

Industrial Disputes (Punjab) Rules, 1958

CONTENTS

PART 1 :- Procedure for reference of Industrial Disputes to Boards of Conciliation, Courts of Enquiry, Labour Courts or Industrial Tribunals

1. Title And Application
2. Interpretation
3. Application
4. Attestation Of Application
5. Notification Of Appointment Of Board, Court, Labour Or Tribunal
6. Notice To Parties To Nominate Representatives

PART 2 :- Arbitration Agreement

7. Arbitration Agreement
8. Attestation Of The Arbitration Agreement
- 8A. Notification Regarding Arbitration Agreement By Majority Of Each Party

PART 3 :- Powers, Procedure, and Duties of Conciliation Officer, Boards, Courts, Labour Courts, Tribunals and arbitrators

9. Conciliation Proceedings In Public Utility Service
10. Conciliation Proceedings In Non-Public Utility Service
- 10A. Parties To Submit Statements
- 10B. Proceedings Before The Labour Court Or Tribunal
11. Section 11
12. Section 12
13. Place And Time Of Hearing
14. Quorum For Board And Court
15. Evidence
16. Administration Of Oath
17. Summons
18. Service Of Summons Or Notice
19. Description Of Parties In Certain Cases
20. Manner Of Service In The Case Of Numerous Persons As Parties To A Dispute
21. Procedure At The First Sitting
22. Board, Court, Labour Court, Tribunal Or Arbitrator May Proceed Ex-Parte
23. Power Of Entry And Inspection
24. Power Of Boards, Courts, Labour Courts And Tribunals

- 25. Assessors
- 26. Fees For Copies Of Onwards Or Other Documents Of Labour Court, Or Tribunal
- 27. Decision By Majority
- 28. Corrections Of Errors
- 29. Proceeding Before A Board, Court, Labour Court Or Tribunal

PART 4 :- Remuneration of Arbitrators, Chairman and members of Courts, Presiding Officers or Labour Courts or Tribunals, Assessors, Witness and Staff

- 30. Proceeding Before A Board, Court, Labour Court Or Tribunal
- 30A. Preservation Of Records By The Labour Courts Of Tribunals
- 31. Traveling Allowance
- 32. Fees
- 33. Expenses Of Witness

PART 5 :- Notice of Change

- 34. Notice Of Change
- 35. Omitted

PART 6 :- PART VI

- 36. Representation Of Parties
- 37. Parties Bound By Acts Of Representatives

PART 7 :- Works Committees

- 38. Constitution
- 39. Number Of Members
- 40. Representatives Of Employee
- 41. Consultation With Trade Unions
- 42. Groups Of Workmens Representatives
- 43. Electoral Constituencies
- 44. Qualifications Of Candidates For Election
- 45. Qualifications For Voters
- 46. Procedure For Election
- 47. Nomination Of Candidates For Election
- 48. Scrutiny Of Nomination Papers
- 48A. Withdrawal Of Candidates Validity Nominated
- 49. Voting In Election
- 50. Arrangements Of Election
- 51. Officers Of The Committee
- 52. Terms Of Office
- 53. Vacancies
- 54. Power To Co-Opt
- 55. Number Of Meetings
- 56. Facilities For Meeting Etc
- 56A. Submission Of Returns
- 57. Dissolution Of Works Committee

PART 8 :- Miscellaneous

- 58. Memorandum Of Settlement
- 59. Companies Regarding Change Of Conditions Of Service Etc
- 60. Application Under Section 33
- 61. Protected Workmen
- 61A. Section 61A
- 62. Appointment Of Commissioner
- 63. Fee For The Commissioner Etc
- 64. Time Of Submission Of Report
- 65. Local Investigation
- 66. Commissioners Report
- 67. Power Of Commissioner
- 68. Summoning Of Witnesses, Etc
- 69. Representation Of Parties Before The Commissioner
- 70. Notice Of Strike
- 71. Notice Of Lock-Out
- 72. Report Of Lock-Out Or Strike
- 73. Report Of Notice Of Strike Or Lock-Out
- 74. Register Of Settlements
- 74A. Notice Of Lay Off
- 74B. Application For Permission To Lay-Off Under Section 25M
- 75. Notice Of Retrenchment
- 75A. Notice Of And Application For Permission For Retrenchment
- 75B. Notice Of Closure
- 75C. Notice Of And Application For Permission For Closure

Industrial Disputes (Punjab) Rules, 1958

PART 1 Procedure for reference of Industrial Disputes to Boards of Conciliation, Courts of Enquiry, Labour Courts or Industrial Tribunals

1. Title And Application :-

- (1) These rules may be called the Industrial Disputes (Punjab) Rules, 1958.
- (2) They extended to the whole of the state of Punjab.

