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GOVERNMENT OF TRIPURA

DEPARTMENT OF LABOUR

No. F. 86(2)/LAB/IDA/79

NOTIFICATION

WHEREAS certain draft of the Tripura Industrial Disputes Rules, 1981 were published in the Extra-ordinary Issue of Tripura Gazette dated the 24th March, 1982 inviting objections or suggestions from all persons likely to be affected thereby and whereas no such objections or suggestions have been received from such persons within the stipulated date of 30 days from the date of publication of the Notification in the Official Gazette.

NOW, therefore, in exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (Act No. 14. of 1947) the State Government hereby make the following Rules:-

RULES

PRELIMINARY

1. Short Title, Commencement and Extent:-

(1) These Rules may be called the Tripura Industrial Disputes Rules, 1981.

(3) They extend to the whole of the State of Tripura and shall also apply in relation to all industrial disputes concerning any industry, business and undertaking carried on by or under the authority of the State Government.

2. Definition:-

In these rules, unless there is anything repugnant in the subject or context.

(a) 'Act' means the Industrial Disputes Act, 1947 (XIV) of 1947):

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

(c) 'Committee' means a Works Committee constituted under subsection (1) of section 3'6f the Act;

(d) Form' means a

form in the schedule to these Rules;

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

(f) for the purpose of the Act, employer in relation to an industry carried on by or under the authority of a department of the State Government shall be "Officer-in-charge of that industry

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PART- I

PROCEDURE FOR REFERENCE OF INDUSTRIAL DIS PUTES TO BOARDS OF CONCILIATION, COURTS OF ENQUIRY, LABOUR COURTS, INDUSTRIAL TRIBUNAL

3. Application:

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

(a) the parties to the dispute;

(b) the specific matters in dispute;

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

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

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

4. Attestation of application:-

(1) The application and the statement accompanying it shall be signed :-

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

b) in the case of workmen, either by the President and Secretary or other officers of a trade union of the workmen concerned of the establishment, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose;

(c) in the case of an individual workman, by the work- man himself or by any officer of the trade union of which he is a member or by any other workman in the same establishment duly authorised by him in this behalf provided that such workman is not a member of a different trade union.

(2) Where five of workmen are authorised to sign an application, a copy of the proceedings of the said meeting shall be attached to the said application.

5. Notification of Appointment of Board, Court, Labour Court or Tribunal;-

The appointment of a Board, Court. Labour Court or Tribunal together with the names of person constituting the Board Court, Labour Court or Tribunal shall be notified in the Official Gazette.

6. Notice to parties to nominate representatives:

(1) If the State Government proposes to appoint a Board, it shall send a notice in Form B to the parties requiring them to nominate within a reasonable time persons to represent them in the Board.

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

(3) The notice of the workmen shall be sent :

(a) in the case of workmen who are members of a trade union, to the President or of the trade union; and

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(b) in the case of workmen who are not members of a trade union, to any one of the five representatives of the workmen who have attested the application made under rule 3 and in this case a copy of the notice shall also be sent to the
employer who shall display copies thereof on notice-board in a conspicuous manner at the main entrance of the premises of the establishment.

PART- II

7. Arbitration Agreement:

An arbitration agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in

Form C and shall be delivered personally or forwarded by registered post to the Secretary, Government of Tripura, Department of Labour in Triplicate), Labour Commissioner/Deputy Labour Commissioner, Government of Tripura, Chief Labour Officer/Labour Officer, Government of Tripura concerned. The agreement shall be accompanied by the consent, in writing, of the arbitrator or arbitrators.

NOTE-- Scope. In addition to the various agencies set up under the previous rules for resolving an industrial dispute, the appointment of an arbitrator is concerned under this rule. The par- ties to the dispute have to file an arbitration agreement accompanied by the consent in writing of the arbitrator.

8. Attestation of the Arbitration Agreement: The arbitration agreement shall be signed

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

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

(c) in the case of an individual workman, by the work- man himself or by any officer of a trade union of which he is a member or by another workman in the same establishment duly authorised by him in this behalf provided that such workman is not a member of different trade union.

Explanation: In this rule "Officer" means any of the following Officers, namely:-

(a) The President;
(b) The Vice-President:
(c) The Secretary (including the General Secretary)
(d) A Joint Secretary:
(e) Assistant Secretary (including Assistant General Secretary):
(f) any other Officer of the trade union authorised in this behalf by the President and Secretary of the union.

9. Notification regarding Arbitration Agreement by majority of each party:-

Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the person making the reference represent the majority of each party it shall publish a notification in this behalf in the Official

Gazette for the information of the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute.

PART- III

POWERS PROCEDURE AND DUTIES OF CONCILIA- TION OFFICERS, BOARDS, COURTS, LABOUR COURTS TRIBUNALS AND ARBITRATORS.

10. Conciliation Proceedings in Public Utility Service:-

(1) The Conciliation Officer, on receipt of notice of strike or lock-out given in the prescribed manner, 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.

(2) Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute not arising out of notice of strike or lock- out, he may intervene in the dispute, if he deems necessary to commence conciliation proceedings.

11. Conciliation Proceedings in Non-public Utility Service:-

Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute which does not relate to public utility service and he considers it necessary to intervene in the dispute, he shall commence conciliation proceedings.

12. Parties to submit Statement:-

The Employer or the party representing workmen/or in the case of individual workman, the workman himself involved in an industrial dispute shall forward a statement setting forth the specific matters in dispute to the Conciliation Officer concerned whenever his intervention in the dispute is required.

13. Proceedings before the Labour Court or Tribunal:-

(1) Where the State Government refers any industrial dispute for adjudication to a Labour Court or Tribunal within two weeks of the date or receipt of the order, of reference, the party, representing workmen or the case of individual workman, the workman himself and the employer. involved in the dispute shall file with the Labour Court or Tribunal, as the case may be, a statement of the demands relating only to the issues as are included in the order of reference and shall also forward a copy of such statement to each one of the opposite parties involved in the said dispute.

Provided that where the Labour Court or Tribunal, as, the case may be, considers it necessary, it may- (a) extend the time limit for filing of such statement;

or

(b) reduce the time limit for filing such statement to one week in emergent cases for reasons to be recorded in writing: or

(c) where both the parties agree, reduce the time limit for filing of such statement as per agreement; or

(d) where both the parties agree, dispense with the requirement of filing such statement altogether.

