

## THE HIMACHAL PRADESH PAYMENT OF WAGES RULES, 1979

**1. Title:** - These rules may be called the Himachal Pradesh Payment of Wages Rules, 1979.

**2. Definitions:-** In these rules, unless there is anything repugnant in the subject or context-

- (a) "The Act" means the Payment of Wages Act, 1936 (IV of 1936);
- (b) "The authority" means the authority appointed under sub-section (1) of section 15 of the Act;
- (c) "The Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of section 8 of the Factories Act, 1948(Central Act No. LXIII of 1948);
- (d) "The Court" means the court mentioned in sub-section (1) of section 17 of the Act;
- (e) "deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9;
- (f) "Deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7;
- (g) "Form" means a form appended to these rules;
- (h) "Inspector" means the Inspector authorized by or under section 14 of the Act;
- (i) "The Labour Commissioner" means Labour Commissioner; Himachal Pradesh;
- (j) "Person employed" excludes all persons to the payment of whose wages the Act does not apply;
- (k) "Section" means a section of the Act;
- (l) "pay-master" means an employer or other person responsible under section 3 of the Act for the payment of the wages;
- (m) Words and expressions not defined in these rules but are defined in the Act shall be deemed to have been assigned the same meanings as have been assigned to them in the Act.

### **Section 26 (3) (a):**

**3. Register of fines :-**(1) In any factory/industrial establishment in respect of which employer has obtained approval under sub-section (1) of section 8 to a list of acts and omissions in respect of which fines may be imposed, the pay-master shall maintain a Register of fines in Form I.

(2) At the beginning of the register of fine there shall be entered serially numbered the approved purpose or purposes on which the fines realized are to be expended.

(3) When any disbursements are made from the fines realized a deduct entry of the amount so expended shall be made in the register of fines, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement also indicate the purpose for which it is made.

**4. Register of deductions for damage or loss :** -In every factory/industrial establishment in which deductions for damage or loss are made the pay-master shall maintain the Register required by sub-section (2) of section 10 in Form II.

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Rules notified vide H.P. Govt. Labour Department notification No. 7-109/76-LEP-Shram, dated the 21st May, 1979 and published in the Extra-ordinary Gazette dt. 16th June, 1979.

**5. Register Of Wages:**-- A register of wages shall be maintained in every factory/industrial establishment and shall be kept at the work-spot in such form as the pay-master finds convenient but shall include the following particulars:—

(a) The gross wages earned by each person employed for each wage period;

(b) All deductions made from those wages, with an indications, in each case of the clauses of sub-section (2) of section 7 under which the deduction is made; and

(c) The wages actually paid to each person employed for each wage period.

**6. Combined Form of Register:** -- Notwithstanding anything contained in these rules, where a combined alternative form is sought to be used by the employer to avoid duplication of work for compliance with the provision of any other Act or the rules framed there under, an alternative suitable form in lieu of any of the forms prescribed under these rules may be used with the previous approval of the Chief Inspector of Factories, Himachal Pradesh.

**7. Maintenance of registers:-** The registers required by rules 3, 4, 5 and 18 shall be preserved for twenty-four months after the date of the last entry made in them.

**Section 26 (3) (c):**

**8. Weights and measures:-** All weights, measures and weighing machines which are used for checking or ascertaining the wages of employed persons shall be made available for examination to the inspector, who may in the event of his not being satisfied with the correctness of the apparatus or the weights, seal and prohibit their future use and report the matter immediately for necessary action to the appropriate authority, responsible for the administration of the Himachal Pradesh Weights and Measures (Enforcement) Act, 1968.

**Section 26 (3) (d):**

**9. Notice of dates of payment:**-- The pay-master shall display, in conspicuous place at/or near the main entrance of the factory/industrial establishment a notice, in English and Hindi, giving for not less than two months in advance, the days on which wages are to be paid.

**Section 26 (3) (e), (f) and (h):**

**10. Prescribed authority:** -- The Labour Commissioner shall be the authority competent to approve, under sub-section (1) of section 8, of the Act, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of section 8 of the Act, the purposes on which the proceeds of fines shall be expended.

