

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

(2) They extend 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, or if the Court consists of one person only, such person;
- (c) "Committee" means a Workers Committee constituted under sub-section (1) of section 3 of the Act;
- (d) "form" means a form in the Schedule to these rules;
- (e) "section" means a section of the Act.

Part I

Procedure for reference of Industrial 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 in triplicate to the Labour Commissioner, Punjab. 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) 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 authorised in this behalf at a meeting of the workmen held for the 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 authorised 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 provisions of rules 3 and 4 shall not be considered at all.0

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 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 person 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 workmen 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-boards in a conspicuous manner at the main entrance to the premises of the establishment.

Part II

Arbitration Agreement

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

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

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

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

[(c) in the case of an individual workman, by the 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 authorised 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 officers, 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 authorised 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 persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette for the information of the employers and workmen, who are not parties to the arbitration agreement, but are concerned in the dispute.]

Part III

Powers, Procedure and Duties of Conciliation Officer, Boards, Courts, Labour Courts, Tribunal 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 in question.

(2) Where the Conciliation Officer receives no notice of a strike or lock-out under rule 70 or rule 71, 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.

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 may 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) 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 sub-section (4) of section 12.

(4) Where an employer, or a party representing workmen, [or in the case of an 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.

(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 :

[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 extent 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 or 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 nor 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 particular industrial dispute pending before.

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

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

13. Place and time of hearing. - [Subject to the provisions contained in rules 10-A and 10-B, the sitting 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 Boards and Courts. - The quorum necessary to constitute a sitting of a Board or Court shall be as follows :-

(i) in the case of a Board - Quorum

where the number of members is 3 2

where the number of members is 5 3

(ii) in the case of a Court -

where the number of members is not1
more than 2

where the number of members is more2
than 2, but less than 5

where the number of members is 5 or3
more

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 member of a Board, or Court or Presiding Officer of a Labour Court or 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 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.

[**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 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.]

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

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 the trade union or association shall be deemed to be service on such persons :

Provided that where personal service on the Secretary or the Principal Officer is not practicable, the service of the notice may be effected 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.

(3) A notice exhibited as mentioned in sub-rule (2) shall also be considered as sufficient in the case of such workmen 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 or any member thereof, or 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 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 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 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. - Where assessors are appointed to advise a Tribunal under sub-section (4) of Section 7-A or sub-section (4) of sub-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 charged 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 charged as follows :-

- (a) where application is made before hand -

(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
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(ii) for every additional page or part thereof	6 naye Paise.
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(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. 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, or Tribunal or Arbitrator when an evidence has been called.

30. Proceedings before a Board, Court, Labour Court or Tribunal. - The proceedings before a Board, Court, Labour Court or Tribunal shall be held in public :

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

Part IV

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

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

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

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

Part V

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 Manager's office:-

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

35. Omitted.

Part VI

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

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

Part VII

Works Committees

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

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

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

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

40. Representatives of Employer. - 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 in writing -

how many of the workmen are members of the union; and

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

(2) Where an employer has reason to believe that the information furnished to him under sub-rule (1) by any trade union is false, he may, after informing the union, refer the matter to the 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 workmen's representatives. - On receipt of the information called for under Rule 41, the employer shall provide for the election of workmen's representatives on the Committee in two groups -

(1) those to be elected 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 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 41 the election shall be held on receipt of decision of the Conciliation Officer.

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

Provided that the employer may, if he thinks fit, sub-divide the two electoral constituencies and direct that workmen shall vote in either by groups, sections, 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 representative of the workmen of 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 three months continuous service in the establishment shall be entitled to vote in the election of the representatives of workmen.

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

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

(2) For holding the election, the employer shall also fix a date which shall not be earlier than three days and 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 non-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 the workmen requiring them.

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

48A. 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.

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

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

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

(2-A) The Vice-Chairman shall be elected by members on the Committee representing the workers, from among 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 *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.

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 unexpired term of his predecessor.

53. Vacancies. - In the event of workmen's representative ceasing to be employed in the establishment or in the event of his resigning the membership in the Committee his successor shall be elected 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 meeting only for the period during which the particular question is before the Committee.