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

Provided that such rejoinder shall relate only to such of the issues as are included in the order of reference.
Provided further that where the Labour Court or Tribunal, as the case may be, consider it necessary, it may
(a) extend time limit for filing such rejoinder or
(b) reduce the time limit for filing such rejoinder to one week in emergent cases for reasons to be recorded in writing; or

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(c) where both the parties agree, reduce the time limit for filing such rejoinder as per agreement; or

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

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

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

(4) The hearing shall ordinarily be continued from day today and argument shall follow immediately after the closing of the evidence.

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

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

(6) The Labour Court or Tribunal, as the case may be, shall, as the examination of each witness proceeds, make at memorandum of the substance of what he deposes, and the memorandum shall be written and signed by the presiding officer:

Provided that the Labour Court or Tribunal, as the case may be, may follow the procedure laid down in Rule 5 of Order XVIII of the code of Civil Procedure, 1908, if it consi- ders necessary so to do, in view of the nature of the particular industrial dispute pending before it.

14. Holding of a Meeting of Representatives of both parties:

The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately at such places and at such time as he may deem fit.

15. Expedient Conduct of Conciliation Proceedings:

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

16. Notice of Production of Documents:-

Notice for production of documents before the Conci- lation Officer shall be served either personally or by registered post.

17. Place and time of Hearing:-

Subject to the provisions in rules 12 and 13, the sitting of a Board, Court, Labour Court or Tribunal or of an Arbitrator shall be held at such times and places as the Chairman or the Presiding Officer or the Arbitrator, as the case may be, may fix and the Chairman, Presiding Officer or Arbitrator, as the case may be, shall inform the parties of the same in such manner as he thinks fit.

18. Quorum for Board and Court:-

The Quorum necessary to constitute a sitting of a Board or Court shall be as follows:

(i) in the case of a Board- Quorum

where the number of members is 3 2
where the number of members is 5 2

(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 and less than 5..... 2 where
the number of members is 5 or more..... 3

19. Evidence:-

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

20. Administration of Oath:

Any member of a Board or Court or Presiding Officer of a Labour Court, Tribunal or an Arbitrator may administer an oath.

21 Summons:

A Summons issued by a Board, Court, Labour Court or Tribunal shall be in Form "D" and may require any person to produce before it any books, papers or other documents and things in the possession of or under the control of such person in any way relating to the matter under investigation or adjudication by the Board, Court, Labour Court or Tribunal which the Board, Court, Labour Court or Tribunal thinks necessary for the purposes of such investigation or adjudication.

22. Service of Summons or Notice:

Subject to the provisions contained in rule 24, any notice, summons, process or order issued by a Board, Court. Labour Court, Tribunal or an Arbitrator empowered to issue such notice, summons, or order, may be served either personally or by registered post.

23. Description of parties in certain cases:

Where in any proceeding before a Board, Court. Labour Court. Tribunal or an Arbitrator, there are numerous per- sons 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 member 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.

24. Manner of service in the case of numerous persons as parties to a dispute :-

(1) Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court. Tribunal or an Arbitrator and such persons are members of any trade union or association, the service of notice on the Secretary, or where there is no Secretary, on the Principal Officer of the trade union or association shall be deemed to be service on such persons,

(2) Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator and such persons are not members of any trade union or Association the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may be,

shall where personal service is not practicable, cause the service of any notice to be made by affixing the same at or near the main entrance of the establishment concerned.

(3) A notice served in the manner specified in sub-rule (2) shall also be considered as sufficient in the case of such workmen whose where about cannot be ascertained or who cannot be found.

25. Procedure at the first sitting:-

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

26. Board, Court, Labour Court, Tribunal, or Arbitrator may proceed exparte:-

If without sufficient cause being shown, any party to proceedings before a Board, Court, Labour Court, Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal or Arbitrator may proceed as if the party had duly attended or had been represented and may submit suitable report or award as the case may be to the State Government on the basis that the industrial dispute under the reference is no longer in existence.

27. Power of entry and inspection:-

A Board or Court, or any Member thereof or a Conciliation Officer, a Labour Court, Tribunal or any person authorised in writing by the Board. Court, Labour Court. Tribunal in this behalf may, for the purposes of any conciliation. investigation, enquiry or adjudication entrusted to the Conciliation Officer, Board, Court, Labour Court. Tribunal 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 Court, Labour Court or Tribunal after he has given. reasonable notice, enter any factory, building, 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.

28. Power of Boards, Courts, Labour Courts and Tribunals:

In addition to the power conferred by the Act, Board, Courts, Labour Courts and Tribunals shall have the same power as are vested in a Civil Court under code of Civil Pro- cedure. 1908 when trying a suit, in respect of the following matters, namely

(a) discovery and inspection:

(b) granting adjournment:

(c) reception of evidence taken on affidavit; and the Board, Court, Labour Court or Tribunal may summon and examine any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of Section 395 and 396 of the Code of Criminal Procedure, 1973.

29. Assessors:-

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

30. Fees for copies of awards or other documents of Labour Court or Tribunal :-

(1) Fees for making a copy of an award or an order of a Labour Court or Tribunal or any document filed in any proceeding before a Labour Court or Tribunal be charged as follows:-

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(a) for the first 200 words or less 0.75 paise:

(b) for every additional 100 words or fraction thereof 0.37 paise.

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

(2) For certifying a copy of any such award or order or document, a fee of Re. 1/- (Rupee one) only shall be pay able.

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

(4) Where a party applies for immediate delivery of a copy of any such award or order or document, an additional fee equal to one-half of the fe ll be

31. Decision by majority:-

All question 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 equality of votes, the Chairman shall also have casting vote.

32. Correction of Error:-

A Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may at any time correct any clerical mistake or error arising from an accidental slip or omission in any proceeding, report, award or decision either of its or his own motion or on the application of any of the parties.

33. Right of representatives:-

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

34. Proceedings before a Board, Court, Labour Court or Tribunal :-

The proceedings before a Board, Court, Labour Court or Tribunal shall be held in Public:

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

PART- IV

REMUNERATION OF CHAIRMAN AND MEMBERS OF COURTS, PRESIDING OFFICERS OF LABOUR COURTS, TRIBUNAL, ASSESSORS AND WITNESS.

35. Travelling Allowance:-

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

36. Fees:-

The Chairman and a Member of a Board or Court, the Presiding Officer and an Assessor of Labour Court or Tribunal whenever he is not a salaried officer of the State Government may be granted such fees as may be sanctioned by the State Government in each case.

37. Expenses of Witnesses-

Every person who is summoned and duly attends or otherwise appears as a witness before a Board, Court, Labour Court or Tribunal or an Arbitrator shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts of the State of Tripura.

PART- V

38, Notice of change:-

(1) 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 E.