**11. Application in respect of fines:**--Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Labour Commissioner.-

(a) A list, in English, in duplicate, clearly defining such acts and omissions;

(b) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate showing those appointments in his factory/industrial establishment of which the incumbents may pass orders imposing fines and the class of establishment on which the incumbent of each such appointment may impose fine.

**12. Approval of list of acts and omissions** The authority appointed under rule 10 on receipt of the lists prescribed in the preceding rule may, after such enquiry as he considers necessary, pass orders either, -

(a) Disapproving the lists;

(b) approving the lists either in their original form or as amended by him, in which case such lists shall be considered to be approved lists, provided that no order disapproving or amending any lists shall be passed unless the employer shall have been given an opportunity of showing cause, orally or in writing why the lists as submitted by him should be approved.

**13. Posting of list:** -- The employer shall display at or near the main entrance of the factory/industrial establishment a copy In English, together with a literal translation thereof, in Hindi of the list approved under rule 12.

**14. Persons authorized to impose fines:** -- No fine may be imposed by any person other than an employer or a person holding an appointment named in a list submitted under rule 11.

**15. Procedure in imposing, fines and deductions:**-- Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

**16. Information to pay-master:**-- The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the pay-master of all particulars, so that the register prescribed in rule 3 or 4 may be duly completed.

#### **Section 26 (3) (g):**

**17. Deduction for breach of contract:**-- (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No deduction for breach of contract shall be made from the wages of any employed person unless.—

(a) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment ; and

(i) The period of this notice does not exceed fifteen days or the wage period, whichever is less ; and

(ii) The period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;

(c) a notice has been displayed at or near the main entrance of the factory giving the names of the persons from whom the deduction is proposed to be made, the number of days wages to be deducted and the conditions (if any) on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No deduction for breach of contract shall exceed the wages of the persons employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub- rule (2) no deduction for breach of contract shall be made from any person who has complied with those conditions,

**Section 26 (3) (i):**

**18. Advance:--** (1) An advance of wages not already earned shall not without the previous permission of Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding two calendar months, or if he has not been employed for that period, twice the wages he is likely to earn during the two subsequent calendar months.

(2) The advance may be recovered in installments by deductions from wages spread over not more than twelve months. No installment shall exceed one-third, or where the wages for any wage period are not more than twenty rupees one-fourth of the wages for the wage period in respect of which the Deduction is made.

(3) The amount of all advances sanctioned and the repayments thereof shall be entered in a register In Form III.

**Section 26 (3) (a):**

**19. Annual return:--**Every employer of the factory shall send a return in Form IV so as to reach the Labour Commissioner, Himachal Pradesh, Shimla not later than the first of February following the end of the year to which it relates endorsing simultaneously a copy thereof to the Inspector having jurisdiction under the Act.

**Section 26 (3) (i):**

**20. Costs:--** (1) Where the authority or the Courts, as the case may be, direct that any costs shall not follow the event, he shall state his reasons for so doing in writing.

(2) The costs which may be awarded shall include

(a) The charges necessarily incurred on account of court fees;

(b) The charges necessarily incurred on subsistence money to witnesses; and.

(c) pleader's fees which shall ordinarily be Rs. 10, provided that the authority or the Court, as the Case may be in any proceedings, may reduce the fee to a sum of not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

(3) When a party engages more pleaders than one to defend a case he shall be allowed one set of costs only.

**21.** The authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the authority or the Court, as the case may be:

Provided that the authority or the Court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of cost.

**Section 26 (3) (k):**

**22. Fees:--** The fee payable in respect of proceedings under the Act shall be—

- |  |   |
|--|---|
| (i) For every application to summon a witness  | Twenty-five paise in respect of each witness.                                       |
| (ii) For every other application made by or on behalf of<br>an individual person before the authority. | Fifty paise.  |
| (iii) For every other application made by or on behalf<br>of an unpaid group before the authority      | Twenty-five paise for each member of the group subject to a maximum of five rupees. |
| (iv) For every appeal lodged with the Court  | five rupees:  |

Provided that the authority or the Court may, in consideration of the poverty of the applicant, reduce or remit this fee.