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

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

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

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 20th day of the month following the half-year.

57. Dissolution of Works Committee. - The State Government, or where the power under section 3, has been delegated to any officer or authority under Section 39, such officer or authority may, after making such enquiry as it or he may 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 reasons, 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 reconstitute the Committee in accordance with these rules.

Part VIII

Miscellaneous

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

(2) The settlement shall be signed by -

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

(b) in the case of workmen :-

(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 authorised in this behalf at a meeting of the workmen held for the purpose.

[(c) 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 authorised by him in his behalf.]

(3) Where a settlement is arrived at in the course of conciliation proceedings, 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. 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 references to the numbered paragraphs 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) or 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 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 [30th April] every year, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the union, should be recognised as "protected workmen". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

(2) The employer shall, subject to section 33, sub-section (4) recognise such workmen to be [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 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 Section 33, sub-section (4), the employer shall recognise as protected workmen only such maximum number of workmen : Provided that, where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the unions that the numbers of recognised "protected workmen" in

individual unions bear roughly the same proportion to one another as the membership figures of the 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 recognised as protected workmen. Such selection shall be made by the union and communicated to the employer within five days of the receipt of the employer's letter.

(4) When a dispute arises between an employer and any registered trade union whether a particular workman should be recognised 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. Application for recovery of dues. - (1) Where any money is due from the employer to a workman or a group of workmen under a settlement or an 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 authorised 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 authorised 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 workman 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 (5) 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. Fees 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 Commissioner's 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 Commissioner shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court :

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

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

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

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

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

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

(2) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute, but the Labour Court or, with the permission of the Labour Court, any of the parties to the industrial dispute may examine the Commissioner personally before the Labour Court regarding any of the matters referred to him or mentioned in his report or as to his report or as to the manner in which he has made the investigation.

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

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 any witness 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 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 1908), relating to the summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to persons required to give evidence or to produce 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 under rule 63 of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in the civil courts.

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.

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

71. 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 Manager's 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 an industrial establishment as defined in the Explanation below section 25-A (not being an industrial establishment) referred to in sub-section (1) of that section is laid-off; then the employer concerned shall give notices of commencement and termination of such lay-off in Form O-1 and O-2, respectively, within 7 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 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 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, Haryana, Chandigarh a notice of 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 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 74-A, 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 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 (hereinafter referred to as 'workman' in this rule and in rules 76 and 77), he shall give notice of such retrenchment as in Form P to the State Government, the Labour Commissioner, Haryana, the Labour-cum-Conciliation Officer of the area and the Employment Exchange concerned, by registered post in the following manner, namely :-

- (a) where notice is given to the workman, notice of retrenchment shall be sent within three days from the date on which notice is given to the workman;
- (b) where no notice is given to the workman, and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and
- (c) where retrenchment is carried out under an agreement which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the State Government, the Labour Commissioner, Haryana, the Labour-cum-Conciliation Officer of the area and the Employment Exchange concerned, at least one month before such date :

Provided that if the date of termination of service agreed upon is within 30 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 area 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 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 was

delivered to the State Government or the authority shall be deemed to be the date of service of the notice of the said section.

(2) Application for permission for retrenchment under sub-section (4) of section 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 the State Government or to the such authority as may be specified by that Government either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same was delivered to the State Government or the authority shall be deemed to be the date on which the application was made for the purposes of sub-section (5) of the said section.

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

(4) The employer concerned shall furnish to the State Government or 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 said 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 State Government or the authority to communicate its permission, or refusal to grant permission within the period specified in sub-section (3) or, as the case may be, sub-section (5) of said 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, Labour Commissioner, Punjab and the Employment Exchange concerned by registered post.]

[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 was 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.]

76. 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 pasted on a notice-board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

[77. Re-employment of retrenched workmen. - (1) At least [fifteen 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 to every one of all the retrenched workmen eligible to be considered therefor, to the address given by him at the time of retrenchment or 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 by the employer individually to the senior-most retrenched workmen in the list referred to in rule 76, the number of such senior-most workmen being double the number of such vacancies :

Provided further that where the vacancy is of a duration of less than one month, there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen.