(2) 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:

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.

PART- VI

REPRESENTATIVE

39. Form of Authority under Section 36.

The authority favour a person or represent workman or group of workmen in any proceeding under shall be in Form F.

40. Parties bound by acts of representative:-

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

PART-VII
WORKS COMMITTEE

41. Constitution.

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

42. Number of members.

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

Provided that the total number of members shall not exceed twenty.

Provided further that the number representatives of the workmen shall not be less than the number of representatives of the employer.

43. Representatives Employer.

Subject to the provisions of these rules, the representatives of the employer shall nominated by the employer and shall, as far as possible, be officials in direct touch with or associated with the working of the establishment.

44. Constitution with Trade Union.

(1) Where any workman of an establishment are member of a registered trade union, the employer shall ask the union to inform him in writing.

(a) how many of the workmen are members of the union; and

(b) how their membership is distributed among the sections, shops or departments of the establishment.

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

45. Groups of workmens' representative.

On receipt of the information called for under rule 44, the employer shall provide for the election of workmens' representatives on the committee in two groups-

(1) Those to be elected by the workmen of the establishment are members of the registered trade union or unions; and

(2) Those to be elected by the workmen of the esta- blishment who are not members of the registered trade union or unions bearing the same proportion to each other as the union members in the establishment bear to the non- members:

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

Provided further that where a registered trade union neglects or fails to furnish the information called for under sub-rule (1) of Rule 44 within one month of the date of the notice requiring it to furnish such information, such union shall, for the purpose of this rule, be treated as if it did not exist:

Provided further that where any reference has been made by the employer under sub-rule (2) of Rule 44, the election shall be held on receipt of the decision of the Labour Officer of the area concerned.

46. Electoral Constituencies.

Where under Rule 45, the workman's representatives are to be elected in two-groups, the workmen entitled to vote shall be divided into two electoral constituencies the one consisting of those who are members of registered trade union and the other of those who are not:

Provided that the employer may, if he thinks sub-divide the (electoral constituency or constituencies, as the case may be), and direct that the workmen shall vote in either by groups, sections, shops or departments.

47. Qualification of candidates for election.

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

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

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

48. Qualifications For Voters.

All workmen who are not less than 18 years of age and who have put in not less than six months' continuous service in the establishment shall be entitled to vote in the election of the representative of workmen.

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

49. 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 date which shall not be earlier than three days and later than fifteen days after the closing date for receiving nominations.

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

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

50. Nomination of candidates for election.

(1) Every nomination shall be made on a nomination paper in Form-G 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 votes belonging to the group, section, shop or department the candidate seeking election will represent, and shall be delivered to the employer.

51. Scrutiny of nomination papers.

(1) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and these which are not valid shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (a) the candidate nominated is in eligible for membership under rule 47, or (b) the requirements of rule 50 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 authorised nominee for the purpose.

52. candidates validly nominated.

Any candidate whose nomination for election has been accepted may withdraw his candidature within 48 hours of the completion of scrutiny of nomination paper.

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53. 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.
(4) The voting shall be conducted by the employer and if any of the candidates belong to a union, such of them as the union may nominate shall be associated with the elec- tion. (5) Every workman entitled to vote at an electoral constituency shall have as many votes as there are seals to be filled in the constituency: Provided that each voter shall be entitled to cast only one vote in favour of any one candidate.

54. Arrangement for Election.

The Employer shall be responsible for all arrangements in connection with the election.

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

(3) The Vice-chairman shall be elected by the members on the Committee representing the workers from amongst themselves:
Provided that in the event of equality of votes in the election of the Vice-chairman, the matter shall be decided by draw of a lot.

(4) 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 the workmen, and vice-versa.

(5) Provided further that the representatives of the employer shall not take part in the election of the Secretary or Joint Secretary, as the case may be. from amongst the representatives of the workmen and only the representatives of the workmen shall be entitled to vote in such elections.

(6) In any election under sub-rule (4), in the event of equality of votes, the matter shall be decided by a draw of lot.

56. Term of Office.

(1) The term of office of the representatives on the committee other than a member chosen to fill a Casual Vacancy shall be two years.
(2) A member chosen to fill a Casual Vacancy shall hold office for the unexpired term of his predecessor.
(3) A member who, without obtaining leave from the Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership.

57. Vacancies:
In the event of Workmen's representative ceasing to be a member under sub-rule (3) of rule 56 or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be elected in accordance with the provisions of this Part from

the same category, group, section, class, shop or department to which the member vacating the seat belonged.

58. Power to Co-opt:
The Committee shall have the right to Co-opt in a Consultative Capacity persons employed in the establishment having particular special knowledge of a matter under discussion. Such Co-opted member shall not be entitled to Vote and shall be present at meetings only for the period during which particular question is before the Committee.

59. Meeting:
(1) The Committee may meet as often as necessary but not less than once in three months (a quarter).

(2) The Committee shall at its first meeting regulate its own procedure.

60. Facilities for meeting, etc.

(1) The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee. The Committee shall ordinarily meet during working hours of the establishment concerned on any working day and the representative of the workmen shall be deemed to be on duty while attending the meeting.

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

61. Submission of returns.

The employer shall submit-hall-yearly returns in Form H in triplicate to the Labour Officer concerned not later than 20th day of the month following the half-year.

62. Dissolution of workers 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 he or it 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 Works Committee is dissolved under this rule, the employer may, and if so required by the State Government or, as the case may be, by such officer or authority, shall take steps to re-constitute the Committee in accordance with these rules.

PART- VIII

MISCELLANEOUS

63. Memorandum of Settlement:

(1) A settlement arrived at in the course of conciliation proceedings or otherwise, shall be in

Form-L

(2) The settlement shall be signed by:

(a) in the case of an employer, by the employer himself, 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:

(b) in the case of Workmen, by any officer of a trade union of the workmen or by five representatives of Work- men duly authorised in this behalf at a meeting of the work- men held for the purpose;

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(c) in the case of the Workman in an industrial dispute under section 2-A of the Act by the Workmen concerned.

Explanation In this rule "Officer" means any of the following officers, namely- (a) the President:

(b) the Vice President:

(c) the Secretary (including the General Secretary);

(d) a Joint Secretary (including the Asstt. Secretary)

(e) any officer of the trade union authorised in this behalf jointly by the President and Secretary of the Union.

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

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

64. Complaints regarding change of the conditions of service etc.

Form-1 and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint.

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

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

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

65. Application under section 33:

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

(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) sub-section (2) of Section 33, shall present an application in

Form 1. in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file along with the application as many copies thereof as there are opposite parties.

