ adjudication, under section 12/10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), you are or your representative is hereby summoned to appear before the undersigned/this Board/Court of Enquiry/Labour Court/Tribunal in Person on the …….. day of ……19……...at ……O' clock in the forenoon/afternoon to answer all material questions relating to the said dispute and you are or your representative is 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 the

1 Subs. by G.O Ms. No. 1003, Labour and Employment, dated the 25th September, 1990.

undersigned/ this Board/Court of Enquiry/Labour Court/Tribunal.

Conciliation Officer/Secretary,
Board of Conciliation / Court of
Enquiry/Labour Court/ Tribunal.]

……

1[FORM "H"

(See Rule 36)

SUMMONS TO WITNESSES TO APPEAR
AND GIVE EVIDENCE

WHEREAS, an industrial dispute between..... and …….. has been

apprehended by the undersigned Conciliation Officer / referred to this Board of Conciliation/Court of Enquiry / Labour Court/ Tribunal, for settlement /inquiry/ adjudication, under Section 12/10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) and whereas your attendance is required to give evidence on behalf of.. …….. you are or your representative is hereby required personally to appear before the undersigned/this Board/ Court of Enquiry/Labour Court/Tribunal at …….. on the day of ……. 19 …….. at ……... O' clock in the forenoon/afternoon.

A sum of Rs. …… (……..) being your travelling and other expenses and subsistence allowance for one day is herewith sent. If you fail or your representative fails to comply with this order with-out lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908).

Given under the hand and the seal of the Conciliation Officer/Board of Conciliation/Court of Enquiry/Labour Court / Tribunal, this..... ..day of... 19…..

Conciliation Officer/Secretary, Board of Conciliation/Court of Enquiry/Labour Court/Tribunal.]

……...

1 Subs. by G.O. Ms. No. 1003, Labour and Employment, dated the 25th September, 1990.

1[FORM "I"

(See Rule 36)

SUMMONS FOR PRODUCTION OF DOCUMENTS

WHEREAS, an industrial dispute between…….. and ……. has

been apprehended by the undersigned Conciliation Officer/ referred to this Board of Conciliation/Court of Enquiry/Labour Court/Tribunal, for settlement/inquiry/ adjudication, under Section 12/10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) and whereas, the documents mentioned below are required for evidence on behalf of …….. you are or your representative is hereby required to cause the production of the documents before the undersigned Conciliation Officer/this Board/ Court of Enquiry/ Labour Court/Tribunal at…….. on the .. ….. day of... …… 19…… at …… O' Clock in the forenoon/afternoon.

If you fail or your representative fails to comply with this order without lawful excuse you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908).

Given under the hand and the seal of the Conciliation Officer/Board of Conciliation/Court of Enquiry/Labour Court / Tribunal, this..... ..day of... 19…..

List of documents to be produced.

Conciliation Officer/Secretary,
Board of Conciliation/Court of
Enquiry/Labour Court/Tribunal.] ……

FORM "J"

[*See* rule 46 (1)]

Authorisation under section 36 (1) (c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

Authorisation to act on behalf of a worker/workers

I/We worker/workers employed in hereby authorise Sri * an officer (designation to be mentioned) of the registered trade union known as which is connected with (name of

1 Subs. by G.O. Ms. No. 1003, Labour and Employment, dated the 25th September, 1990.

industry to be given) having its head office at /* a worker employed as (designation) in the premises …… (name of establishment with address) to act on my/our behalf under section 36) (1) (c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), in respect of the dispute with my/our employer ……. (name and address to be given).

Witnesses:	Signature : 1
	1
2	2
3	3
4	4
5	5
6	6
*	*
*	*
*	*

I accept the authorisation.

Signature * Official of a registered trade Union/ * Workman authorized

* Strike off whichever is not applicable.

……

FORM "K"

[*See* rule 46 (1)]

Authorisation under section 36 (2) (c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

Authorisation to act on behalf of an employer

I, the employer, Sri (name and address to be given) hereby authorize Sri (name of person to be given), an officer (designation) of the Association of Employers connected with (name of the Industry to be given) and known as (name of Association to be given) / having its office at carrying on business in the establishment as an employer (name and address to be given) connected with name of the Industry to be given, to act on my behalf under section 36(2) (c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), in respect of the dispute between (names of the parties to the dispute to be mentioned.)