[Provided further that if a retrenched workman without sufficient cause being shown in writing to the employer does not offer himself for re-employment in spite of having received an intimation from an employer, he need not intimate to him the vacancies that may be filled on any subsequent occasion.]

(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule :

Provided that the provisions of this sub-rule need not be complied with by the employer in any case where intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.]

[78. Penalties. - Any breach of these rules shall be punishable with fine not exceeding fifty rupees.]

[79. Repeal. - The Industrial Disputes (Punjab) Rules, 1949, 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.]

Schedule

[Form 'A']

(See Rule 3)

[Board of Conciliation]

*Court of
enquiry*

Form of application for the reference of an Industrial Dispute to a *Labour Court* under Section 10(2) of the Industrial Disputes Act, 1947.

Tribunal

Whereas an industrial dispute [is apprehended/exists between _____ and _____] and it is expedient that [the matters specified in the enclosed statement which are connected with or relevant to the dispute. The dispute-investigation and settlement]

Conciliation
n

*A Court of
Enquiry*

should be referred for [enquiry/adjudication by a board of _____ an application] *a Labour Court* is here by

*a
Tribunal*

made under sub-section (2) of section 10 of the Industrial Disputes Act, 1947, that the [said matters/said dispute] should be referred to a Board of [Conciliation]/[Court of Enquiry/A Labour Court/a Tribunal.]

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

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

Dated the _____ Signature of [Employer _____]

Signature of the President of the Trade Union or Agent or Manager, Secretary of the Trade Union or Principal officer of the Corporation.

OR

Signature of five representatives duly authorised -
(vide resolution enclosed)

To

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

Statement required under rule 3 of the Industrial Disputes (Punjab) Rule 1958, accompany the form of application prescribed under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 :-

- (a) Parties to the dispute including the name and address of the establishment or undertaking involved.
- (b) Specific matters in dispute.
- (c) Total number of workmen employed in the undertaking affected.
- (d) Estimated number of workmen affected or likely to be affected by the dispute.
- (e) Efforts made by the parties themselves to adjust the dispute.

Form 'B'

(See Rule 6)

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

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

Secretary to Government, Punjab,
Labour Department.

[Form 'C']

(See Rule 7)

Agreement

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

Between

Name of the parties :

Representing Employers

Representing workmen/workman :

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

- (i) Specific matters in dispute.
- (ii) Details of the parties to the dispute including the name and address of establishment or undertaking involved.
- (iii) Name of the workman in case he himself is involved in the dispute or the name of the union, if any, representing the workman or workmen in question.
- (iv) Total number of workmen employed in the undertaking affected.
- (v) Estimated number of workmen affected or likely to be affected by the dispute.

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

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

Signature of the parties :

Representing employer.

Representing workman/workmen.

Witnesses :-

- 1.
- 2.

Copy to :-

(1) Conciliation Officer

(Here enter the office address of the Conciliation Officer in the local area concerned).

(2) Labour Commissioner, Haryana.

(3) The Secretary to Government of Haryana, Labour Department.

Form 'D'

(See Rule 17)

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

Chairman/Secretary, Board of Conciliation

Court of Enquiry

or

Presiding Officer/Secretary, Labour Court

Tribunal

Dated _____

Form 'E'

(See Rule 34)

Notice of change of service conditions proposed by an employer

Name of employer _____

Address _____

Dated the _____ day of _____ 19

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

Signature _____

Designation _____

Annexure

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

Copy forwarded to :-

- (1) the Secretary of registered trade union, if any.

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

(3) Labour Commissioner, Punjab.

Form 'F'

(See Rule 36)

Before

(here mention the authority concerned)

Reference No. _____ of _____ Workmen.

Versus

_____ Employer

In the matter of _____

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

Dated this _____ day of _____ 19

Signature of person(s)

nominating the representative(s)

Accepted

Signature of representative(s),

Address

Address

Form 'G'

(See Rule 47)

Form of Nomination Paper

Name _____ of Group/section/Shop/Department

Industrial

Establishment

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

Dated _____,

Signature of proposer.