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

(4) The person verifying shall specify by reference to the numbered paragraphs of the application what the 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.

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66. Protected Workmen:

(1) Every registered trade union connected with an industrial establishment, to which the Act applies shall communicate to the employer before the 30th April every year, the names and addresses of such of the officers of the Union who are employed in that establishment and who. in the opinion of the Union, should be recognised as "Protected Workmen". Any change in the incumbency of any such Officer shall be communicated to the employer by the Union within fifteen days of such change.

(2) The employer shall subject to sub-section (4) of Section 33. recognise such workmen to be "Protected Work men for the purpose 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 work- men (for the period of twelve months) from the date of such communication.

(3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workmen, admissible for the establishment under sub-section (4) of Section 33, the employer shall recognise as protected workmen only such maximum number of workmen:

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

Provided further that where the number of protected workmen allotted to a union under this sub-rule, falls short of the number of officers of the union seeking protection, the union shall be entitled to select the 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 employers' letter.

(4) When a dispute arises between an employer and any registered trade union in any matter connected with the recognition of "protected workmen under this rule, the dispute shall be referred to the Labour Officer of the area concerned, whose decision thereon shall be final.

67. Application for recovery of dues:--

(1) Where any money is due from an employer to at workman or a group of workmen under a settlement or an award or under the provisions of Chapter V- A of the Act the workmen or group of workmen, as the case may be may apply in

Form-M for the recovery of the money due.

Provided that in the case of a person authorised in writing by the workman, or in the case of the death of the workman, the assignee or heir of the deceased workmen, the application shall be made in Form-N. (2) Where any Workmen or group of Workmen is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money, the Workman or the group of Workmen, as the may be, may apply to the specified Labour Court in

Form-0 for the determination of the amount due or, as the case may be, the amount at which such benefit should be computed.

68. Appointment of Commissioner:-

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

69. Fees for the Commissioner, etc.

(1) The Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry, and fix the amount of the Commissioner's fees and other inci- dental

expenses and direct the payment thereof, into the nearest treasury, within a specified time, by such party or parties and in such proportion as it may consider fit. The Commission shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:

Provided that the Labour Court may from time to time, direct that any further sum or sums be deposited into the Treasury within such time and by such parties as it may consider fit: Provided further that the Labour Court may, in its discretion, extend the time for depositing the sum into the Treasury

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

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

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

70. Time for submission of report:-

(1) Every order for the issue of a Commissioner shall appoint a date, allowing sufficient time, for the Commissioner to submit his report.

(2) If for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply before the expiry of the said date, for extension of the time setting forth grounds thereof and the Labour Court shall take such grounds into consideration in passing orders on the application: Provided that the Labour Court may grant extension of time notwithstanding that no application for such extension has been received from the Commissioner within the prescribed time limit.

71. Local Investigation:-

In any industrial dispute in which the Labour Court deems a local investigation to be requisite or proper for the purpose of computing the money value of a benefit, the Labour Court may issue a Commission to a person referred to in rule 63 directing him to make such investigation and to report thereon to it.

72. Commissioner's report-

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

(2) The report of the Commissioner together with the evidence taken by him shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute ; but the Labour Court or with the permission of the Labour Court any of the parties to the industrial dispute may examine the Commissioner personally before the Labour Court regarding any of the matters referred to him or mentioned in his report or as to his report, or as to the manner in which he has made the investigation.

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

73, Power of Commissioner.

Any Commissioner appointed under these rules may, unless otherwise directed by the order of appointment,

(a) examine the parties themselves and any witness whom they or any of them may produce and any other per- son whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;

(b) call for and examine documents and other things relevant to the subject of enquiry: (e) at any reasonable time enter upon or into any promises mentioned in the order.

74. Summoning of Witnesses, etc.

(1) The provisions of the Code of Civil Procedure, 1908 (Act of 1908) relating to the summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to persons required to give evidence or to produce document before the Commissioner under these Rules.

(2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited under rule 69, of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in the Civil Courts.

75. Representation of parties before the Commissioner:

The parties to the industrial dispute shall appear before the Commissioner either in person or by any other person who is competent to represent them in the proceedings before the Labour Court.

76. Notice of Strike:

(1) The notice of strike to be given by workmen in Public Utility Service shall be in Form P

(2) On receipt of a notice of strike under sub-rule (1) the employer shall forthwith intimate the fact to the Conciliation Officer having jurisdiction in the matter.

77. Notice of Lock-out.

The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form-Q. 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:

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

78. Notice of Lock-out or Strike:

The notice of lock-out or strike in a public utility service to be submitted by the employer under sub-section (3) of Section 22 shall be in Form-R.

79. Report of Notice of Strike or Lock-out:-

The report of notice of a strike or lock-out to be sub- mitted by the employer under sub-section (6) of Section 22 shall be sent by registered post or given personally to the Labour Officer appointed for the local area concerned, with copy by registered post to-

(1) The Administrative Department of the Government of Tripura concerned.

(2) The Chief Labour Officer, Government of Tripura.

(3) The Labour Commissioner. Government of Tripura.

(4) The Secretary, Labour Department, Government of Tripura.

(5) The District Magistrate concerned,

80. Register of Settlement:

The Conciliation Officer shall file all settlements effected under this Act in respect of dispute in the area within his jurisdiction in a register maintained for the purpose as on Form-S.

81. Notice of Lay-off:

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

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

82. Application for permission for Lay-off under section 25-M:-
(1) Application for permission to lay-off any workman under sub-section (1), or for permission to continue a lay- off under sub-section (2), of Section 25-M shall be made in Form Vand delivered to the authority specified under sub- section either personally or by registered post acknow- ledgement due and where the application is sent by registered post the date on which the same is delivered to the said authority shall be deemed to be the date on which the application is made, for the purposes of sub-section (4) of the said Section.

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

(3) Where the permission to lay-off has been granted by the said authority, the employer concerned shall give to the Labour Commissioner/Chief Labour Officer, a notice of commencement and termination of such lay-off in Forms T and U respectively and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Labour Commissioner/Chief Labour Officer, a notice of commencement of such lay-off in

Form I in case such a notice has not already been given under sub-rule (1) of rule 81 and a notice of termination of such lay-off in Form-U.

(4) The notice of commencement and termination of lay-off referred to in sub rule (3) shall be given within the period specified in sub-ruler1) of rule 81.