Provided that no fee be chargeable in respect of an application presented by an Inspector.

**Section 26(3)(1):**

**23. Abstract:--**The abstract of the Act and of the rules made there under to be displayed under section 25 shall be in Form V.

**24. Penalties:--**Any breach of rules 3, 4, 5,7,9,13,16 and 19 of these rules shall be punishable with fine which may extend to two hundred rupees.

**25. Rescission and savings:--** The Himachal Pradesh Payment of Wages Rules, 1959 as in force in the areas which comprised in Himachal Pradesh immediately before the 1st November, 1966 and Punjab Payment of Rules, 1937, as applicable in the territories added to Himachal Pradesh under the rules so rescinded shall so far as they are not inconsistent with these rules, be deemed to have been respectively done and issued under these rules.

(See Rule 3 )

.....Factory/Industrial Establishment

1. Serial number.
2. Name.
3. Father's name.
4. Department.
5. Act or omission for which fine imposed.
6. Whether workman showed cause against fine or not?  
If so, enter date.
7. Rate of wages.
8. Date of amount of fine imposed.
9. Date on which fine realized.
10. Remarks.

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FORM 'II'

REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS CAUSED TO THE EMPLOYER BY THE NEGLIGENCE OR DEFAULT OF THE  
EMPLOYED PERSONS

(See rule 4)

1. Serial number.
2. Name.
3. Father's name.
4. Department.
5. Damage or loss caused.
6. Whether worker showed cause against deduction or not ?  
If so, enter date.
7. Date and amount of deduction imposed.
8. No. of installments, if any.
9. Date on which total amount realized.
10. Remarks

FORM 'III'

REGISTER OF ADVANCES MADE TO EMPLOYED PERSONS

(See rule 18)

1. Serial number.
2. Name.
3. Father's name.
4. Department.
5. Date and amount of advance made.
6. Purpose for which advance made.
7. No. of installments by which advance to be repaid.
8. Postponements granted.
9. Dates on which total amount repaid.
10. Remarks.

FORM 'IV'

RETURN FOR THE YEAR ENDING 31ST DECEMBER, 19  
(SHOWING WAGES AND DEDUCTIONS FROM WAGES)  
(See rule 19)

1. (a) Name of the factory or industrial, establishment with.....  
complete postal address.  
(b) Industry.
2. Number of days worked during the year.....

3. (a) Average daily	Persons receiving	Persons receiving	Persons receiving
number of persons	less than Rs. 200	Rs. 200 or more but	Rs. 400 or more but employed
during	less than Rs. 400	less than Rs. 1000	the year
Adults	...		
Children	...		

- (b) Gross amount paid as remuneration to persons getting less than Rs. 200, including deductions under section 7 (2) of which the amount due to profit sharing bonus i.e ..... and that due to money value of concession is.....
- (c) Gross amount paid as remuneration to persons getting Rs. 200 and more but less than Rs. 400 including deductions under section 7 (2) of which the amount due to profit sharing bonus is..... and that due to money value of concession is.....
- (d) Gross amount paid as remuneration to persons getting Rs. 400 or more but less than Rs. 1,000 including deductions under section 7 (2) of which the amount due to profit sharing bonus is..... and that due to money value of concession is Rs.....

4. Total wages paid including deductions under section 7 (2) on the following accounts: ----

Person recei- Ving less than Rs. 200	Person recei- Ving Rs. 200 and more but Less than Rs. 400	Person recei- Ving Rs.400 and more but Less than Rs. 1,000
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- (a) Basic wages including over-time wages and non-profit sharing bonus.
- (b) Dearness and other allowances in cash.
- (c) Arrears of pay in respect of previous year paid during the year.

5. Number of cases and amount remised as:---

Persons receiving less than Rs. 200		Persons receiving Rs. 200 and more but less than Rs. 400		Persons receiving Rs.400 or more but less than Rs. 1,000	
No. of cases	Amount	No. of cases	Amount	No. of cases	Amount

- (a) Fines
- (b) Deductions for Damages or loss.
- (c) Deductions for Breach of contract.