Witnesses:	Signature :
1	1
2	2
3	3
4	4

5	5
6	6
*	*
*	*
*	*

I accept the authorisation.

Signature

* Officer of an association / *Employer authorised.

* Strike off whichever is not applicable.

…….

FORM "L"

[*See* Rule 53 (1)]

BEFORE THE LABOUR COURT/INDUSTRIAL TRIBUNAL

Complaint under section 33A of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

A Complainant(s)

Address(es)

versus

B Opposite Party(ies)

Address(es)

In the matter of Reference No. *

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of section 33 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), as Shown below: --

(Here enter the nature and details of contravention by the employer of the provisions of section 33 with dates from which the conditions of service have been altered or the dates of discharge or punishment of the applicant or applicants,)

The complainant (s) accordingly prays/pray that the Labour court/Industrial 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.

Copies have been served simultaneously personally/by registered post on the Opposite Party as required by sub-rule (1) of rule 53. The endorsement of service or the acknowledgement of the Opposite Party will be filed as soon as it is received.

Signature of the Complainant(s).

Dated this day of 19

Verification

I do solemnly declare that what is stated in paragraphs …….. above is true to my own 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 the day of 19 .

Signature or thumb-impression of the
Person verifying.

* Here enter the case number and date of commencement of the proceedings before the Labour Court or the Industrial Tribunal.

……

1[FORM "M"

[*See* Rule 54]

Application for computation of money value under sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

Before the Labour Court

Between

(1) Name/s of applicant(s). (2)

Name of employer.

Whereas I/we, a workman / workmen employed by is / are entitled to receive from the said employer the following benefits, namely :--

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

I/We pray that this Hon'ble Court may be pleased to compute the money value of the benefit under sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (Central Act XIV of 1947):

Place:

Date: Applicant(s)]

2[FORM "M-1"

[*See* Rule 54 (1)]

Application by a person who is an assignee or heir of a deceased workman under sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (Central Act XIV of 1947)

BEFORE THE LABOUR COURT

Between:--

1. Name of the applicant/applicants
2. Name of employer:

1 Subs. by S.R.O. No.A-1014 of 1966, dated the 20th October, 1966.

2 ins. by G.O. Ms. No. 2603 Labour and Employment date the 8th December, 1982.

I am/We are the assignee(s)/heir(s) of the deceased workman and am/are entitled to make an application on his behalf.

Thiru is former workman of Thiruvalargal of is entitled to receive from the said Thiruvalargal the money/ benefits mentioned in the statement hereto annexed:

Address of workmen:

Signature/Thumb-impression

of the applicant(s).

Address of applicant(s).

Station:

Date:

ANNEXURE

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

…….

1[FORM "N"

(See. Rule 57)

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 the Industrial Disputes Act, 1947 (Central Act XIV of 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 the conditions of service applicable to workmen in respect of the matters specified in the Fourth Schedule to the said Act.

Signature
Designation Copy

forwarded to : --
(1) The Secretary of registered trade union, if any.
(2) The Conciliation Officer.

(3) The Commissioner of Labour, Madras - 6.

ANNEXURE

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

1 Subs. by S.R.O. No.A-444 of 1960, dated the 5th October, 1960.

FORM "O"

[See Rule 59 (1)]

Form of notice of strike to be given by 1*[the Union] in a public utility service.*

Name of Union/2[Names of five authorised representatives of workmen.] 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 (Central Act XIV of 1947), we hereby give you notice that we propose to organise a strike/to go on strike. The date of strike for the purpose of section 22 (1) (c) will be

A statement giving particulars as required by rule 59 of the Tamil Nadu Industrial Disputes Rules, 1958 is enclosed.

Yours faithfully,
2[Signatures of two office-bearers of the Union/ Signatures of five representatives of workmen duly authorised at meeting held on the …….. *vide* resolution attached..

To :
The Employer,

The Secretary to the Government of Madrasin-Charge of Labour, Fort St. George, Madras- 9
The Commissioner of Labour, Madras.
The District Magistrate,
The Conciliation Officer,

ENCLOSURE

Statement of the case

1 Subs. by S.R.O. No.A-1014 of 1966, dated the 20th October, 1966.

2 Subs. by S.R.O. No.A-25 of 1960, dated the 22nd June, 1960.

FORM "P"

[See Rule 59 (1)]

Form of notice of lock-out to be given by 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 (Central Act XIV of 1947), I/We hereby inform you that it is my/our intention to effect a lockout 1(in department(s) / section(s) of my/our establishment(s) with effect from for the reasons explained in the accompanying statement containing the particulars required under 59 of the Tamil Nadu Industrial Disputes Rules, 1958.