83. Notice of Retrenchment

If any employer desires under section 25 F to retrench any workman-employed in his industrial establishment who has been in continuous service for not less than one year under him (hereinafter referred to as Workman' in this rule and in rules 87 and 88), he shall give notice of such retrenchment as in Form W to the State Government, Labour Commissioner Chief Labour Officer, Labour Officer and the Employment Exchange concerned and such notice shall be served on the State Government, Labour Commissioner Chief Labour Officer, Labour Officer and the Employment Ex- change concerned, by registered post in the following manner; (a) Where notice is given to the workman notice of retrenchment shall be sent within three days from the date on which notice is given to the workman:

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

(c) Where retrenchment is carried out under an agreement which specified a date for termination of service, notice of retrenchment shall be sent so as to reach the State Government, Labour Commissioner/Chief Labour Officer, Labour Officer and the Employment Exchange concerned at least one month before such date.

Provided that if the date of termination of service agreed upon is within thirty days of the agreement, the notice of retrenchment shall be sent to the State Government. Labour Commissioner/Chief Labour Officer, Labour Officer and the Employment Exchange concerned within three days of the agreement.

84. Notice for permission for Retrenchment:-

(1) Notice under clause (c) of sub-section (1) of Section 25 N for retrenchment shall be served in Form-X and served on the State Government or such authority as may be specified by that Government under the said clause either personally or by registered post acknowledgement due and where the notice is served by registered post the date on which the same is delivered to the State Government of the authority shall be deemed to be the date of service of the notice for the purpose of sub-section (3) of the said section.

85. Notice of closure:-

If an employer intends to close down and undertaking under section 25 PFA, he shall give notice of such closure in Form Y to the State Government, Labour Commissioner/ Chief Labour Officer, Labour Officer and the Employment Exchange concern by registered post.

86. Notice of and application for permission for closure.

(1) Notice under sub section (1) of Section 250 of intended closure shall be given in Form 7 and served on the Stale Government-either personally or by registered post with acknowledgement due,

(2) The notice shall be made in triplicate.

(3) The employer concerned shall furnish to the State Government to whom the notice of intended closure has been given such further information as the State Government considers necessary for arriving at a decision on the notice as and when called for from such employer.

87. Maintenance of seniority list of workmen:

The employer shall prepare a list of all workmen in the particular category from which retrenchment is contenplated arranged according to the seniority of their services in that category and cause a copy thereof to be pasted on a notice-board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment..

88. Re-employment of retrenched workmen:-

(1) At least ten days before the date on which vacancies are to be filled in. employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefore, to the address given by him at the time of

appointment or retrenchment or at any time there- after:
Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient, if intimation is given by the employer individually to the senior most retrenched workmen in the list referred to in rule 87 the number of such senior most workmen being double the number of such vacancies:
Provided further that where the vacancy is of a duration of less than one month, there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen.

Provided also that if a retrenched workman, without sufficient being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.
(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment of the number of vacancies to be filled and the names of the retrenched workman to whom intimation has been sent under that sub-rule:
Provided that the provision of this sub-rule need not be complied with by the employer in any case where intimation is sent to every one of the workmen mentioned in list prepared under rule 87.

89. Penalties.

Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

90. Repeal and saving.

(1) The Industrial Disputes (Central) Rules, 1957 as in force in the State of Tripura is hereby repealed.

(2) Notwithstanding such repeal:-

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(a) if immediately before the date on which the rules comes into force there is any appeal, application, inquiry, investigation or proceeding pending, then such appeal proceeding application, inquiry or investigation shall be disposed of continued or made, as the case may be, in accordance with the provisions of these rules:
(b) any notification published, notice issued, power conferred, form prescribed, consent given, application made. sanction accorded, order issued, under the Industrial Disputes (Central, Rules, 1957 shall be deemed respectively to have been published, issued, conferred, prescribed, given made, accorded, issued under the corresponding provisions of these rules.

By order of the Governor.

R. N. Chakraborty
Secretary
Government of Tripura,

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SCHEDULE
FORM- A
(See Rule 3)

Form of application for reference of an industrial dispute to a

Board of Conciliation **
Court of Enquiry Under section 102) of the Industrial Disputes Act, 1947.
Tribunal
Labour Court

Whereas an industrial dispute is ** apprehenaces exists
between ..... and ..... and it is expedient that the matters specified in the enclosed statement which are connected with or relevant the dispute the disputes investigation and statement should be referred for enquiry/investigation settlement/adjudication by a Board of Conciliation/a Court of Enquiry/a Labour Court/Tribunal an application is hereby made under sub-section (2) of section 10 of the Industrial Disputes Act. 1947 that the said ** matters/dispute should be referred to a Board of Conciliation/a Court of Enquiry/a Labour Court/a Tribunal.

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

A statement giving the particulars required under rule 3 of the Tripura Industrial Disputes Rules, 1981 is attached.

Dated, the.....

Signature of employer **
or agent/Manager of or.....
Principal Officer of
the Corporation.
Signature of the President
of the trade union **.....
Secretary of the
trade
union.....
or
**Signature of five representatives
duly authorised (Vide resolution
enclosed.....
...
or
**Signature of the Workman or
**Signature of the workman in
the same establishment duly
authorised (vide authorisation
enclosed).....
...

To
The Secretary to the
Government of Tripura.
Department of Labour.
Agartala.

Statement required under rule 3 of the Tripura Industrial Disputes Rules, 1981, to accompany the form of application prescribed under sub f the Industrial Disputes Act, 1947.

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

(b) Specific matters in dispute.

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

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

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

Copy to-

(1) Labour Commissioner, Government of Tripura. Labour Directorate, Agartala. (2) The Deputy Labour Commissioner, Government of Tripura, Labour Directorate, Agartala,

(3) The Chief Labour Officer, Government of Tripura, Agartala,

(4) The Labour Officer, Government of Tripura, in the local area concerned.

**Delete whichever is not applicable.

*Where applicable.

FORM B

(See Rule 6)

Whereas an industrial has arisen between .....is apprehended ..... and ..... and it is expedient to refer the said dispute under Section 10 of the Industrial Disputes Act, 1917 to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the..... names and address(es) of one (two) person(s) whom you the wish to recommend for appointment as your representative(s) on the said Board.

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

Secretary to the
Government of Tripura.

FORM- C

(See Rule 7)

(Under Sec. 10-A of the Industrial Disputes Act, 1947)

Between

Name of the Parties-

Representing employers:

Representing workman/workmen :

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

i) Specific matters in dispute.

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

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

iv) Total number of workmen employed in undertaking affected.

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

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

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

Witnesses:.....

Signature of the parties representing employer.....

1. *Workman representing 2. workman/workmen.