6. Disbursement from the Fines Fund ---

*Purpose Amount*

- (a)
- (b)
- (c)
- (d)

7. Balance of Fines Fund in hand at the end of the year Rs.....



**Note.** -- The average daily number of persons is obtained by dividing aggregate number of attendance during the year by the number of working days.

"Money value of concession should be obtained by taking the difference of the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given free or at concessional rates.

*Signature.*

*Designation.*

Date.....

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**FORM 'V'**

**ABSTRACT OF THE PAYMENT OF WAGES ACT, 1936 AND THE RULES MADE  
THEREUNDER  
(See rule 23)**

**WHOM THE ACT AFFECTS:**

1. The Act applies to the payment of wages to persons in this factory industrial establishment receiving less than Rs. 1,000 a month.
2. No employed person can give up by contract, or agreement his rights under the Act.

**DEFINITION OF WAGES:**

3. "Wages" means all remuneration (whether by way of salary, allowances, or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled be payable to a person employed, in respect of his employment or of work done in such employment, and includes—

(a) Any remuneration payable under any award of settlement between the parties or order  
Of a court;

(b) Any remuneration to which the person employed is entitled in respect of overtime work or holidays or any  
leave period;

(c) Any additional remuneration payable under the terms of employment whether called a bonus or by any other  
name;

(d) Any sum which by reason of the termination of employment of the person employed is payable under any  
law, contract or instrument which provides for the payment of such sum, whether with or without deductions,  
but does not provide for time within which the payment is to be made;

(e) Any sum to which the person employed is entitled under any scheme framed under any law for the time being  
in force; but does not include—

(1) any bonus (whether under a scheme of profit-sharing or otherwise) which does not form part of the  
remuneration payable under the terms of employment or which is not payable under any award or  
settlement between the parties or order of a court;

(2) the value of any house accommodation or of the supply of light, water, medical attendance or other amenity or of any service, excluded from the computation of wages by a general or special order of the Himachal Pradesh Government;

(3) Any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;

(4) Any travelling allowance or the value of any travelling concession;

(5) Any sum paid to the employed person to defray special expenses entitled on him by the nature of his employment; or

(6) Any gratuity payable on the termination of employment in cases other than those specified in sub-section (d).

#### **RESPONSIBILITY FOR AND METHOD OF PAYMENT:**

4. The manager of the factory is responsible for the payment under the Payment of Wages Act to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.

5. Wage periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within 7 days of the end of the wage period (or within 10 days if 1,000 or more persons are employed). The wages of a person discharged shall be paid not later than the second working day after his discharge.

7. Payments in kind are prohibited.

#### **FINES AND DEDUCTIONS:**

8. No deduction shall be made from wages except those authorised under the Act (See paragraph 9-15 below).

9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Labour Commissioner, Himachal Pradesh specify by a notice displayed at or near the main entrance of the factory and after giving the employed person an opportunity for explanation.

#### **(2) Fines—**

(a) Shall not exceed three paise in the rupee;

(b) Shall not be recovered by installments, or later than sixty days of the date of imposition;

(c) Shall be recorded in a register and applied to such purposes beneficial to the employed persons as are approved by the Labour Commissioner;

(d) Shall not be imposed on a child.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage period, as the time he was absent in that period is to the total time he should have been at work.

(b) If ten or more employed persons, acting in contract, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice but –

(1) No deduction for breaking a contract can be made from a person under 15 or a woman;

(2) there must be a provision in writing which forms part of the contract of employment, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice;

(3) The above provisions must be displayed at or near the main entrance of the factory;

(4) No deduction of this nature can be made until a notice that this deduction is to be made has been pasted at or near the main entrance of the factory;

(5) No deduction must exceed the wages of the employed person for the period by which the notice, he gives of leaving employment is less than the notice he should give under his contract.

11. Deduction can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default. Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made equivalent, to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorized by order of the Government.

13. (a) Deductions can be made for the recovery of advances, or for adjustment of over-payment of wages.

(b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage period but no recovery can be made for advances given for travelling expenses before employment began.

(c) Advances of unearned wages can be made at the pay-master's discretion during employment but must not exceed the amount of two month's wages without the permission of an Inspector.