Yours faithfully,

*

(* Here insert the position which the person who signs this letter holds with the employer issuing this letter.)

To :

The Employees.

The Secretary to the Government of Madras in-Charge of Labour, Fort St. George, Madras- 9

The Commissioner of Labour, Madras.

The District Magistrate,

The Conciliation Officer,

ENCLOSURE

Statement of the case

1 Subs. by S.R.O. No.A-25 of 1960, dated the 22nd June, 1960.

which strike or lock out occurs or communal holiday is enjoyed by a large section of workers should the strike or lock-out occurred. While reckoning the average, omit the days on which attendance Give the average number of workmen employed during the month previous to the day on which Note:- Column (3)-

was not normal for reasons other than individual reasons of particular workmen. Thus, days on under “indirectly". If the strike of 200 workers does not affect the working of the other

If, say, 200 workers in a factory strike work and in consequence the whole factory employing Column (4)-

departments of the factory, the number of workers involved would only be 200, which figure 1,000 workers has to be closed, then 200 should be shown under “directly” and the remaining

(11) (10) (9) (8) (7) (6) (5) (4) (3) (2) (1)

Give the main cause of the dispute as well as the immediate cause that led to the strike or lock- Column (8)- Information to be supplied in this

form immediately on the occurrence of a strike or a lock-out in public utility service to
Any other information
undertaking for what date lock-out
the settlement
and for employer and
agreement in given; if cement of involved strength District taking
workmen? If
between the period
Is there any Was notice Cause Date of Strike or Number of Normal Station
Name of
of disputes what
agency or
permanent
lock-out of strike or commen-lock-out workers working and under-
any exists,
particulars
thereof.
the so, on strike or
should appear under "directly" and column "indirectly" would be blank.

Report of Strike or Lock out in a public Utility service

the Conciliation Officer.

(*See* Rule 60)

FORM "Q"

Indirectly
Directly
be omitted.
out.

1FORM "Q-1"

(See Rule 60-A)

Notice of commencement of lay-off

To

The Conciliation Officer (having jurisdiction over the industrial establishment).

Sir,

Under rule 60-A of the Tamil Nadu Industrial Disputes Rules, 1958, I/we

hereby inform you that I/we have laid off out of a total of *

workmen employed in the establishment with effect from the @

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,

$

Copy to the Commissioner of Labour, Madras.

* Here insert the number of workmen.

@ Here insert the date.

$ Here insert the position which the person who signs the letter holds with

the employer issuing the letter.

THE ANNEXURE

(Statement of Reasons)

……..

1FORM "Q2"

(*See* Rule 60-A)

Notice of termination of lay-off

To

The Conciliation Officer (having jurisdiction over the industrial establishment).

Sir,

As required by rule 60-A of the Tamil Nadu Industrial Disputes Rules,

1958, and in continuation of my/our notice, dated the * in Form Q-1,

I/we hereby

1 Ins. by S.R.O. No.A-58 of 1961, dated the 4th January, 1961.

inform you that the lay-off in my/our establishment has ended on the*

Yours Faithfully,

$

Copy to the Commissioner of Labour, Madras - 6.

* Here insert the date.

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

……

1FORM "Q-3"

[*See* Rule 60-B (1)]

(To be made in triplicate)

Form of application for permission to lay-off workmen in industrial establishments to which provisions of Chapter V-B of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) apply.

To

The 2Additional Commissioner of Labour (Conciliation),
Madras/Madurai/Coimbatore

Sir,

Under sub-section (1) and sub-section (2) of section 25M of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with sub-rule (1) of rule 60-B of the Tamil Nadu Industrial Disputes Rules, 1958 apply for permission to lay-off of workmen of a total of workmen employed in my/our establishment with effect from for the reasons set out in the Annexure.

Permission is solicited for 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 they are entitled under sub-section (10) of section 25M, read with section 25C of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

….