2. Interpretation :-

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

- (a) "Act" means the Industrial Disputes, Act, 1947 (XIV of 1947);
- (b) "Chairman" means the chairman of a Board or Court of, if the Court consists of one person only, such person;
- (c) "Committee" means a Works Committee constituted under sub-section (1) of Section 3 of the Act;

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

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

3. Application :-

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

(a) the parties to the dispute;

(b) the specific matter in dispute;

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

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

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

4. Attestation Of Application :-

The application, and the statement accompanying it shall be signed:

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

(b) in the case of workmen, either by the President and Secretary of registered trade union of the workmen, or by five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held for the purpose. 2

(c) 1 "in the case of an individual workman, by the workman himself or by any officer of the trade union of which he is a member or by another workman in the same establishment duly authorized by him in this behalf: Provided that such workman is not a member of a different trade union."

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

5. Notification Of Appointment Of Board, Court, Labour Or Tribunal :-

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

6. Notice To Parties To Nominate Representatives :-

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

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

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

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

(b) in the case of workmen who are not members of a registered trade union, to any one workman who has attested the application made under Rule 3; and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof in English, Hindi and the regional language on notice-board in a conspicuous manner at the main entrance to the premises of the establishment.

PART 2 Arbitration Agreement

7. Arbitration Agreement :-

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

8. Attestation Of The Arbitration Agreement :-

The arbitration agreement shall be signed: -

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

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

(c) 2 "in the case of an individual workman, by the workman himself or by any officer of the trade union of which he is a member or by another workman in the same establishment duly authorized by him in this behalf: Provided that such workman is not a member of a different trade union."

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

(a) the President;

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

8A. 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 3 Powers, Procedure, and Duties of Conciliation Officer, Boards, Courts, Labour Courts, Tribunals and arbitrators

9. Conciliation Proceedings In Public Utility Service :-

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

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

10. Conciliation Proceedings In Non-Public Utility Service :-

Where the Conciliation Officer receives any 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 give formal intimation to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as my be specified therein.

10A. Parties To Submit Statements :-

(1) The party representing workmen involved in an industrial dispute in a public utility service shall forward a statement of its

demands along with a copy of the notice prescribed under Rule 70 to the Conciliation Officer concerned. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

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

(2-A) The conciliation Officer shall send to the opposite party concerned a copy of the statement received under sub-rule (1) or sub-rule (2), as the case may be, who shall file its rejoinder with the Conciliation Officer within a period of one week of its receipt: Provided that the Conciliation Officer may when he considers necessary extend the time limit for the filing of the rejoinder by any party.

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

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

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

10B. Proceedings Before The Labour Court Or Tribunal :-

(1) Where the State Government refers any case for adjudication to

a Labour Court or Tribunal it shall send to the Labour /Court or Tribunal concerned and to the opposite party concerned in the industrial dispute, a copy of every such order of reference together with a copy of the statement received by the State Government under sub-rule (3) or sub-rule (4) of Rule 10- A: 6 ["Provided that where the Labour Court or the Tribunal, as the case may be considers it necessary, it may allow at any stage of the proceedings amendments to such statement to the extent⁵ as may be necessary for the purpose of determining the real issues included in the order of reference," 11(b) in sub-rule (2), for the second proviso, the following proviso shall be substituted, namely: - "Provided further that where the Labour Court of the Tribunal, as the case may be, considers it necessary it may-

(a) extend the time limit for filing of rejoinder for reasons to be recorded in writing;

(b) reduce the time limit for filing of rejoinder to one week in emergent cases; or

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

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

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

(2) Within two weeks of the receipt of the statement referred to in sub-rule (1), the opposite party shall file its rejoinder with the Labour Court 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 for reference:

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

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

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

(4) The hearing shall ordinarily be continued from day to day and arguments shall follow immediately after the closing of evidence: Provided that no case shall be adjourned for arguments for more

than a week.