These advances can be recovered by installments, spread over not more than 12 months and the installments must not exceed 1/3rd, or if the wages are not more than Rs. 201/4th of the wages for any wage period.

14. Deductions can be made for subscription to and for repayment of advances from any recognized provident fund.

15. Deductions can be made for payments to Co-operative Societies approved by the Government or to the postal insurance, subject to any conditions imposed by the Himachal Pradesh Government.

#### **INSPECTIONS :**

16. An Inspector can enter on any premises, and can exercise powers of inspection. (Including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

#### **COMPLAINTS OF DEDUCTIONS OR DELAYS :**

17. Where irregular deductions are made from wages or delays in payment take place, an employed person can make an application in the prescribed form within one year to the authority appointed by the Himachal Pradesh Government for the purpose. All the Subs Divisional Officers (Civil) have been appointed as authorities under this Act within their respective jurisdiction. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union, Inspector under the Act, or other person acting with the permission of the authority can make the complaint on behalf of an employed person.

(3) A single application may be presented by or on behalf of any number of persons belonging to the same facto's/ the payment of whose wages has been delayed.

**ACTION BY THE AUTHORITY:**

18. The authority may award compensation to the employed persons in addition to ordering the payment of delayed wages or the refund of illegal deductions. If a malicious or vexatious complaint is made, the authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

**APPEAL AGAINST THE AUTHORITY:**

19. An appeal in the prescribed form against a direction made by the authority may be preferred within 30 days to the District Court—

(a) by the pay-master if the total amount directed to be paid exceeds Rs. 300;

(b) by an employed person, if the total amount of wages with-held from him or his co-workers, exceeds Rs. 50;

(c) by a person directed to pay penalty for a malicious or vexatious application.

**PUNISHMENTS FOR BREACHES OF THE Act:**

20. Any one delaying the payment of wages beyond the due date, or making any un-authorized deduction from wages is liable to a fine up to Rs. 500 but only if prosecuted with the sanction of the authority or the Appellate Court.

21. The pay-master who--

(1) Does not fix a wage-period; or

(2) Makes payment in kind; or

(3) Fails to display at or near the main entrance of the factory this Abstract in English and in the language of the majority of the employed persons; or

(4) Breaks certain rules made under this Act; is liable to a fine not exceeding Rs. 200. A complaint to this effect can be made only by. The Inspector, or with his sanction.

## THE HIMACHAL PRADESH PAYMENT OF WAGES (PROCEDURE) RULES, 1979

**1. Short title--** These rules may be called the Himachal Pradesh Payment of Wages (Procedure) Rules, 1979.

**2. Definitions.** - In these rules, unless there is anything repugnant in the subject or context---

- (a) "the Act" means the Payment of Wages Act, 1936 (Central Act IV of 1936);
- (b) "appeal" means an appeal under section 17;
- (c) "The authority" means the authority appointed under sub-section (1) of section 15;
- (d) "The Court" means the court mentioned in sub-section (1) of section. 17;
- (e) "Employer" includes the persons responsible for the payment of wages under section 3;
- (f) "Form" means a form appended to these rules ;
- (g) "record of order or direction" means the record of an order dismissing either wholly or in part an application made under sub-section (2) of section 15 or of a direction made under sub-section (3) or sub-section (4) of that section kept in Form F :
- (h) "Section" means the section of the Act;
- (i) the words and expressions defined in the Act shall be deemed to have the same meanings as are assigned to them in the Act.

**3. Form of application:--** Application under sub-section (2) of section 15 by or on behalf of an employed person or group of employed persons shall be made in duplicate in Form 'A', Form 'B' or Form 'C', as the case may be, one copy of which shall bear such court-fee as may be prescribed.

**4. Authorization:--** The authorization to act on behalf of an employed person or persons, under section 15 shall be given by a certificate in Form 'D' shall be presented to the authority hearing the application and shall form part of the record.

**5. Permission to appeal:--** Any person desiring the permission of the authority to act on behalf of any employed person or persons shall present to the authority a brief written statement explaining his interest in the matter, and the authority shall record an order on the statement, which in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

**6. Presentation of documents:--** (1) Applications or other documents relevant to an application may be presented in person to the authority at any time during hours to be fixed by the authority, or may be sent to him by registered post.