Yours faithfully,

(Signature)

1 Ins. by S.R.O. No.A-115 (a)/85, dated the 28th May, 1985.

2 Redesignated vide G.O. (MS) No.64, dated 30th May 2018.

ANNEXURE

(Please give replies against each item)

Item No.

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

2. Status of undertaking : --

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

(ii) If belongs to a 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, the name of licensing/registration authority and licence/registration certificate numbers.

3. (a) Names and addresses of the affected workmen proposed to be laid-off.

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

4. Items of manufacture and scheduled industry/industries under which they fall.

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

6. (i) Annual production, item-wise, for 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-loadingor sub-contracting of products or 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 the number of shifts per day and the strength of workmen per each shift.

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

12. Financial position of the company.

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

14. (i) The total number of workmen and the number of employees (category-wise), other than as defined under the Industrial Disputes Act, 1947 (Central Act XIV 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 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 lay-off 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 therefor.

17. Anticipated savings due to the proposed lay-off.

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

(i) managerial remuneration;

(ii) sales promotion cost; and

(ii) general administration expenses.

19. Position of stocks on last day of each month 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.

22. Any specific attempts made so far to avoid the proposed lay-off. 23. Any other relevant factors with details thereof.

FORM "R"

(*See* Rule 61)

Notice of retrenchment to be given by an employer under clause (c) of Section 25-F of the Industrial Disputes Act. 1947 (Central Act XIV of 1947).

Name of the employer : Address:

Dated the day of 19 .

To

The Secretary to the Government of Madras in-charge of Labour, Fort St. George, Madras - 9.

Sir,

Under clause (c) of section 25F of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), I/we hereby inform you that I/we have decided to retrench * workmen with effect from the $ for the reasons explained in the annexure.

2. The workmen concerned were given on the $ 19 one months's notice in writing as required by clause (a) of section 25-F of the Act.

Retrenchment is being effected 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 as required under clause (a) of section 25-F of that Act.

3. The total number of workmen employed in the industrial establishment is @ and the total number of those who will be affected by the retrenchment is as given below : --

Category and designation of workmen to be retrenched.

	Number of workmen	
	Employed before retrenchment	To be retrenched

4. I/We hereby declare that the workmen concerned have been/will be paid compensation as required by and in accordance with clause (b) of section 25-F of that Act.

Yours faithfully,

<>

* Here enter the number of workmen.

$ Here insert the date.

Delete the portion which is not applicable.

@ Here insert the total number of workmen employed in the industrial establishment.

<> Here enter the position which the person who signs this letter holds under the employer issuing the letter.

ANNEXURE

Statement of reasons

Copy to : --

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

(2) The Commissioner of Labour, Madras.

1[(3) Employment officer, (here enter the full address of the Employment Exchange concerned).].

……

1 Added by S.R.O. No. A-384 of 1976, dated the 22nd September, 1976.

1[FORM "R-1"

[*See* rule 61-A (1)]

(To be made in Triplicate)

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

Dated:

To

The 2Additional Commissioner of Labour
Madras/Madurai/Coimbatore

Sir,

Under clause (b) of sub-section (1) of section 25-N of the Industrial Disputes Act, 1947 (Central Act XIV of 1947). I/we hereby inform you that *I/we propose to retrench workmen [being workmen to whom sub-section (1) of section 25-N applies] with effect from for the reasons set out in Annexure.

2. The workmen* concerned have been given notice in writing as required under clause (a) of sub-section (1) of section 25-N of the Act/have not been given notice since the retrenchment being proposed to be effected under an agreement (a copy of which is enclosed) is as provided in provision 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 (a) of sub-section (1) of section 25-N of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

1 Subs. by S R O.No.A-I15 (a)/85, dated the 28th May, 1985.

2 Redesignated vide G.O. (MS) No.64, dated 30th May 2018.

5. I/We hereby declare that the workmen permitted to be retrenched will be paid compensation due to them under sub-section (9) of section 25-N of the Act.

Yours faithfully,
(Signature)

* Strike out whatever is inapplicable.

ANNEXURE

(Please give replies against each item)

Item No.

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

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, the name of licensing/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. Items of manufacture and scheduled industry/industries under which they fall.

5. Details relating to licensed capacity, installed capacity and the utilised 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 or any components thereof.

