

## **Andhra Pradesh Industrial Disputes Rules, 1958**

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## **Andhra Pradesh Industrial Disputes Rules, 1958**

[G.O.Ms.No.2883, Home (Labour-tV), dt.16-12-I 958] In exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) the Governor of Andhra Pradesh hereby makes the following Rules, the same having been previously published as required by sub-section (1) of the said section, namely :-

### **CHAPTER 1** Preliminary

#### **1. Short Title And Extent :-**

(1) These rules may be called the Andhra Pradesh Industrial Disputes Rules, 1958.

(2) They shall extend to and be in force in the whole of the State of Andhra Pradesh.

#### **2. Definitions :-**

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

(a) "Act" means the Industrial Disputes Act, 1947 (Central Act 14 of 1947);

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

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

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

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

(f) "Government" means Government of Andhra Pradesh

(g) with reference to clause (g) of Section 2, it is hereby prescribed that in relation to an industry carried on by or under the authority of a Department of the Government, the officer in charge of the industrial establishment shall be the employer in respect of that establishment.

**PART 1** Procedure for Reference of Industrial Dispute to Boards of conciliation, Courts of enquiry, Labour Courts or Industrial Tribunals

#### **3. Application :-**

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

I. R.S. to Part A.P. Gazette, dated 29-1-1959 page 45.

2. Subs. by G.O.Ms.No. 2383, dated 2-12-1961. Vide R.S. to Part I, A.P. Gazette, dated 21-12-1960 page 632.

3. Subs. by G.O.Ms.No. 881, dt. 22-4-1960. Vide R.S. to Part I, Al. (Jazerte. dated 25-5-1960 page 190. Secretary to the Government in charge of Labour (in triplicate), the Commissioner of Labour and the Conciliation Officer of the area 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 :-**

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) (i) in the case of workmen, by the President and the Secretary of a Registered Trade Union of workmen or if both or either of them is not available by 5 representatives duly authorised by the Executive of the Union

(ii) where there is no registered trade union, by 5 representatives of the workmen duly authonsed in the General Body meeting by the majority of the workmen, held for this purpose;

(c) in 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 authonsed by him in this behalf.

#### **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 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 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 on the Board.

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

(3) The notice to the workmen shall be sent :-

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

(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 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 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 shall be delivered personally or forwarded by registered post (to the Secretary to Government in charge of Labour (in triplicate), the Commissioner of Labour and the Conciliation Officer concerned. The agreement shall be accompanied by the consent, in writing, of the arbitrator or arbitrators.

**7A.** Notification Regarding Arbitration Agreement By Majority Of Each Party :- Where an industrial dispute has been referred to arbitration and the Government are satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Andhra Pradesh Gazette for the information of the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute).

### **8. Attestation Of The Arbitration Agreement :-**

The arbitration agreement shall be signed

(a) in the case of an employer, by 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

(i) by the president and the Secretary of a Registered Trade Union

of workmen, or if both or either of them is not available by 5 representatives duly authorised by the Executive of the Union

(ii) where there is no registered Trade Union, by 5~ representatives of the workmen duly authorised in the General Body Meeting by the majority of the workmen held for this purpose.

(c) in the case of an individual workmen by the workmen 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 a different trade union.

**PART 3** Powers, procedures and duties of Conciliation Officers, Boards Courts Labour Courts, Tribunal 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 73 or Rule 74 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 endeavor to bring about a settlement of the dispute in question.

(2) Where the Conciliation Officer receives no notice of a strike or lock-out under Rule 73 or Rule 74 but he considers 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.

1. G.O.Ms.No. 881, dt. 22-4-1960 R.S. to Part 1, A.P. Gazette, dt. 26-5-1963, Page 190.

2. G.O.Ms.No. 178, dt. 7-2-1966 R.S. to Part I, A.P. Gazette, dt. 10-3-1966 Page 120.

### **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 in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

### **11. Parties To Submit Statement :-**

(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 73 to the Conciliation Officer concerned. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

(2) The party representing workman involved in a dispute in a non-public utility service or in a dispute in a public utility service, where no notice of strike is given under sub-rule (I) of Rule 73 or the case of an individual workman, who is himself involved in an industrial dispute shall forward a statement of its or his 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.