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

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

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

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

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

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

written statement under sub-rule (2) by an additional period of fifteen days.

(4) The party raising a dispute may submit a rejoinder, if it chooses to do so, to the written statement filed by the opposite party or parties within a period of fifteen days from the filing of written statement by the later. 7

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

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

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

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

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

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

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

the absence of the defaulting party.

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

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

(11) In respect of a reference under Section 2-A, a Labour Court or Tribunal, as the case may be, shall ordinarily submit its award within a period of three months. 8 Provided that the Labour Court or Tribunal, as the caps may be, may for reasons to be recorded in writing, extend the period of three months for submission of the award for another specified period.

11. Section 11 :-

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

12. Section 12 :-

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

13. Place And Time Of Hearing :-

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

14. Quorum For Board And Court :-

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

Quorum

(i) in the case of a Board--

where the number of member is 3...2

where the number of member is 5...3

(ii) in the case of a Court--

where the number of members is not more than 2...1

where the number of member is more than 2 but less than 5...2

where the number of members is 5 or more...3

15. Evidence :-

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

16. Administration Of Oath :-

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

17. Summons :-

A summons issued by a Board, Court, Labour Court or Tribunal shall be in form D and may require any person to produce before it any books, papers other documents and things in the possession of or under the control of such person in any way relating to the matter under investigation or adjudication by the Board, Court, Labour Courts or Tribunal which the Board, Court, Labour Court or Tribunal thinks necessary for the purposes of such investigation or adjudication. 7 Substituted for the words "The sitting of a Boards, Court, Labour Court or Tribunal or of an Arbitrator" by Punjab Government Notification No. 653(1)Lab-1-59/2802 dated 19.1.1959.

18. Service Of Summons Or Notice :-

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

19. Description Of Parties In Certain Cases :-

Where in any proceeding before a Board, Court, Labour Court of Tribunal or an Arbitrator, there are numerous persons arrayed on any side, such persons shall be described as follows:

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

20. Manner Of Service In The Case Of Numerous Persons As Parties To A Dispute :-

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

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

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

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

21. Procedure At The First Sitting :-

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

22. Board, Court, Labour Court, Tribunal Or Arbitrator May Proceed Ex-Parte :-

If without good cause shown, any party to proceedings before a Board, Court, Labour Court, Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal or Arbitrator may proceed as if he had duly attended or had been represented.

23. Power Of Entry And Inspection :-

A Board, or Court of any member thereof, or a Labour Court of Tribunal, or any person authorized in writing by the Board, Court, Labour Court or Tribunal, in this behalf may, for the purposes of

any investigation, enquiry or adjudication entrusted to the Board, Court, Labour Court or Tribunal under the Act, at any time between the hours of sunrise and sunset and in the case of a person authorized in writing by a Board, Court, Labour court or Tribunal after he has given reasonable notice, enter any building, factory, workshop, or other place or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject-matter of the investigation, enquiry or adjudication.

24. Power Of Boards, Courts, Labour Courts And Tribunals :-

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

(a) discovery and inspection;

(b) granting adjournment;

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

25. Assessors :-

Whereas assessors are appointed to advise a Tribunal under sub-section (4) of Section 7-A or sub-section (4) of Section 7-B or by the Court, Labour Court 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.

26. Fees For Copies Of Awards Or Other Documents Of Labour Court, Or Tribunal :-

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

(a) for the first 200 words or less, 75 naye paise;

(b) for every additional 100 words or fraction thereof, 37 naye paise; Provided that where an award or a document exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words to the nearest

hundred for the purpose of assessing the copying fee.

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

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

(a) where application is made before hand -- 11

(i)for the first four pages or less ---- 25 Naye Paise;

(ii)for every additional page or part thereof ---- 6 Naye Paise;

(b) when application is not made before hand -

(i) for the first four pages or less ---- 50 Naye Paise;

(ii) for every additional page or part thereof ---- 6 Naye Paise;

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

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

27. Decision By Majority :-

All questions arising for decision at any meeting of a Board or Court, save where the Court consists of one person shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes the Chairman shall also have a casting vote.