9. Position of the order book, item-wise and value-wise, for a period of six months, and the 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, profit 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. (i) The total number of workmen and the number of employees category-wise), other than workmen as defined in the Industrial Disputes Act, 1947 (Central Act XIV 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 the dates of retrenchment, the number of workmen involved in each case and the reasons therefor.

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) general administration expenses.

21. Position of stock on the last day of each month 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 attempts made so far to avoid the proposed retrenchment.

25. Any other relevant factors with details thereof.J

1[FORM "R-2"

[*See* Rule 61-A (2)]

(To be submitted in triplicate)

Form of application for permission for retrenchment of workmen.

Date : To

The 2Additional Commissioner of Labour,
Madras/Madurai/Coimbatore.

Sir,

I/We have given notice on ... under clause (a) of section 25-F for the retrenchment of the workman/workmen specified below (attested copy/copies of the notice is/are appended hereto).

1 Subs. by S.R.O. No A-115 (a)/85 dated the 28th May, 1985.

2 Redesignated vide G.O. (MS) No.64, dated 30th May 2018.

Name and address of the workmen	Category and designation
(1)	(2)

2. I/We hereby solicit permission for the retrenchment of the workmen referred to above under sub-section (2) of section 25-N of the Industrial Disputes Act, 1947 (Central Act XIV 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 number.

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 groups; and if a foreign majority company, indicate the extent of foreign holdings.

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

3. (a) 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.

(b) Date of the notice of retrenchment given to the workmen concerned under section 25F (a) and the

date on which the said notice was served on each workman concerned.

4. Items of manufacture and scheduled industry/industries under which they fall.

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

6. (i) Annual production, item-Wise, for preceding three years.

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

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

8. Any arrangement regarding off-loading or

sub-contracting of products or any components thereof.

9. Position of the order book, item-wise and value-wise, for a period of six months and the 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 and profit and loss accounts and audit reports for the last three years.

12. Financial position of the company.

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

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

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

15. Administrative general and selling cost 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 therefor.

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 saving 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) general administration expenses.

21. Position of stock on the last day of each month 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 attempts made so far to avoid the proposed retrenchment.

25. Any other relevant factors with details thereof.]

……

1[FORM "R-3"

(*See* Rule 61-AA)

Form of notice of closure to be given by an employer under Section 25-FFA of the Industrial Disputes Act, 1947.

Name of the employer :
Address :

Dated the day of 19

To

The Commissioner and Secretary to Government.
Labour Department, Fort st. George,
Madras. - 9.

Sir,

Under section 25-FFA of the Industrial Disputes Act, 1947, (Central Act XIV of 1947), I/We hereby inform you that I/we have decided to close down ..... (name of the undertaking) with effect from .... for the reasons explained in the Annexure. The number of workmen whose services would be terminated on account of the closure of the undertaking is

(Statement of reasons.)

yours Faithfully,
*(Employer)

*(Here insert the position which the person who is signing this letter, holds with the employer issuing this letter.)

ANNEXURE
(Statement of reasons.)

Copy to : --

(1) The Commissioner of Labour, Madras - 600 006.
(2) The Conciliation Officer
(3) The Employment Officer, Employment Exchange
(Here enter the full office address of these Officers in the local area concerned.]

.....

1 Subs. by S.R.O. No. A-115 (a)/85, dated the 28th May, 1985.

1[FORM "R-4"

[*See* Rule 61-B (1)]

(To be submitted in triplicate)

Form of application for permission to close down an undertaking.

To

The Commissioner and Secretary to Government, Labour
Department, Fort St. George,
Madras - 9.

Sir,

I/we have given notice on under sub-section (1) of section 25-FFA of our intention to close down all undertaking specified below of

(Name of the Industrial Establishment) (Give details of the undertaking)

(Attested copy of the notice is appended hereto.)

I/We hereby solicit permission to close down the said undertaking under sub-section (1) of section 25-O of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), for the reasons set out in the Annexure.

2. I/We hereby declare that in the event of permission for the closure being granted, every workman in the undertaking to whom sub-section (8) of the said section 25-O applies will be given notice and paid compensation as specified in that section

Yours faithfully,

(Signature)

1 Subs. by S.R.O. No. A-115 (a)/85, dated the 28th May, 1985.

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the industrial establishment with complete postal address, including telegraphic address and telephone number.

2. Status of undertaking : --

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

(ii) if belongs to a 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, the name of licensing/registration authority and licence/registration certificate numbers.