Copy:-

1. The Secretary, Government of Tripura, Labour Department, Agartala, 2. The Labour Commissioner, Government of Tripura. Agartala,

3. The Deputy Labour Commissioner, Government of Tripura. Agartala.

4. The Chief Labour Officer, Government of Tripura, Agartala. 5. The Labour Cicer, Government of Tripura (local area).

**Wherever applicable.

*Delete whichever is not applicable.

FORM- D

(See Rule 21)

Whereas an industrial dispute between..... and..... has been referred to this Board of Conciliation for investigation and settlement Court of Enquiry for investigation Labour Court/Tribunal for adjudication

_____under Section 10 of the Industrial Disputes Act. 1917. you are hereby summoned to appear before the Boar Court/Labour Court/Tribunal in person on the..... day of..... at..... O clock in the..... noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Board/Court/Labour Court/Tribunal.

Dated..... Chairman Secretary. Board of Conciliation
Court of Enquiry

Presiding Officer/Secretary, Labour Court
Tribunal.

FORM- E

(See Rule 38)

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. 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 specifed in the Fourth Schedule to the said Act.

Signature.....

Designation.....

ANNEXURE

(Here specify the change/changes intended to be effected) Copy forwarded to:-

(1) The Secretary of Registered Trade Union, if any,

(2) The Secretary, Labour Department, Government of Tripura, Agartala.

(3) Labour Commissioner. Government of Tripura, Labour Directorate, Agartala. (4) Deputy Labour Commissioner, Government of Tripura, Labour Directorate, Agartala (5) Chief Labour Officer. Government of Tripura. Agartala.

(6) Labour Officer, Government of Tripura, in the local area concerned.

FORM- F

(See Rule 39)

Before.....(here mention the authority concerned)

Reference No..... of ..... Workmen

Versus

..... Employer.

In the matter of ..... I/We hereby authorise Shri/Sarvasri..... to represent me/us in the above matter.

Dated this.....day of.....19

Signature of person(s) nominating
the representative(s).

Address:

Accepted.

Signature of representative(s)
Address:

FORM- G

(See Rule 50)

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. He is eligible as a voter in the constituency for which he is nominated.

Signature of proposer.

I agree to the proposed nomination. Date.....

Attestted by (1)..... (2).....

.

Signature of candidate

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

FORM- H

(See Rule 61)

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

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

Date.....

Place.....

*Strike out the portion not applicable.

Signature of Employer or his representative.

FORM- I

(See Rule 63)

Form for Memorandum of Settlement.

Name of Parties-

Representing employer(s):

Representing workmen :

Short recital of the case

Terms of settlement.

Signature of the parties.

Witnesses:

(1).....

(2).....

*Signature of Conciliation Officer

Board of Conciliation

Copy to:-

1. The Secretary. Government of Tripura, Department of Labour. Agartala. 2. Labour Commissioner, Government of Tripura, Agartala.
3. Chief Labour Officer, Government of Tripura, Agartala.
4. Labour Officer, Government of Tripura of the area concerned.

*In the case of settlements affected by conciliation Officer/Board of conciliation.

**In case were settlements are arrived at between the employer and his workmen, otherwise then in the course of Conciliation proceedings.

FORM- J
(See Rule 64)

Labour
Court.....
Before the Tribunal..... complaint under Section 33A of the Industrial Disputes Act, 1947.

A.....Complaint
(s). Address.....

Versus

B..... Opposite party
(ies). Address.....

In the matter of Reference No.....

The petitioner(s) begs/beg to complain that opposite party (ies) has/have been guilty of a contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947 (14 of 1947) as shown below:
(Here set out briefly the particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the Management is challenged.

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

The number of copies of the complaint and its annexure required under the 59 of the Tripura Industrial Disputes Rules, 1981, are submitted herewith.

Dated, this.....day of 19

Signature of complainant(s).

Verification

I do solemnly declare that what is stated in paragraphs..... above is true to my knowledge and that what is stated in paragraphs..... above is stated upon information received and believed by me to be true. This verification is signed by me at.....
on day of..... 19

Signature or Thumb-impression
of the person verifying.

FORM- K

(See Rule 65)

Before ..... (here mention the Conciliation Officer, Board, Labour Court or Tribunal).
Application for permission under sub-section(1) of
sub-section (3)
section 33 of the Industrial Disputes Act, 1947 (14 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 mention the action specified in clause (a) or clause (b) of sub-section (1) grounds on which the permission is sought for).

The applicant therefore prays that express permission may kindly be granted to him to take the following action namely:-
(Here mention the action specified in clause(a) clause or (b) of sub-section (1) of Section 33).
sub-section (3)

Space for verification.

(Signature of the person verifying)

Date (on which the verification was signed).....
Place (at which the verification was signed).....

FORM- L

(See Rule 66)

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

Application under sub-section (2) of Section 33 of the Industrial Disputes Act, 1917 (14 of 1947) in the matter of

Reference No.....

A..... Applicant,

Address.....

Versus

B.....Opposite party(ies),

Addresses.....

The above mentioned applicant begs to state as Follows:- (here set out the relevant facts and circumstances of the case).

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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/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) of Section 33).

Dated, this..... day of..... 19

Signature of the applicant.

Space for verification

Signature of the person verifying.

Date (on which the verification was signed).....

Place (at which the verification was signed).....

*Delete if not applicable.

FORM- M

(See Rule 67(1))

Application under sub-section (1) of Section 83-C of the Industrial Disputes Act, 1947

To
The Secretary to the Government of Tripura,
Department of Labour. Agartala

To
The Chief Labour Officer,
Government of Tripura

Sir,

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

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

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

Station..... Date.....

Signature of the applicant(s)
Address(es)

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

ANNEXURE

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

FORM- N

(See Rule 67(1))

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

To

The Secretary to the Government of Tripura.

Labour Department, Agartala,

To

The Chief Labour Officer.

Government of Tripura.

Sir,

I *Shri/Shrimati/Kumari..... have to state that *Shri/Shrimati/Kumari..... is/was entitled to receive from M/S..... a sum of Rs.....on account of ..... under the provision of Chapter V-A of the Industrial Disputes Act. 1947/in terms of the award dated the ..... given by ...../ in terms of the settlement dated the..... arrived at between the said M/S..... and their workmen through ..... the duly elected representatives.

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

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

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

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

Station..... Date.....

Signature of the applicant

Address:.....

ANNEXURE

(Here indicate the details of the amount claimed)

*Strike out the portion inapplicable.

FORM- O

(See Rule 67(2))

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

Before the State Government Labour Court at.....