(3) The statement of demands submitted by the individual workman or by the party representing the workmen under sub-rule (1) or subrule (2) shall be transmitted to the State Government by the Conciliation Officer concerned with his report under sub-section (4) of Section 12.

(4) Where an employer, or an individual workman or a party representing workmen, 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 with as many spare copies thereof as there are opposite parties.

(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.

["(6) The workmen discharged, dismissed, retrenched or otherwise terminated from service and who desires to represent his dispute to the Labour Court directly for adjudication, shall submit an application in Form K-4 duly signed by him to the said Court with as many spare copies thereof as there are opposite parties".

## **12. Proceedings Before The Labour Court Or Tribunal :-**

(1) Where the State Government refers any industrial dispute for adjudication to a Labour Court or Industrial Tribunal, within two weeks of the date of receipt of order of reference, the party representing workmen and the employer involved in the dispute shall file with Labour Court or Industrial Tribunal, as the case may

be, a statement of the demands relating to the issues only 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 Industrial 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 of 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 such agreement; or
- (d) where both the parties agree, dispense with the requirement of filing of such statement altogether

[(c) allow at any stage of the proceedings amendments to such statement to the extent as may be necessary for the purpose of determining the real issue 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 of reference; Provided further that where the Labour Court or Industrial Tribunal, as the case may be, considers it necessary, may -

- \*(a) extend the time limits for filing of such rejoinder; or
- (b) reduce the time limit for filing of such rejoinder 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 rejoinder as per such agreement ; or
- (d) where both the parties agree, dispense with the requirement or filing of such rejoinder altogether.
- (e) allow at any stage of the proceedings, amendments to such rejoinder to the extent as may be necessary for the purpose of determining the real issues included in the order of reference.]

(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 arguments shall follow immediately after the closing of 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, 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, 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 a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the presiding officer: Added by G.O.Ms. No. 151 (Lab-I). dt 12-5-1983. R.S. to Part-I. tix14 A.P. Gazette. dt. 30-8-1983. 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, (Central Act 5 of 1908) if it considers necessary so to do. in view of the nature of the particular industrial dispute pending before it. :-

(I) Where the workman discharged, dismissed, retrenched or otherwise terminated from service makes an application in the prescribed manner, direct to the Labour Court for adjudication of the dispute, within one week of the date of receipt of such an application, the Labour Court shall cause service of a copy of the said application on the employer. The employer shall file within seven days from the date of receipt of the said application, his counter in the Labour Court under copy of the workman. The workman if he desires to file any rejoinder he may file it within seven days from the date of receipt of the counter, in the Labour Court provided that where the Labour Court considers it necessary

(a) It may extend or reduce the period of limitation for filing the counter/rejoinder for a maximum of thirty-days.

(b) Allow at any stage of the proceedings, amendments to such application/counter to the extent as may be necessary for the purpose of determining the real issue include in the application.

(2) The Labour Court shall ordinarily fix the date for the first hearing of the dispute within five weeks from the date on which the application is received by it:

Provided that the Labour Court for reasons to be recorded in writing, fix a later date than five weeks for the first hearing of the dispute which may extend to ninety days from the date of receipt of the application.

(3) The hearing shall ordinarily be continued from day to day, the arguments shall follow immediately after the close of evidence and

proceedings of the reference of the dispute in any case shall be closed and decision shall be given within 180 days from the date of the application.

(4) The Labour Court shall as the examination of each witness proceeds, make a memorandum of substance of what he disposes, and such memorandum shall be written and signed by the Presiding Officer: Provided that the Labour Court may follow the procedure laid down in Rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908) if it considers necessary so to do in view of the nature of the particular industrial dispute pending before it ."

**13. Conciliation Offer To Hold Meeting :-**

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

**14. Conduct Of Proceedings :-**

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

**15. Place And Time Of Hearing :-**

Subject to the provisions contained in Rules 11 and 12 the sittings of 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.