I agree to the proposed nomination.

Signature of Candidate.

Dated _____

Attested by :

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

(1)

(2)

Form 'G-1'

(See Rule 56-A)

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

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

Date _____

Place _____

Signature of employer or his representative.

Form 'H'

(See Rule 58)

Form for Memorandum of Settlement

Name of Parties :-

Representing employer(s) :

Representing workmen :

Short recital of the case.

Terms of Settlement.

Signature of the parties _____

Witnesses :

(1) _____

(2) _____

Signature of Conciliation Officer/Board of Conciliation

Copy to :-

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

(2) Labour Commissioner, Punjab.

(3) The Secretary to Government of Punjab, Labour Department.

Form 'I'

(See Rule 59)

Before the Labour Court/Tribunal

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

A _____ Complainant(s)

Address :

Versus

B _____ Opposite Party(ies)

In the matter of Reference No. _____

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

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

Conciliation Officer

[In cases of settlements effected by]

Board of Conciliation

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

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

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

Signature of the Complainant(s)

Dated this _____ day of _____ 19

Verification

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

Signature or Thumb-impression

of the person verifying.

Form 'J'

[See Rule 60(1)]

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

Application for permission under sub-section (1)/sub-section (3) of section 33 of the Industrial Disputes Act, 1947 (XIV of 1947) in the matter of Reference No. _____

A _____ Applicant.

Address :

Versus

B _____ Opposite Party(ies)

Address(es) :

The above-mentioned applicant begs to state as follows :-

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

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

(Here mention the action specified in clause (a) or clause (b) of Sub-section s1)/sub-section (3) of section 33).

Signature of the applicant.

Dated this _____ day of _____ 19

Space for verification

(Signature of the person verifying)

Date (on which the verification was signed) _____

Place (at which the verification was signed) _____

Form 'K'

[See Rule 60(2)]

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

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

A _____ Applicant.

Address :

Versus

B _____ Opposite Party(ies)

Address(es) :

The above mentioned applicant begs to state as follows :-

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

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

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

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

Signature of the applicant.

Dated this _____ day of _____ 19

Space for verification

(Signature of the person verifying)

Date (on which the verification was signed) _____

Place (at which the verification was signed) _____

Form 'K-1'

[See Rule 61-A(1)]

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

To

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

(2) The Labour Commissioner, Punjab,
Chandigarh.

Sir,

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

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

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

Signature of applicant(s)

Address(es)

- 1.
- 2.

3.

4.

Station _____

Date _____

Annexure

[Here indicate the details of the amount(s) claimed].

Form 'K-2'

[See Rule 61-A(1) Provision]

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

To

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

(2) The Labour Commissioner, Punjab,
Chandigarh.

Sir,

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

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

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

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

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

Signature of the applicant.

Station _____

Address _____

Dated _____

Annexure

(Here indicate the details of the amount claimed)

'Form K-3'

[See Rule 61-A(2)]

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

Before the Punjab Government Labour Court at _____ between :

(1) Name of the applicant(s)

(2) Name of the employer.

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

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

Signature or thumb impression(s).

Address(es) of the applicant(s).

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

Station _____

Dated _____

Annexure

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

Form 'K-4'

[See rule 61-A(3)]

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

To

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

(2) The Labour Commissioner, Punjab,
Chandigarh.

Sir,

I have to state that I am entitled to receive from Messrs _____ P.O. _____ District _____ (with

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

Signature of the applicant.

Address _____

Station _____

Dated _____

Form 'L'

(See Rule 70)

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

Name of Union.

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

Address

Dated _____ the _____ day of _____ 19

To

(The name of the employer)

Dear Sir/Sirs,

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

I propose call a strike

on _____ 19 _____ for the reasons explained in the annexure.

We propose go on strike

Yours faithfully,

Secretary of the Union.

Representative of the employees elected at a meeting held on

Annexure

Statement of the case.