28. Corrections Of Errors :-

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

29. Proceeding Before A Board, Court, Labour Court Or Tribunal :-

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

PART 4 Remuneration of Arbitrators, Chairman and members of Courts, Presiding Officers or Labour Courts or Tribunals, Assessors, Witness and Staff

30. Proceeding Before A Board, Court, Labour Court Or Tribunal :-

30A. Preservation Of Records By The Labour Courts Of Tribunals :-

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

(i) Orders and judgments of Labour Courts or Tribunals 15 years

(ii) Exhibited documents in the above mentioned Courts or Tribunals 7 years

(iii) Other papers 7 years

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

31. Traveling Allowance :-

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

32. Fees :-

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

33. Expenses Of Witness :-

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

PART 5 Notice of Change

34. Notice Of Change :-

Any employer intending to effect any change in the conditions of

service applicable to any workmen in respect of any matter specified in the Fourth Schedule to the Act shall give notice of such intention in Form E. the notice shall be displayed conspicuously by the employer, in English as well as in the regional language understood by the majority of the workmen in the establishment on a notice board at the main entrance to the establishment and to the Managers officer: 13 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 the union.

35. Omitted :-

PART 6 PART VI

36. Representation Of Parties :-

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

37. Parties Bound By Acts Of Representatives :-

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

PART 7 Works Committees

38. Constitution :-

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

39. Number Of Members :-

The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in, and to the sections, shops or departments of the establishment: Provided that the total number of members shall not exceed twenty: Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

40. Representatives Of Employee :-

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

41. Consultation With Trade Unions :-

(1) Where any workmen of an establishment are members of a registered trade union, the employer shall ask the union to inform him writing--

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

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

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

42. Groups Of Workmens Representatives :-

On receipt of the information called for under Rule 41, 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 who are members of the registered trade union or unions; and

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

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

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

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

43. Electoral Constituencies :-

Where under Rule 42 the workmens representatives are to be elected into two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those, who are member of a registered trade union and other of those who are not:

Provided that the employer may, if he thinks fit, sub-divide the two electoral constituencies and direct that workman shall vote in either

by groups, section, shops or departments.

44. Qualifications Of Candidates For Election :-

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

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

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

45. Qualifications For Voters :-

All workmen who are not less than 18 years of age and who have put in not less than 3 months continuous service in the establishment shall be entitled to vote in the election of the representatives of workmen. 15

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

46. Procedure For Election :-

(1) The employer shall fix a date as the closing date for receiving nomination of from candidates for election as workmens representatives on the Committee.

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

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

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

47. Nomination Of Candidates For Election :-

(1) Every nomination shall be made on nomination paper in Form G copies of which shall be supplied by the employer to workmen requiring them.

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

48. Scrutiny Of Nomination Papers :-

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

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

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

48A. Withdrawal Of Candidates Validity Nominated :- Any candidate whose nomination for election has been accepted may withdraw his candidature within 48 hours of the completion of scrutiny of nomination papers."

49. Voting In Election :-

(1) if the number of candidates who have been validly nominated is equal to number of seats, the candidates shall be forthwith declared duly elected.

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

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

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

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

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

50. Arrangements Of Election :-

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

51. Officers Of The Committee :-

(1) The Committee shall have amongst 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 employers representatives on the Committee and he shall, as far as possible, be the head of establishment.

(2-A) The Vice-Chairman shall be elected by the members on the Committee representing the workers, from amongst themselves: Provided that in the event of equality of votes in the election of the Vice-Chairman, the matter shall be decided by draw of a lot: Provided further that the post of the Chairman or the Vice-Chairman, as the case may be, shall not be held by a representative of the employer or the workmen, for two consecutive terms.

(3) The Committee shall elect the Secretary and the Joint Secretary; provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the workmen and viceversa: 17 Provided further that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the workmen, for two consecutive years.

52. Terms Of Office :-

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

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

53. Vacancies :-

In the event of workmens representative ceasing to be employed in the establishment or in the event of his resigning the membership in the Committee is successor shall be elect5ed from the constituency to which the member vacating the seat belonged.