**16. Quorum For Boards And Courts :-**

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

(i) in the case of a Board where the number of members is 3 2 where the number of members is 5 3

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

**17. Evidence :-**

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

**18. 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.

### **19. 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.

### **20. Service Of Summons Or Notice :-**

Subject to the provisions contained in rule 22, any notice, summons, process or order issued by a Board, Court. Labour Court, Tribunal, National Tribunal or an Arbitrator empowered to issue such notice. summons, process or order may be served either 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 be sent again under certificate of posting].

### **21. Description Of Parties In Certain Cases :-**

Where in any proceeding before Board, Court, Labour Court, Tribunal or an arbitrator, there are numerous persons arrayed on any said, such persons shall be described as follows :-

- (1) all such persons as are members of any trade union or association shall be described by the name of such trade union or association ; and
- (2) all such persons as are not members of any trade union or association shall be described in such manner as the Board, Court, Labour Court, Tribunal or Arbitrator, as the case be, may determine.

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

(1) Where there are numerous persons as parties to any proceedings before 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 proceedings 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 workman as cannot be ascertained and found.

### **23. 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.

### **24. Power Of The Board, Court, Labour Court, Tribunal Or Arbitrator To Proceed Ex-Parte Etc :-**

If without sufficient cause being shown any party to the proceeding before a Board, Court, Labour Court, Tribunal or Arbitrator fails to file the statement of demands/rejoinder and, or to attend or to be represented the Board, Court, Labour Court, Tribunal or Arbitrator may proceed as if the party has nothing to file the statement of demands/rejoinder and as if the party had duly attended or had been represented. Provided that in case where one of the parties fails to file statement of demands rejoinder and, or to attend or to be represented, the Board, Court, Labour Court. Tribunal or Arbitrator may proceed ex-parte. Provided further in case both the parties fails to file statement of demands rejoinder and, or to attend or to be represented the Board, Court, Labour Court, Tribunal or Arbitrator may close the proceedings as having not been pressed by the parties.

### **25. Power Of Entry And Inspection :-**

A Board, or Court, or any Member thereof, or a Conciliation Officer, a Labour Court, or Tribunal or any person authorised in writing by the Board, Court, Labour Court, or Tribunal in this behalf may, for the purposes of any conciliation, investigation, enquiry or adjudication entrusted to the Conciliation Officer, Board, Court, Labour Court, or Tribunal under the Act at any time between the hours of sunrise and sunset and in the case of person authorised 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 conciliation, investigation, enquiry or adjudication. 2 [Provided that, where the cause of dispute relates to work in a night shift inspection may also be made after sunset after giving notice to the parties concerned].

**26. Power Of Boards, Courts, Labour Courts And Tribunals :-**

In addition to the powers conferred by the Act, Boards, Courts, Labour Courts or Tribunals shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 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;

I. Substituted by G.O.Ms.No. 150 (Lab-I). dated 12-5-1982 (Vide R.S. to Part I. A.P. Gazette, dated 11-8-1983). 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 Sections 480 and 482 of the Code of Criminal Procedure. 1898 (Central Act V of 1898).

**26A. Principles For Determining Cost :-** In determining the costs of, and incidental to, any proceeding before a Labour Court or Tribunal, the Court or Tribunal, as the case may be, shall have regard to :-

- (a) the travelling and other expenses incurred by a party, its representatives and witnesses for the purpose of attending the Court or Tribunal
- (b) the loss of wages suffered by a party, its representatives or witnesses during the period of absence for the purpose of attending the Court or Tribunal.

**27. Assessors :-**

Where assessors are appointed to advise a Tribunal under subsection (4) of Sec.7-A or by the Court, Labour Court or Tribunal under subsection (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.

## **28. Fees For Copies Of Awards Or Other Documents Of Labour Court Or Tribunal :-**

(I) Fees for marking a copy of an award or an order of a Labour Court or Tribunal or any document filed in any proceedings before a Labour Court or Tribunal be charged as follows:

(a) for the first 200 words or less. 75 Ps.

(b) for every additional 100 words or fraction there of 35 Ps. Provided that where an award or order or 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 order or document, a fee of Rs. 1 shall be payable.

(3) Copying and certifying fee 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 fee leviable under this rule shall be payable.

## **29. 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.

## **30. Correction Of Errors :-**

The 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 Commission in any proceedings, report, award or decision either of its or his own motion or on the application of any of the parties].