(2) The authority shall at once endorse, or cause to be endorsed, on each document the date of the presentation or receipt as the case may be.

**7. Refusal to entertain application: --** The authority may refuse to entertain an application presented under rule 6, if after giving the application an opportunity of being heard, the authority is satisfied, for reasons to be recorded in writing that—

- (a) The applicant is not entitled to present an application, or
  - (b) The application is barred by reason of the provisions in the proviso to sub-section (2) of section 15, or
  - (c) the applicant shows no sufficient cause for making a direction under section 15.
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Rules notified vide H.P. Govt. Labour Department notification No. 7-11117€-LEP-Shram dated 21st May, 1979 and published in the Extraordinary Gazette dated 16th June, 1979.

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(2) The authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if he so refuses shall return it at once with an indication of defects. If the application is presented again, after the defects have been made good, the date of representation shall be deemed to be the date of presentation for the purposes of the proviso to sub-section (2) of section. 15.

**8. Appearance of parties:--**(1) If the application is entertained the authority shall call upon the employer by a notice in Form 'E' to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may proceed to hear and determine the application ex-parte.

(3) If the applicant fails to appear on the specified date, the authority may dismiss the application:

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the applicant re-heard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for rehearing.

**9. Record of proceedings.—**(1) the authority shall in all cases enter the particulars indicated in Form 'F' and at the time of passing orders shall sign and date the Form.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the authority shall record the substance of the evidence and shall append it under his signature to the record of order or direction.

**10. Signature on forms:--** Any form, other than a record of order, or direction which is required by these rules to be signed by the authority may be signed under his direction and on his behalf by an officer subordinate to him appointed by him in writing for this purpose.

**11. Exercise of powers, --**In exercise of the powers of a Civil Court conferred by section 18, the authority shall be guided in respect of procedure by the relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Act or these rules.

**12. Appeals.—**(1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the prescribed court fee, setting forth concisely the grounds of objection to the order dismissing whether wholly or in part an application made under sub-section (2) of section 15 or a direction made under sub-section (3) or sub-section (4) of that section, as the case may be, and shall be accompanied by a certified copy of the said order or direction.

(2) When an appeal is lodged a notice shall issue to the respondent in Form 'G'.

(3) The court after hearing the parties and after such further enquiry, if any, as it may deem necessary, may confirm, vary, or set aside the order or direction from which the appeal is preferred, and shall make an order accordingly.

**13. Inspection of documents.** —Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on payment of such fees as may be prescribed,

**14. Order or direction when to be made.**-- The authority or the Court, as the case may be, after the case has been heard, shall make the order or direction either at once or as soon as practicable, on some future day; and when the order or direction is to be made on some future day, it shall fix a date for the purpose of which due notice shall be given to the parties or their pleaders.

**15. Appeal and savings:--** The Himachal Pradesh Payment of Wages Rules, 1959, as in force in the areas, which comprised in Himachal Pradesh immediately before the 1st November, 1966 and the Punjab Payment of Wages Rules, 1937 as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organization Act, 1966 are hereby repealed, but all action taken and the orders made under the rules so repealed, shall so far as they are not inconsistent with these rules, be deemed to have been respectively taken and made under these rules.

FORM 'A'

FORM OF INDIVIDUAL APPLICATION

[See sub-section (2) of section 15 of the Payment of Wages Act, 1936 and rule 3]

IN THE COURT OF THE AUTHORITY APPOINTED UNDER THE PAYMENT OF WAGES ACT, 1936

(CENTRAL ACT IV OF 1936)

For.....Area

Application No.....of 19.....

Between A. B. C.....(through  
the legal practitioner)..... an official  
of..... which is a registered  
trade union.

Applicant  
and Opposite party.

The applicant states as follows:--

1. A. B. C. is a person employed in/on the factory/railway/industrial establishment entitled and resides at..... The address of the applicant for the service of all notices and processes is.....