Copy To :

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

(2) Labour Commissioner, Punjab.

Form 'M'

(See Rule 71)

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

Name of employer _____

Address _____

Dated the _____ day of _____ 19

To,

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

Dear Sir,

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

Yours faithfully

[*]

Annexure

Statement of the case.

Copy to :

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

(2) Labour Commissioner, Punjab.

Form 'N'

(See Rule 72)

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

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

Name of undertaking	Station and District	No. of workers involved			
		Normal working strength	Directly	Indirectly	Strike or lock out
1	2	3	4	5	6

Date of commencement of strike or lock-out	Cause	Was notice of strike or lock-out given ?	Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employer and workmen ? If any, exists, particulars thereof	Any other information
7	8	9	10	11

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

Column (4) :- If say, 200 workers in a factory strike work and in consequence the whole factory employing 1000 workers, has to be closed, then 200 should be shown under "directly" and the remaining under "indirectly". If the strike of 200 workers does not affect the working of the other departments of the factory, the number of workers involved would only be 200, which figure should appear under "directly" and column "indirectly" would be blank.

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

Form 'O'

(See Rule 74)

Register Part I

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

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

Part II

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

Form 'O-1'

(See Rule 74-A)

To,
The Labour Commissioner, Punjab,
Chandigarh.
Sir,

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

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

Yours faithfully

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

Annexure

Statement of reasons

Form 'O-2'

(See Rule 74-A)

To
The Labour Commissioner, Punjab,
Chandigarh,

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

Yours faithfully,

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

[Form 'O-3']

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

[See Rule 74-B(1)]

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

To

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

Sir,

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

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

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

Yours faithfully,

(Signature)

*Strike out whatever inapplicable

Annexure

(Please give replies against each item).

Item No. :-

1. Name of the undertakings with complete postal address, including telegraphic address and telephone number(s).
2. (a) *Names and Addresses of the affected workmen proposed to be laid-off/names and addresses of the workmen laid-off before the commencement of the Industrial Dispute (Amendment) Act, 1976 (Act 32 of 1976) and the dates from which each of them has been laid off.

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

3. Product/products of the undertaking.

4. Details relating to installed capacity, licensed capacity and utilised capacity.

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

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

6. Work in progress, itemwise and valewise.

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

8. Position of the order book itemwise and valewise for a period of six months, and one year next following and for the period after the expiry of the said one year.

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

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

11. Financial position of the company.

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

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

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

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

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

16. Anticipated savings due to the *proposed lay-off/lay-off for the continuance of when permission is sought.

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

(i) Managerial remuneration;

(ii) Sales promotion cost; and

(iii) General administration expenses.

18. Position of stocks on last day of the months in the preceding twelve months.

19. Annual sales figures for the last three years and monthwise sales figures for the preceding twelve months, both itemwise and value-wise.

20. Reasons for the *proposed lay-off/lay-off for the continuance of which permission is sought.

21. Any specific attempts made so far to avoid the *proposed lay-off/lay-off for the continuation of which permission is sought.

22. Any other relevant factors with details thereof.

*Strike out whatever is not applicable.

[Form 'P']

(See Rule 75)

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

Name of employer _____

Address _____

Dated the _____ day of _____ 19

To

The Secretary to Government, Punjab,

Labour Department, Chandigarh.

Sir,

Under clause (c) of section 25-F of the Industrial Disputes Act, 1947 (14 of 1947), I/we hereby inform you that I/we have decided to retrench _____workmen with effect from _____ for the reasons explained in the Annexure.

2. The workmen concerned were given on the _____ 19 _____ one month's notice in writing as required under clause (a) of section 25-F of that Act. Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed. The workmen were given on the _____ 19 _____ one month's pay in lieu of notice, required in clause (a) of section 25-F of that Act.

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

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

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

Yours faithfully,

Annexure

Statement of reasons

Copy to :-

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

(2) The Labour Commissioner, Haryana, Chandigarh.

(3) The Employment Officer, Employment Exchange _____

(Here enter the office address of the Employment Exchange concerned).