## **31. 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 evidence has been called.

## **32. 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.

**32A.** Section 32A :- . Every award of Labour Court, Industrial Tribunal shall be published together with the order of the Government on the notice board of the Labour Court, Industrial Tribunal on the date specified by the Government in their orders.

**32B.** Section 32B :- . Every award received from the arbitrator shall be published together with the order of the Government on the notice board of the office of the Deputy Commissioner of Labour on the date specified by the Government in their order in whose jurisdiction the award is enforceable.

**PART 4** Remuneration of Chairman and Members of Courts, Presiding Officers of Labour Courts, and Tribunals, Assessors and Witnesses

**33. Travelling Allowance :-**

The Chairman or Member of Board Court or Presiding Officer of a Labour Court, or Tribunal or an Assessor if a non-official shall be entitled to draw travelling allowance and daily allowance for any journey performed by him in connection with performance of his duties, at the rates admissible to a non-official member of First Class Government committee under the Andhra Pradesh Travelling Allowance Rules.

**34. Fees :-**

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

**35. Expenses Of Witnesses :-**

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

**PART 5** Notice of Change

**36. Notice Of Change :-**

Any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule [to the Act] shall give notice of such intention in Form-F. The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in Managers Office Provided that where any registered trade union exists, a copy of the notice shall also be served on the Secretary of the Union.

### **37. Manner Of Service Of Notice Of Change :-**

(1) Where there are numerous workmen affected by a notice of change and the majority of such workmen are members of any trade union, the service of notice, by registered post, on the secretary, or where there is no secretary, on the principal officer of the trade union shall be deemed to be service on all such workmen. The employer shall, at the same time, arrange to exhibit the notice by affixing it to a notice board in the manner specified in sub-rule (2): Provided that if the Secretary or the Principal Officer refuses to receive the notice or that for any other reason the notice cannot be served on the Secretary or the Principal Officer in the ordinary way the exhibition of the notice in the manner specified in sub-rule (2) shall be deemed to be service on all such workmen.

(2) Where there are numerous workmen affected by a notice of change and the majority of such workmen are not members of any trade union or association, the employer shall, where personal service is not practicable, cause the service of any such notice to be made by affixing the same to a notice board at or near the entrance or entrance of the establishment concerned and the notice shall remain so affixed for a period of twenty-one days. The notice shall be in English, the regional language and the language understood by the majority of the workmen in the establishment concerned.

(3) A copy of the notice shall simultaneously be forwarded by the employer to the conciliation officer, the Commissioner of Labour and the union concerned.

### **PART 6 Representation of Parties**

#### **38. Form Of Authority Under Section 36 :-**

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.

### **39. Parties Bound By Acts Of Representative :-**

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

## **PART 7 Works Committee**

### **40. 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.

### **41. 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 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.

### **42. Representative Of Employer :-**

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

### **43. 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 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) When an employer has reason to believe that the information furnished to him under sub-rule (I) 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 said officer, after hearing the parties, shall decide the matter and his decision shall be final.

### **44. Groups Of Workmens Representatives :-**

On receipt of the information called for under Rule 43, the employer shall provide for the election of workmens representatives on the Committee in two groups

(I) 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 or 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 43 within one month of the date of 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 43, the election shall be held on receipt of the Conciliation Officer.

#### **45. Electoral Constituencies :-**

Where under Rule 44 the workmens representatives are 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 fit, sub-divide the [electoral constituency or constituencies, as the case may be] and direct that workmen shall vote in either by groups, sections, shops or departments.

#### **46. 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 qualification prescribed under this rule.

#### **47. Qualifications For Votes :-**

All workmen 2 [x x x ] ~yIio are not less than 18 years of age and who have put in not less than 6 months continuous service in the establishment shall be entitled to vote in the election of the

representatives of workmen.

Explanation: - A workman who has put in a continuous service of not less than 6 months in two or more establishments belonging to the same employer shall be deemed to have satisfied the service qualification prescribed under this rule.

1. G.O.Ms.No. 252, dated 9-2-1967.

#### **48. Procedure For Election :-**

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

(2) For holding 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 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 group, sections, shops or departments and the number to be elected by members of the registered trade union or unions and by the non-members.