Between

(1) Name of the applicant(s).

(2) Name of the employer.

The petitioner..... a workman, of M/S.....

The petitioners undersigned, a workmen .....is/are entitled to receive from the said M/S..... the money/benefits mentioned in the statement here to annexed.

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

Signature or thumb-impression(s) of the applicant(s).

Address(es).....

Station.....

Date.....

1.

2.

3.

4.

ANNEXURE

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

FORM- P

(See Rule 76)

Form of notice of strike to be given by Union/workmen in a public utility service.

Name of
Union..... Name
of five elected 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, I/we hereby give you notice that I propose to call a strike we propose to go on strike on.....19 for the reasons explained in the Annexure.

Yours faithfully,

duly elected at a meeting held on..... (date), vide resolution attached.

Secretary of the Union
Five representatives of the workmen

~ 32 ~

ANNEXURE

Statement of the case

Copy to:-

1. The Secretary, Government of Tripura, Department of Labour, Agartala.

2 The Labour Commissioner. Government of Tripura, Agartala, 3. The Chief Labour Officer, Government of Tripura.

4. The Labour Officer Government of Tripura of the local area concerned.

FORM-Q

(See Rule 77)

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

Name of employer.....

Address.....

Dated the..... day of 19

In accordance with the provisions of sub-section (2) of Section 22 of the Industrial Disputes Act, 1917, I/we hereby give notice to all concerned that it is my/our intention to effect a lock-out, in ..... department(s) section(s) of my/our establishment with effect from..... for the reasons explained in the annexe,

Signature.....

.

Designation.....

ANNEXE

Statement of reasons.

Copy forwarded to:-

(1) The Secretary, Government of Tripura, Department of Labour, Agartala, (2) The Deputy Labour Commissioner, Government of Tripura, Agartala. (3) The Chief Labour Officer, Government of Tripura.

(4) The Labour Officer. Government of Tripura.

(5) The Secretary of the Registered Union, if any.

FORM- R

(See Rule 78)

Form of Report of Strike or Lock-out in public utility service.

Information to be supplied in this form immediately on the occurrence of a Strike or lock-out in a public utility service to the Labour Officer, Government of Tripura (for the local area concerned) under and

Name of under taking	Stati on and Distr ict	Norm al worki ng streng th	Number of workers involved.		Strike or Locko ut	Date of comme ncemen t of Strike or Lockout	Caus e	Was notice of strike or lock-out riven: if so on what date and for	Is there any permanent agency or agreement in the undertakin g for the settlement of disputes between the employer and workmen. If any, exist, particulars	Any other informatio n
			Dir ectl y	Indir ectly						
1	2	3	4	5	6	7	8	9	10	11

Notes. Column (3): Give the average number of work- men employed during the month previous to the day on which the strike or lock-out occurred. While reckoning the averages, omit the days on which the attendance was not nor mal for reasons other than individual reasons of particular workmen. Thus days on which strike or lock-out occurs or communal holiday is enjoyed by a large section of workers should be omitted.

Column (4):If, say 200 workers in a factory strike work and in consequence the whole factory employing 1.000 workers has to be closed than 200 should be shown under "directly" and the remaining under "indirectly". If the strike of 200 workers does not effect the working of the other department of the factory, the number of workers involved would only be 200; which figure should appear under "directly and column "indirectly" would be blank.

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

FORM-S

(See Rule 80)

Register-- Part I

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

*Whether the settlement was effected at the investigation of the conciliation machinery or by mutual negotiation between the parties, may be indicated here.

PART- II

Should contain one copy each of the settlements in the serial order indicated in part I.

FORM T
(See Rule 81)

To

The Labour Commissioner. Government of Tripura,
Labour Directorate.
Agartala.

(here specify the region concerned)

Sir,

I/we hereby inform you that under rule 81 of the Tripura Industrial Disputes Rules 1981, I/we have laid off..... out of a total of..... workmen employed in the establishment with effect from ** ..... for the reasons explained in the Annexure.

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

Yours faithfully,
.....**
*

Copy forwarded to the Labour Officer. Government of Tripura of the local area concerned.

ANNEXURE
Statement of Reasons

FORM- U
(See Rule 81)

To
The Labour Commissioner.

Labour Directorate,
Sir,
As required by rule 81 of the Tripura Industrial Disputes. Rules, 1961, and in continuation of my/our notice, dated*

*Here insert the number of workmen.

**Here insert the date.

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

.....in Form T. I/we hereby inform you that the lay off in my/our establishment has ended on *.....

Yours faithfully.

..... **

*Here insert the date

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

FORM- V

(See Rule 82)

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

To

.....

.....

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

Sir,

Under sub-section (1)/sub section (2) of Section 25M of the Industrial Disputes Act, 1917 (14 of 1947) read with sub-rule (1) of rule 82 of the Industrial Disputes Rules 1981 I/we hereby apply for permission to lay-off/permission to continue the layoff..... 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/to continue the lay-off of the said workmen. Such of the workmen permitted to be laid off will be paid such compensation, if any, to which they are entitled sub-section (6) of Section 25M, read with Section 25C the Industrial Disputes Act, 1947 (14 of 1947).

Yours faithfully,
(SIGNATURE)

*Strike out whatever is inapplicable.

(Please give replies against each item)

~ 36 ~

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 licenced/ registered and if so, name of licensing/registration authority and licence/registration Certificate numbers 3. (a)* Names and addresses of the affected workmen proposed to be laid-off names and addresses of the workmen laid off before the commencement of the Industrial Disputes (Amendment) Act, 1976 (32 of 1976) and the dates which each of them had been laid off

(b) The nature of the duties of the workmen referred to in sub-item (a), the units/ sections/shops where they are or were 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 licenced capacity and utilised capacity, 6.

(i)Annual production, item wise for proceeding three years.

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

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

8. Any arrangements regarding off-loading or sub contracting of products 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 or shifts per day and the strength of workmen per each shifts.

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 under the same management.

14 (i) The total number of workmen category wise and the number of employers other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1917). 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 ol workmen involved in each such lay-off and the reasons therefor.

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

18. Any proposal for effecting savings on account of reduction in- (i) managerial remuneration.

(ii) sales promotion cost, and

(iii) general administration expenses.

19. Position of stocks on last day of each of the months in the preceeding 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. for the proposed lay-off/ lay-off for the continuance of which permission is sought. 22. Any specific attempts made so far to avoid the proposed lay-off/ lay-off for the continuance of which permission is sought.