54. Power To Co-Opt :-

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

55. Number Of Meetings :-

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

56. Facilities For Meeting Etc :-

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

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

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

57. Dissolution Of Works Committee :-

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

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

PART 8 Miscellaneous

58. Memorandum Of Settlement :-

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

(2) The settlement shall be signed by--

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

(b) in the case of workmen;

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

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

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

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

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

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

59. Companies Regarding Change Of Conditions Of Service Etc :-

(1) Every complaint under Section 33-A of the Act shall be

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

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

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

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

60. Application Under Section 33 :-

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

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

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

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

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

61. Protected Workmen :-

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

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

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

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

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

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

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

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

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

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

62. Appointment Of Commissioner :-

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

63. Fee For The Commissioner Etc :-

(1) Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioners Fees and other incidental expenses and direct the payment thereof, into the nearest treasury, within a specified time, by such party or parties and in such proportion as it may consider fit. The Commission shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:

Provided that the Labour Court may from time to time direct that

any further sum of sums be deposited into the treasury within such time and by such parties as it may consider fit: Provided further that the Labour Court may, in its discretion, extend the time for depositing the sum into the treasury.

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

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

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

64. Time Of Submission Of Report :-

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

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

Provided that the Labour Court may grant extension of time notwithstanding that no application for such extension has been received from the Commissioner within the prescribed time limit.

65. Local Investigation :-

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

66. Commissioners Report :-

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

(2) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the industrial dispute and shall form part of the record of the

proceedings in the industrial dispute by the Labour Court or with the permissions of the Labour Court, any of the parties to the industrial dispute may examine 22 the Commissioner personally before the Labour Court regarding any of the matters referred to him or mentioned in his report or as to his report or as to the manner in which he has made the investigation.

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

67. Power Of Commissioner :-

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

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

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

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

68. Summoning Of Witnesses, Etc :-

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

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

69. Representation Of Parties Before The Commissioner :-

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

70. Notice Of Strike :-

(1) The Notice of strike to be given by workmen in a public utility

service shall be in Form L.

71. Notice Of Lock-Out :-

The notice of lock-out to be given by an employer carrying on a public utility service shall be Form M. 14 [The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Managers office]

72. Report Of Lock-Out Or Strike :-

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

73. Report Of Notice Of Strike Or Lock-Out :-

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

- (1) The Administrative Department of the Government of Punjab;
- (2) The Labour Commissioner, Punjab;
- (3) The District Magistrate concerned.

74. Register Of Settlements :-

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

74A. Notice Of Lay Off :-

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

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

74B. Application For Permission To Lay-Off Under Section 25M :-

(1) Application for permission to lay-off any workman under sub-section (1), or for permission to continue a lay-off under sub-

section (2) of section 25m shall be made in form O-3 and delivered to the authority specified under sub-section (1) of the said section 25M either personally or by registered post acknowledgement due and where the application is sent by registered post, the date on which the same was delivered to the said authority shall be deemed to be the date on which the application was made for the purpose of sub-section (4) of the said section 25M

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

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

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

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

FOR HARYANA

74-B. Application for permission to lay off under Section 25M. --

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

(2) The application for permission shall be made in triplicate and

sufficient number of copies of the application for service on the workmen concerned shall also be submitted along with the application.

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

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

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

75. Notice Of Retrenchment :-

If any employer desires to retrench any workman in his industrial establishment who has been in continuous service for a period of not less than one year under him [herein after referred to as "workman" in this rule and in rules 76 and , he shall give notice of such retrenchment as in Form P to the State Government, the Labour Commissioner, Haryana, the Labour-cum-Conciliation Officer of the area and the Employment Exchange concerned, by registered post in the following manner, namely: --

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

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

(c) where retrenchment is carried out under an agreement which specifies a date for the termination of service notice of

retrenchment shall be sent so as to reach the State Government, the Labour Commissioner, Haryana, the Labour-cum-Conciliation Officer of the area and the Employment Exchange concerned, at least one month before such date:

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

75A. Notice Of And Application For Permission For Retrenchment :-

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

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

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

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

refusal to grant permission within 26 the period specified in sub-section (3) or , as the case may be, sub-section (5) of section 25N."

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

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

75C. Notice Of And Application For Permission For Closure :-

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

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

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

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

FOR HARYANA

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

personament due.

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

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

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