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

#### **49. Nomination Of Candidates For Election :-**

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

(2) Each nomination shall be signed by the candidate to whom it relates and attested by at least two other voters belonging to the group, section, shop or department the candidates seeking election will represent, and shall be delivered to the employer.

#### **50. Scrutiny Of Nomination Papers :-**

(1) On the day following the last day fixed for filling nomination papers, the nomination papers shall be scrutinised 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 46 ; or

(b) the requirements of Rule 49 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.

**50A.** Withdrawal Of 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 papers.

### **51. 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 belonging to a union 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.

### **52. Arrangement For Election :-**

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

### **53. Officers Of The Committee :-**

(I) The Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint Secretary. The 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 the establishment.

(2-A)) The Vice-Chairman shall be elected by the members on the committee representing the workers, from amongst themselves Provided in the event of equality of votes in the election of the Vice-Chairman, the matter shall be decided by draw of a lot.

(3) The Committee shall elect the Secretary and 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. 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.

#### **54. 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 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.

#### **55. Vacancies :-**

In the event of workmens representative ceasing to be a member under sub-rule (3) of Rule 54 or ceasing to be employed in the establishment or in the event of his ceasing to represent the trade or vocation he was representing on resignation or death his successor shall be elected in accordance with the provisions of this part from the same category, group, class, section, shop or department to which the member vacating the seat belonged.

#### **56. 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-opter member 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.

#### **57. Meetings :-**

(I) The Committee may meet as often as necessary but not less often than once a month Provided that in case of seasonal

establishment which works only for a part of the year the committee shall meet only during the season when the establishment works.

(2) The committee shall at its first meeting regulate its own procedure and make bye-laws subject to the approval of the committee of labour.

**58. Facilities For Meeting, Etc :-**

(1) The employer shall provide accommodation for holding meeting 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 workman 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 establishment.

**58A.** Submission Of Returns :- The employer shall submit half-yearly returns as in Form G-I in triplicate to the Conciliation Officer concerned, not later than the 20th of the month following the half year.

**59. Dissolution Of Committee :-**

The Government, or where the power under Section 2 has been delegated to any officer or authority under Sec.39, such officer or authority may, after making such inquiry as it or he may deem fit, dissolve any committee at any time, by an order in writing, if it or he is satisfied that the committee has 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 committee has, for any other reason, ceased to function: Provided that where a committee is dissolved under this rule, the employer may, and if so required by the Government or as the case may be, such officer or authority shall, take steps to re-constitute the committee in accordance with these rules.

**PART 8** Miscellaneous

## **60. 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 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 workman

(i) by the President and the Secretary of a registered trade union of the workmen or if both or either of them is not available by 5 representatives duly authorised by the executive of that union

(ii) where there is no registered trade union, by 5 representatives of the workmen duly authorised in the General Body meeting by the majority of the workmen, held for this purpose.

(c) in the case of an individual workman, by himself.

(3) Where a settlement is arrived at in the course of conciliation proceeding, the Conciliation Officer shall send a report to the 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 Government, the Commissioner of Labour and to the Conciliation Officer concerned

## **61. Complaints 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 reference to the numbered paragraphs to 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 person making it and shall state the date on which and the place at which it was signed.

## **62. 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) and sub-section (3) of Section 33 shall present an application in Form-i 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 (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 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 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.

## **63. 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 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 workmen" for the period

of 12 months from the date of such communication for the purpose of sub-sec of(3) of the said Section and communicate to the union, in writing fifteen days the receipt of the names and addresses under sub-rule (1), the list of workmen recognised 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 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 unions that the number of recognised 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 union seeking protection, the union shall be entitled to select the officer 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, dispute shall be referred to the Labour Court whose decision thereon shall be final.

#### **64. Application For Recovery Of Dues :-**

(1) Where any money is due from an employer to a workman or a group of workmen under subsec. (I) or sub-section (5) of Section 33-C of the Act the workman or the group of workmen, as the case may be. may apply in Form K-I 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 workman, the application shall be made in Form K-2.

(2) Where any workman 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 group of workmen, as the case

may be, may apply to the 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.

**65. 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 Civil Court, or as a Stipendiary Magistrate or as a Registrar or Secretary of Labour Court, or Tribunal.