*Delete the portion which is not applicable.

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

[Form 'PA']

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

[See rule 75-A(1)]

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

Dated

To

(The State Government/authority specified under clause (c) of sub-section (1) of Section 25-N of the Act).

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

2. The workmen concerned were given notice in writing as required under clause (a) of sub-section (1) of section 25-N of that Act/have not been given notice since the retrenchment being proposed to be effected under an

agreement (a copy of which is enclosed) as provided in the proviso to the said clause.

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

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

4. Permission is solicited for the proposed retrenchment under clause (c) of sub-section (1) of section 25-N of the Industrial Disputes Act, 1947 (Act 14 of 1947).

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

Yours faithfully,
(Signature)

*Strike out whatever is inapplicable.

Annexure

(Please give replies against each item)

Item No. :-

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone numbers.
2. Names and addresses of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops where they are working and the wages drawn by them.
3. Product/Products of the undertaking.
4. Details relating to installed capacity, licensed capacity and utilised capacity.
5. (i) Annual production itemwise for the preceding three years.
(ii) Production figures month-wise for the preceding twelve months.
6. Work-in-progress item-wise and value-wise.
7. Any arrangements regarding off loading or sub-contracting of products or any components thereof.
8. Position of the order book item-wise and value-wise for a period of six months, and one year next following and for the period after the expiry of the said one year.

9. Number of working days in a week with the number of shifts per day and strength of workmen per each shift.
10. Balance-sheets, profit and loss accounts and audit reports for the last three years.
11. Financial position of the company.
12. Names of the inter-connected companies or companies under the same management.
13. (i) The total number of workmen and the number of employees other than workman as defined under the Industrial Disputes Act, 1947 (Act 14 of 1947), employed in the undertaking.
(ii) Percentage of wages of workmen to the total cost of production.
14. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
15. Details of retrenchment resorted to in the last three years, including date of retrenchment, the number of workmen involved in each case and the reasons therefor.
16. Has any of the retrenched workmen been given re-employment and if so, when ? Give details.
17. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the portion of the workmen affected indicating their length of service including broken periods of service.
18. Anticipated savings due to the proposed retrenchment.
19. Any proposal for effecting savings on account of reduction in -
 - (i) managerial remuneration;
 - (ii) sales promotion cost; and
 - (iii) general administration expenses.
20. Position of stocks on the last day of the month in the preceding twelve months.
21. Annual sales figures for the last three years and month-wise sales figure for the preceding twelve months both item-wise and value-wise.
22. Reasons for the proposed retrenchment.
23. Any specific attempt made so far to avoid the proposed retrenchment.
24. Any other relevant factors with details thereof.

Form 'PB'

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

[See Rule 75-A(2)]

Form of application for permission for retrenchment of workmen in cases where at the commencement of the Industrial Disputes (Amendment) Act,

1976 (Act 32 of 1976), the period of notice given under clause (a) of Section 25-F for the retrenchment has not expired.

To

(The State Government/Authority referred to in sub-section (2) of section 25-N of the Act).

Sir,

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

Name and address for the workman/workmen	Category and designation
1	2

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

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

Yours faithfully,

(Signature)

Annexure

(Please give replies against each item)

Item No.

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

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

(b) Date of the notice of retrenchment given to the workmen concerned under section 25F(a) and the dates on which the said notice was served on each workman concerned.