23. Any other relevant factors with details thereof. (Strike out whatever is inapplicable)

FORM- W
(See Rule 83)

Form of notice of retrenchment to be given by an employer under clause (c) of Section 25F of the Indus trial Disputes Act, 1947.

Name of employer Address

Dated the .....day of.....19

To
The
Secretary.
Government of Tripura. Labour Department.
Agartala

Sir,
Under clause (c) of Section 25-F of the Industrial Disputes Act, 1947 (14 of 1947), I/we hereby inform you that I/ we have decided to retrench 1..... Workmen with effect from 2..... for the reasons explained in the annexure.

2. The workmen concerned were given on the 4..... 19, one month's notice in writing as required under 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 5.....
19 one month's pay in lieu of notice, as required under clause (a) of Section 25-F of the Act.

3. The total number of workmen employed in the industrial establishment is 6..... and the total number of those who will be affected by the retrenchment is given below:

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

4. I/we hereby declare that the workman/workmen concerned has/have been/will be paid compensation due to them under Section 25F of the Act, on 7..... the expiry of the notice period.

Yours faithfully
.....
.... 8

Statement of reasons

Copy to:-

1. The Labour Commissioner/Chief Labour Officer, Government of Tripura, Agartala. 2. The Labour Officer, Government of Tripura, (in area concerned).
3. Employment Officer, Employment Exchange, Government of Tripura (enter the full address of the Employment Exchange concerned).

1. Here insert the number of workmen.
2. Here insert the date.
3. Delete the portion which is not applicable.
4. Here insert the date.
5. Here insert the date.
6. Here insert the total number of workmen employed in the industrial estate. 7. Here insert the position which the person who signs this letter holds with the employer issuing the letter.
8. Here insert the position which the person who signs this letter holds with the employer issuing the letter.

FORM- X

(See rule 84)

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

Date- To

.....

.....

Sir,

Under clause (c) of sub-section (1) of Section 25N of the Industrial Disputes Act, 1947 (14 of 1947), I/We hereby inform you that *I/We propose to retrench..... workmen (being workmen to whom sub-section (1) Section 25N applies) with effect from..... for the reasons set out in the Annexure.

2. The workmen concerned have been given notice in writing as required under clause (a) of sub-section (1) of Section 25N..... /have not been given notice since the retrenchment is..... under an agreement (copy of which is enclosed) as provided in the 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 given below:-

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

4. Permission is solicited for the proposed retrenchment under clause (c) of sub-section (1) of section 25N.

5. I/We hereby declare that the Workmen permitted to be retrenched will be paid compensation due to them under clause (b) of sub-section (1) of section 25N of the Act.

*Strike out whatever is inapplicable..

Yours faithfully

(Signature)

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the undertaking 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) It belongs to large industrial house, please indicate the con- trolling group: and if a foreign majority company, indicate the extend of foreign holdings.

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

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

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

5. Details relating to installed capacity, licenced 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 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 one year next following, and for the period after the expiry of the said one year.
10. Number working days in week with number shifts per day and strength of workmen per each shift.
11. Balance Sheet: profit and loss account and audit reports for the last three years.
12. Financial position of company.
13. Names of inter-connected companies or companies under the same management.
14. (i) The total number of workmen (category wise) and the number of employees other than workmen as defined in the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.
(ii) Percentage of wages of workmen to the total cost of production.
15. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
16. Details of retrenchment resorted to in the last three years, including dates of retrenchment, the number of workmen involved in each case, and the reasons 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 of the months in the preceding twelve months. 22. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item wise and value wise.
23. Reasons for the proposed retrenchment.
24. Any specific attempt made so tar to avoid the proposed retrenchment.
25. Any other relevant factors with details thereof.

FORM- Y

(See Rule 85)

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

Name of employer..... Address.....

Dated the..... day of..... 19

To

The Secretary,

Government of Tripura,

Department of Labour.

Agartala

Sir,

Under section 25FFA of the Industrial Disputes Act. 3917834 of 3917) 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 under- taking is. number of workmen)

Yours faithfully,

.....

ANNEXURE

Statement of reasons

Copy to:-

1. The Labour Commissioner. Government of Tripura Labour Department. Agartala, 2. The Chief Labour Officer, Government of Tripura Labour Directorate, Agartala, 3. The Employment Exchange. Here insert the position which the person who signs this letters holds with the employer issuing this letter. "Here enter the office address of the Employment Exchange in the local area concerned.

FORM- Z

(See Rule 86)

Form of notice for permission of closure to be given by an employer under sub-section (1) of Section 25.0 of The Industrial Disputes Act, 1947 (14 of 1947).

Date.....

To

The Secretary to the Government of Tripura

Labour Department. Agartala,

Sir,

Under Section 25 C of the Industrial Disputes Act, 1947 14 of 1947), I/we hereby inform you that I/we propose to close down the undertaking specified below of (name of the industrial establishment).

(Give details of the undertaking)

.....

..

.....

with effect from..... for the reasons explained in the Annexure.

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

3. Permission is solicited for the proposed closure.

4. I/We hereby declare that in the event of approval for the closure being granted every workman in the under takings to whom sub-section (7) of the said Section 25.0 applies will be given notice and paid compensation as specified in Section 25 N of the Industrial Disputes Act, 1947 (14 of 1947) as if the workman had been retrenched under that Section.

Yours faithfully.

(Signature)

ANNEXURE

(Please give replies against each item)

Item No.

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

2. Status of undertaking-

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

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

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

3. The total number and categories of workmen affected by the proposed closure, along with the addresses of the workmen and the details of 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 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-com-tracting or products or any component thereof.

9. Details of persons or the organisations to whom the job/jobs is/are being entrusted-relationship/interest of the persons/organisations with the director/directors or the officer/officers of the company.

10. Position of the order book-item-wise and value- wise for a period of six months and one year next following and for the period after the expiry of the said one year.
11. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.
12. Balance sheet and profit and loss account and audit for the last three years.
13. Financial position of the company.
14. (i) Names of interconnected company or companies under the management.
(ii) Details about intercorporate 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.
15. Percentage of wages of workmen to the total cost of production.
16. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
17. Inventory position item-wise and value-wise for the preceding twelve months (inventories to be shown in respect of finished products, components and raw materials to be shown separately item wise and value-wise).
18. Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months.
19. Full details of the interests of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.
20 Buying arrangements for raw materials and components.
21. Interests of the directors and officers with the organisations/persons involved in buying raw materials and components for the undertaking.
22. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise land value-wise.
23. Reasons for the proposed closure.
24. Any specific attempts made so far to avoid the closure.
25. Any other relevant factors with details thereof.

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