**66. 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 Commissioners fees and other incidental expenses, and direct the payment thereof into the nearest treasury, within a specified time, by such party and parties, and in such proportion as it may consider fit. The commission shall not be issued until satisfactory evidence of the deposit of the amount is produced 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 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 undisbursed balance, if any, of the sum deposited shall be returned to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

**67. Time For 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 submission of his report is likely to be exceeded, he shall apply, before 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 application for such extension has been received from the Commissioner within the prescribed time limit.

**68. 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 65 directing him to make such investigation and to report thereon to it.

**69. 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 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: 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 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.

**70. Powers Of Commissioner :-**

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

(a) Examine the parties themselves and any witnesses whom they or any of them may produce, and any other person 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 inquiry

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

## **71. Summoning Of Witnesses Etc :-**

(1) The provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) relating to summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to persons required 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 of the sum deposited under Rule 66, of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance appearing in the Civil Court.

## **72. Representation Of Parties Before Commissioner :-**

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

## **73. Notice Of Strike :-**

(1) The notice of strike to be given by workmen in a public utility service shall be in Form-L.

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

## **74. 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-M. 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 Provided that where a registered trade union exists, a copy of the notice shall be served on the Secretary of the Union.

## **75. Intimation Report Of Lock-Out Or Strike :-**

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

## **76. 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 subsection (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) Secretary to Government in charge of Labour.
- (2) The Commissioner of Labour, Andhra Pradesh.
- (3) The District Magistrate concerned.

**77. Register Of Settlements :-**

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

**77A. Notice Of-Lay-Off :-**

(1) If any workman employed in an industrial establishment as defined in the explanation below Sec. 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 Forms-O- I and O-2 respectively within three days of such commencement or termination, as the case may be.

(2) Such notice 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.

**77B. Application For Permission To Lay-Off Under Section 25-M :-**

(1) The application for permission to lay-off any workman under sub-section (1) of Section 25-M shall be made in triplicate, in Form O-3 and delivered to the Authority specified under sub-section (1) of the said Section either personally or by registered post with acknowledgement due and where the application is sent by the Registered post the date on which the same was delivered to the Authority shall be deemed to be the date on which the application was made for the purpose of sub-section (5) of that Section.

(2) A copy of the application referred to in sub-rule (1) shall be served by the employer simultaneously on the concerned workmen registered trade union as may be required under sub-section (2) of Section 25-M.

(3) The employer concerned shall, furnish the Authority to whom the application for permission has been made, such further information as the Authority considers necessary for their information, 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 (5) of Section 25-M.

(4) Where the permission to lay-off has been granted by the said Authority, the employer concerned shall give to the Commissioner of Labour, Andhra Pradesh, Hyderabad, Deputy Commissioner of Labour of the area concerned, a notice of commencement and termination of such lay-off in Forms-O- I and 0-2 respectively within a period of three days.

(5) The employer or the workmen as the case may be if so desirous to seek review of the orders of the specified authority, under subsection 7 of Section 25-M shall make an application to the specified authority in duplicate and simultaneously serve a copy of such application on the other party concerned.

### **78. Notice Of Retrenchment :-**

If any employer desires 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 79 and 80), he shall give notice of such retrenchment as in Form P to the Government, the Commissioner of Labour, the Regional Assistant Commissioner of Labour and the Employment Exchange concerned and such notice shall be served on the Government, the Commissioner of Labour, and the Employment Exchange concerned by registered post in the following manner :-

I. Ins, by G.O.Ms.No. 524,dated 27-5-1976, A.P. Gaz., R.S. to Part) (Ext.),dated 28-5-I 976. and substituted by GO. Ms.No. 9 (Lab-I), dated 3-1-1989.

(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 Government, the Commissioner of Labour, the Regional Assistant Commissioner of Labour, the Labour Officer, 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 Government, the Commissioner of Labour, the Regional Assistant Commissioner of Labour, the Labour Officer, the Employment Exchange concerned within three days of the agreement.