3. Date of the notice under sub-section (1) of section 25-FFA and the date on which the said notice was served on the State Government.

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

5. Items of manufacture and scheduled industry/industries under which they fall.

6. Details relating to licensed capacity, installed capacity, and the utilised capacity.

7. (i) Annual production, item-Wise, 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 or any components thereof.

10. Details of persons of the organisations to whom the job(s) is/are being entrusted -- relationship/interest of the persons/organisations with the Director(s) or 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 the number of shifts per day and the strength of workmen per each shift.

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

14. Financial position of the company.

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

(ii) Details about the 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 value-wise).

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

20. Full details of the interest of the directors and officers of the company in the organisations/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 organisations/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.]

1[FORM "R-5"]

(Omitted)

.....

FORM "S"

[*See* Rule 64(1)]

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

Application for permission under sub-section (1) / sub-section (3) of section 33 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), in the matter of Reference*

1 Omitted by G.O. Ms. No. 1073, Labour, dated the 28th May. 1985.

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 and 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, viz.,

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

Copies have been served simultaneously personally/by registered post on the opposite party(ies) as required by sub-rule (1) of rule 64. The endorsement(s) of service or the acknowledgement(s) of the opposite party(ies) will be filed as soon as it is/ they are received.

Signature of the Applicant.

Dated this day of 19 .

Verification

I do solemnly declare that what is stated in paragraphs . . . . . above is true to my own 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 the ..... day ..... of 19 .

Signature or thumb-impression of the person verifying.

* Here enter the case number and the date of commencement of proceedings before the Conciliation Officer, Board, Labour Court or Industrial Tribunal, as the case may be.

.....

FORM “T”

[*See* Rule 64 (2)]

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

Application under sub-section (2) of section 33 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947)

In the matter of Reference No.*

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 and circumstances of the case.)

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

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

[Here mention the action taken under clause (a) or clause (b) of sub-section (2) sub-section 33.]

Copies have been served simultaneously personally/by registered post on the opposite party(ies) as required by sub-rule (2) of rule 64. The endorsement(s) of service or the acknowledgement(s) of the opposite party(ies) will be filed as soon as it is/ they are received.

Signature of the Applicant.

Dated this day of 19 .

Verification

I do solemnly declare that what is stated in paragraphs . . . . . above is true to my own 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 the ..... day ..... of 19 .

Signature or thumb-impression of the person verifying.

* Here enter the case number and the date of commencement of proceedings before the Conciliation Officer, Board, Labour Court or Industrial Tribunal, as the case may be.

$ Delete, if not applicable

.....

1[FORM "U"

(*See* Rule 66)

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

To

The Secretary to Government of Madras in-charge of Labour, Fort St. George, Madras- 9

1. Name/s and address/es of the applicant/s: 2. If an authorised representative:--

(1) Name/s of the workman/workmen.

(2) Whether authorised in writing to make this application and recover the amount due.

(3) If assignee/heir of the deceased workman, state whether you are entitled to receive the payment of the aforesaid amount due to him/her. (4) Name and address of the employer.

(5) Amount due.

(6) Whether the amount is due, --

(1) under a settlement, if so, give details regarding the date of settlement and the parties to the settlement and enclose a copy of the memorandum of settlement;

(2) under an award, if so, give details regarding the date of the award, the Industrial Dispute Number, the name of the Labour Court or Industrial Tribunal and the number and date of the Government and the date, Part and page of the *Fort St. George Gazette*, in which the award was published; and

1 Subs. by S.R.O. No. 1014 of 1966, dated the 20th October, 1966.

(3) under the provisions of Chapter V-A 1[Chapter V-B] of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), if, so, specify the relevant provisions of Chapter V-A or Chapter V-B].

(7) Whether the amount is due according to the determination of a Labour Court under sub-section (2) of section 33-C of the Industrial Disputes Act, 1947 (Central Act XIV of 1947). If so, give the following particulars, namely-

Name of the Labour Court:

Name and date of claim Petition:

Date of Labour Court's order:

Whether certified extract or copy of the order of the Labour Court has been enclosed:

(8) Whether the applicant/applicants has/have received otherwise any part of the amount due from the employer.