3. Product/Products of the undertaking.

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

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

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

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

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

8. Position of the order book item-wise and value-wise for a period of six months and one year, next following and for the period after the expiry of the said one year.
9. Number of working days in a week with number of shifts per day and strength of workmen per each shift.
10. Balance-sheet, profit and loss account and audit reports for the last three years.
11. Financial position of the company.
12. Names of the inter-connected companies or companies under the same management.
13. (i) The total number of workmen and the number of employees other than workmen as defined under the Industrial Disputes Act, 1947 (Act 14 of 1947), employed in the undertaking.
(ii) Percentage of wages of workmen to the total cost of production.
14. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
15. Details of retrenchment resorted to in the last three years, including dates of retrenchment, the number of workmen involved in each case and the reasons therefor.
16. Has any of the retrenched workmen been given re-employment and if so, when ? Give details.
17. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the portion of the workmen affected indicating their length of service including broken periods of service ?
18. Anticipated savings due to the proposed retrenchment.
19. Any proposal for effecting savings on account of reduction in -
 - (i) Managerial remuneration;
 - (ii) sales promotion cost; and
 - (iii) general administration expenses.
20. Position of stock on the last day of each of the month in the preceding twelve months.
21. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value-wise.
22. Reasons for the proposed retrenchment.
23. Any specific attempt made so far to avoid the proposed retrenchment.
24. Any other relevant factors with details thereof.

Form 'Q'

(See Rule 75-A)

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

Name of Employer _____ Address _____
Dated the _____ day of ____ 19__
To

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

Sir,

Under section 25-FFA of the Industrial Disputes Act, 1947 (14 of 1947).
I/We hereby inform you that I/We have decided to close down
_____ (name of the undertaking) with effect from
_____ for the reasons explained in the annexure. The
number of persons whose services would be terminated on account of
closure of the undertaking is _____ (number of workmen).

Yours faithfully,

[*]

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

Annexure

Statement of Reasons

Copy to :-

1. The Labour Commissioner, Haryana.
2. The Labour-cum Conciliation Officer _____
3. Employment Exchange _____

(Here enter the office address of the Labour Commissioner, Haryana,
Labour-cum-Conciliation Officer, and the Employment Exchange in the Local
area concerned).

[Form 'QA']

(To be submitted in triplicate)

[See rule 75-C(1)]

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

Date _____

To

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

Sir,

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

(Give details of the undertakings)

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

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

3. Permission is solicited for the proposed closure.

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

Yours faithfully,

(Signature)

Annexure

(Please give replies against each item)

Item No.

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

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

3. Product/Products of the undertaking.

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

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

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

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

7. Any arrangement regarding off-loading of sub-contracting or any component thereof.

8. Details of persons or organisations to whom the job(s) is (are) being entrusted relationship/interest of the persons/organisations with the director(s) or the officer(s) of the company.

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

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

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

12. Financial position of the company.

13. (i) Names of any interconnected company or companies under the same management.

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

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

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

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

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

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

18. Full details of the interest of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.

19. Buying arrangements for raw materials and components.

20. Interest of the directors and officers with the organisations/persons involved in buying raw materials and components for the undertaking.

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

22. Reasons for the proposed retrenchment.

23. Any specific attempt made so far to avoid the closure.

24. Any other relevant factors with details thereof.

Form 'QB'

(To be submitted in triplicate)

[See Rule 75 C(2)]

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

Date _____

To

The Secretary to Government of Haryana,

Labour Department, Chandigarh.

Sir,

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

(Name of Industrial establishment)

(Attested copy of the notice is appended hereto)

(Give details of the undertaking)

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

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

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

Yours faithfully,

(Signature)

Annexure

(Please give replies against each item)

Item No.

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

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

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

4. Product/products of the undertaking.

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

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

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

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

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

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

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

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

12. Balance sheet and profit and loss account and audit reports for the last three years.
13. Financial position of the company.
14. (i) Names of any inter-connected company or companies under the same management.
 - (ii) Details about inter-corporate investments and charges during the last one year.
 - (iii) Interest of any of the directors/officers of undertaking producing same or similar type of product.
15. Percentage of wages of workmen to the total cost of production.
16. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
17. Inventory position item-wise and value-wise for the preceding twelve months. (Inventories to be shown in respect of finished products, components and raw-materials separately item-wise and value-wise).
18. Selling arrangement for the last three years and any change in the selling arrangement in the preceding twelve months.
19. Full details of the interest of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.
20. Buying arrangements for raw materials and components.
21. Interest of directors and officers with the organizations/persons involved in buying raw material and components for the undertaking.
22. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value-wise.
23. Reasons for the proposed closure.
24. Any specific attempt made so far to avoid the closure.
25. Any other relevant factors and details thereof.