**78A.** Notice Of, And Application For Permission For Retrenchment :-

(1) Application under Clause (b) of sub-section (1) of the Sec.25- N for retrenchment shall be made in Form P-A in triplicate and served on the authority specified by the Government under the said clause, either personally or by Registered Post with acknowledgement due and where the application is served by registered post, the date on which the same was delivered to the Authority, shall be deemed to be the date of service of the application for the purpose of sub-section (4) of the said Section.

(2) A copy of the application referred to in sub-rule (1) shall be served by the employer, simultaneously on the concerned workmen/registered trade union as required under sub-section (2) of Section 25-N.

(3) The employer concerned shall furnish to the authority to whom the application for retrenchment has been made, under Clause (b) of sub-section (1) of Section 25-N such further information as the authority may consider necessary for arriving at a decision on the application called for by such authority, so as to enable the authority to communicate its permission or as the case may be its refusal to grant permission within the period specified in sub-section (4) of Section 25-N.

(4) The employer or the workmen as the case may be if so desired to seek the review of an order of the specified authority under subsection (6) of Section 25-N of the Act, shall make an application to the specified authority in duplicate and simultaneously serve a copy of such application on the other party concerned.

(5) The Government or the authority to whom the application for permission was made as the case may be, may if the parties so desire give an opportunity of personal hearing before taking a final decision.

**78B.** Notice Of Closure :- If an employer intends to close down an undertaking he shall give notice of such closure in Form Q to the Government, the Commissioner of Labour, Andhra Pradesh, Hyderabad, the Regional Assistant Commissioner of Labour, the Labour Officer and the Employment Exchange concerned by

registered post.

1 . Ins. by G.O.Ms.No. 524, dt. 27-5-76, A.P. Gaz., R:S. to Pt. I (Ext.), dt. 28-5-1976 and substituted by G.O.Ms.No. 9 (Lab-I), dt. 3-1-1989.

**78C.** Notice Of, And Application For Permission For Closure :-

(1) The application under sub-section (1) of Section 25-0 for closure shall be made in Form QA in triplicate to 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 was delivered on the Government shall be deemed to be the date on which the application was made for the purpose of sub-section (3) of Section 25-0.

(2) The employer concerned shall furnish to the Government to whom the application for permission to close down has been made, such further information, as the government considers necessary, for arriving at a decision on the application and calls for, from such employer.

(3) The employer or the workmen as the case may be, if so desirous to seek review of the orders of the Government, under sub-section

(5) of Section 25-0 of the said Act, shall make an application, to the Government in duplicate and simultaneously serve a copy of such application, on the other party concerned".

**79.** Maintenance Of Seniority List Of Workmen :-

The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated, arranged according to the seniority of their service in that category and cause a copy thereof to be posted 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.

**80.** Re-Employment Of Retrenched Workmen :-

(1) At least ten days before the date on which vacancies are to be filled, the 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 retrenchment at any time thereafter. Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given b) i the employer~ individually to the senior most retrenched workman in the list referred to in Rule 79 the number of such senior most workmen being double number of such vacancies Provided further that where the vacancy is of 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 cause being shown in writing to the employer, does not offer himself for reemployment 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[(2) Immediately after complying to the provisions of sub-rule (1) the employer shall also inform the trade unions connected with the industrial establishment and Employment Exchange concerned, of the number of vacancies to be filled and the names of the retrenched workmen to whom intimations have been sent under that sub-rule. Provided that compliance with the provisions of this sub-rule is not obligatory for the employer to intimate the trade unions concerned, if the intimation is sent to every one of the workmen mentioned in the list prepared under Rule 79.]

I. Substituted by G.O.Ms.No. 9 (Lab-I). dated 3-1.1989.

2. Substituted by G.O.Ms.No. 249, (Lab-I), dated 25-8.1984 R.S. to Part I A.P. Gazette. dated 27-12-1984. R.88)

### **81. Penalties :-**

Breach of any of these rules shall be punishable with fine not exceeding fifty rupees.

### **82. Repeal :-**

The Hyderabad Industrial Disputes Rules, 1950, the Madras Industrial Disputes Rules, 1958 as in force in the territories specified in the First Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries ) Act, 1959(Central Act 56 of 1959) and the Madras Industrial Disputes Rules, 1948 as adopted by Government of Andhra Pradesh are hereby repealed. Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

## **PART 9** Rules for the preservation and destruction of records

### **83. Index** :-

An index in the form prescribed in appendix A shall be put up with the record of every dispute when it is first referred to the Labour Court or Industrial Tribunal as the case may be.