2[(9)(a) Whether any certificate was issued by the Government previously in the same case based on the orders of the Labour Court/Industrial Tribunal and if so, the number and date of the order of the Labour Court/Industrial Tribunal and the number and date of the Government order in which the said certificate was issued.

(b) Whether any sum of money was paid to the applicant or recovered on his behalf with reference to the above certificate and if so, the date and quantum thereof.]

I/We request that the Government of Madras may issue a certificate under sub-section (1) of section 33-C of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), for the said amount to the Collector of for recovering the said amount as an arrear of land revenue and paying it to me.

I/We certify that the particulars given above are true to the best of my/our knowledge and belief.

Station :
Date:

Signature of the applicant/s

Copy to the Commissioner of Labour, Madras. .....

1 Subs. by G.O. Ms. No. 1286, L&E, dated the 23rd October, 1978. 2 Ins. by S.R.O. No. A-218/76, dated the 9th June, 1966.

1FORM "V"

[*See* Rule 70 (1) (9)]

Application for certified copies

(Cause title)

To

The Industrial Tribunal/The Presiding Officer,
Labour Court/ Arbitrator/Conciliation Officer.

It is requested that certified copies of the documents hereunder

mentioned may be furnished to A.B. the petitioner above named.

Serial No.	Date of filing document	Document	Date of document	Description of Order if any under which application is made
(1) (2)	(3)	(4)	(5)	

.....

2FORM "W"

(*See* Rule 71 (3)]

Unclaimed deposits

Notice is hereby given that the undermentioned items of deposits of sums exceeding rupees five in the industrial Tribunals remain unclaimed for more than four years from the date of their deposit and that unless the parties entitled to them appear and claim them on or before 31st of January they will be credited to Government.

Number of the Industrial Disputes;

Date of Deposit and/ Chalan number:

Brief particulars showing the nature of deposits:

Amount: to whom due:

.....

1 Ins. by S.R.0. No. A.929 of 1971 dated the 3rd August, 1971 and Form No. subs., by S.R.O.No. A. 422/75 dated the 19th August, 1975.

2 Ins. by S.R.O. No. A-584 of 1969, dated the 10th June, 1969.

(G.O. M.s. No. 3355, industries, Labour and Co-operation (Labour), dated the 31st August, 1959]

In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (central Act XIV of 1947), read with section 3 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act XLV of 1955), the Governor of Madras hereby makes the following rules, the same having been previously published as required by sub-section (1) of section 38 aforesaid:--

THE TAMIL NADU INDUSTRIAL DISPUTES (WORKING JOURNALISTS) RULES, 1959

1. Short title and extent. -- (1) These rules may be called the Tamil Nadu Industrial Disputes (Working Journalists) Rules, 1959.

(2) They shall extend to the whole of the State of Tamil Nadu including the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).

2. The Tamil Nadu Industrial Disputes Rules, 1958, to apply to working journalists.-- The provisions of the Tamil Nadu Industrial Disputes Rules, 1958, as in force for the time being (hereinafter referred to as "the said rules") shall, subject to the modifications specified in rule 3, apply to, or in relation to, working journalists as they apply to, or in relation to, workmen within the meaning of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

3. Modifications of the Tamil Nadu Industrial Disputes Rules, 1958, in their application to working journalists.—in the said rules,--

(1) in rule 61--

(a) for clause (a), the following clause shall be substituted, namely:--

"(a) where notice is given to the working journalists, a Copy of the notice shall be sent to the State Government not less than five months before the date of retrenchment in the case of an editor and not less than two months before the date of retrenchment in the case of any other working journalists";

(b) in clause (b), for the words " they are paid one month's wages in lieu thereof", the words "in lieu thereof, they are paid six months' wages in the case of an editor and three month's wages in the case of any other working journalist" shall be substituted.

(2) In Form “R" set out in the Schedule, for paragraph 2, the following paragraph shall be substituted, namely:--

“2. * The editor/working journalist other than an editor concerned was given on the $ 19 six months'/three months' notice in writing as required by clause (a) of section 25-F of that Act, read with clause (a)/(b) of sub-section (2) of section 3 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act XLV of 1955).

* Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed.

* The editor/working journalist other than an editor was given on the $ 19 six months'/three months pay in lieu of notice as required under clause (a) of section 25-F of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with clause (a)/(b) of sub-section (2) of section 3 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act XLV of 1955)".