### **84. Filing Of Papers** :-

Each paper, as it is filed in the record shall be numbered and entered in the index under the appropriate part of file to which it belongs. The part of file to which a particular paper belongs shall be determined with relevance to the Table in Appendix B.

### **85. Categorisation Of Record** :-

Every record, book and paper, shall after completion, be deposited in the room. Once so deposited every record shall be divided into parts, File-A and File-B, each paper in the record being placed in its appropriate part with reference to the Table in Appendix B.

### **86. Final Stage Of Record** :-

A record shall be taken to have reached completion on the date of the final order of the Labour Court or Industrial Tribunal, as the case may be, or in the event of any proceeding in the High Court, or the Supreme Court on the date of the final order of the High Court or the Supreme Court, as the case may be.

### **87. Destruction Of Records** :-

All records, books, registers and papers shall be retained in the record room for the periods prescribed for each in Appendices C and D counting from the date of completion. On the expiry of such periods, they shall be destroyed, subject to the provisions of Rules 88 and 89; for the purposes of these rules, any record or paper of the proceedings under Sections 10-A, 33 and 34-A and of matters incidental to disputes referred to under Section 10 shall be deemed to be record or paper.

### **88. Indestructible Records** :-

The following shall on no account be destroyed:

- (1) Records connected with expenditure which is within the period of limitation.
- (2) Records connected with expenditure on project schemes or works not completed, although beyond the period of limitation.
- (3) Records connected with claims to service and personal matters affecting persons in the service.
- (4) Orders and sanctions of a permanent character, until revised.

### **89. Evidence In Suits :-**

Where any document of which the destruction is ordered by these rules is, before it has been destroyed, made evidence in any other suit or proceedings, the rules regulating its destruction will be the rule applicable to evidence filed in such suit or proceeding where the period prescribed by such last mentioned rule is in excess of the period prescribed by the rules which originally governed its destruction.

### **90. Notification For Destruction :-**

In January of each year, notice shall be published in the Andhra Pradesh Gazette and shall also be affixed to the Courts notice board, specifying the documents filed by parties, which will be destroyed during the ensuing year, the cases to which such documents appertain if any, and the dates on which such documents shall be destroyed, and giving warning that unless previously reclaimed by parties duly entitled if any, before the said dates, destruction shall without fail, ensue. All documents reclaimed by parties duly entitled , shall be returned to such parties under orders of the Presiding Officers of the Labour Court or Industrial Tribunal, as the case may be.

### **91. Mode Of Destruction :-**

When the dates fixed for destruction have arrived, the Presiding Officers of the Labour Court or the Industrial Tribunal, as the case may be, shall direct that the records, books and papers liable to be destroyed, be destroyed in the manner specified in Rule 92:

Provided that the Presiding Officers of the Labour Court and the Industrial Tribunal, may in their discretion for reasons to be recorded in writing direct that transfer of any paper from one part to other for which a long period of retention or permanent retention is prescribed in which case the fact shall be noted in the Index and the paper dealt with as though it had belonged from the commencement to the part to which it may be so transferred. The said Presiding Officers may similarly direct the retention for longer period or permanently of records, books and papers which he may consider likely to be useful in the future as containing the result of enquiries or other information or the opinions of experienced officers in matters connected with the general administration of justice and maintenance of peace in the industry

### **92. Officers To Be Present At The Time Of Destruction :-**

With the exception of Gazettes of Government and printed

administration reports, awards, etc., all other records, books, registers and papers to be destroyed under Rule 87 must be burnt in the presence of the record keeper or other supervising official, provided that the Presiding Officer of the Labour Court or the Industrial Tribunal, as the case may be, may sanction their disposal in any other manner

**93. Documents Which Cannot Be Destroyed :-**

Nothing contained in these rules shall be deemed to authorize the destruction of any document filed by officers of Government or produced by such officer upon summons under Order XIII, Rule 10 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908). Such documents, if not previously reclaimed shall invariably be returned to the Court or office from which they were produced.