2. X. Y. Z, the opposite party, is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and processes is.....

3. (1) The applicant's wages have not been paid for the following wage period(s) (give dates) or a sum of Rs..... Has been unlawfully deducted from his wages of .....Amount for the wage period(s) which ended on (give dates).....

(2) (Here give any further claim or explanation).

4. The applicant estimates the value of the relief sought by him at the sum of rupees.....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15

For--

(a) Payment of his delayed wages as estimated or such greater or lesser amount as the authority may find to be due or refund of the amount illegally deducted.

(b) Compensation amounting to.....

The applicant certifies that the statement of fact contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the  
Employer, person or legal practitioner or  
Official of registered trade union duly  
Authorized.



**FORM OF GROUP OF APPLICATION**

**[See sub-section (2) of section 15 and section 16 of the Payment of Wages Act, 1936 and rule 3]**

**IN THE COURT OF THE AUTHORITY APPOINTED UNDER THE PAYMENT  
OF WAGES ACT, 1936  
(CENTRAL ACT IV OF 1936)**

Application No.....of 19.....

Between:

A.B.C and /state number..... others,

(through .....the legal practitioner)

.....an official of..... which is a  
registered trade union.

Applicant:

X. Y. Z..... Opposite  
party.

The applicants state as follows:--

1. The applicants whose names and permanent addresses appear in the attached Schedule are persons employed in/or the factory/railway/industrial establishment entitled.....

The address of the applicants for service of all notices and processes is .....

2. X. Y. Z , the opposite party, is the person responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is.....

.....

3. The applicants' wages have not been paid for the following wage period(s).....

.....

4. The applicants estimate the value of the relief sought by them at the sum of rupees.....

.....

5. The applicants pray that a direction may be issued under sub-section (3) of section 15 for—

(a) Payment of the applicants' delayed wages as estimated.....

or such greater or lesser amount as the authority may find to be due.

(b) Compensation amounting to Rs.....

The applicants certify that statement of facts contained in this application is to the best of their knowledge and belief accurate.

*Signature or thumb impression of two  
of the applicants or legal practitioner  
or an official of a  
Registered trade union duly authorized.*

**SCHEDULE**

Sl. No.	Name of applicant	Permanent address
1	2	3

**FORM 'C'**

**FORM 'C' FORM OF APPLICATION BY AN INSPECTOR OR PERSON PERMITTED BY THE AUTHORITY OR AUTHORISED TO ACT**

**[See sub-section (2) of section 15 and section 16 of the Payment of Wages Act, 1936 and rule 3]**

**IN THE COURT OF THE AUTHORITY APPOINTED UNDER THE PAYMENT OF WAGES ACT, 1936  
(CENTRAL ACT IV OF 1936)**

for .....area

Application No .....of 19

Between:

A. B. C. (Designation ) ..... an Inspector under the Payment of Wages Act or a person permitted by the authority/authorised to act under sub-section (2) of section 15.

Applicants.

and

X. Y. Z---

The Opposite party.

The applicants state as follows:--

The X. Y. Z., the opposite party, is the person responsible under the Act, for the pays merit of wages to the following persons whose names and permanent addresses are given below :

- (1)
- (2)
- (3)

- 2. His address for the service of all notices and processes is -
- 3. The wages of the said person(s) due in respect of the following wage period(s) have not been paid/have been subjected to the following illegal deductions:----

.....

- 4. The applicant estimates the value of the relief sought for the persons employed at the sum of Rs.....

- 5. The applicant prays that a direction may be issued under sub-section (3) of section 15 For--

- (a) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due (or refund of the amount illegally deducted),
- (b) Compensation amounting to Rs.....

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

*Signature.*

\_\_\_\_\_

**FORM "D"**

**[See sub-section (2) of section 15 of the Payment of Wages Act, 1936 and rule 4]**

**CERTIFICATE OF AUTHORISATION**

I/We employed person(s) hereby authorize a legal practitioner/an official of which is registered trade union to act on my/our behalf under section 15 and section 17 of the Payment of Wages Act (Central Act IV of 1936) in respect of the claim against.....  
on account of the delay in payment of illegal deductions from my/our wages for.....

Signature (1)  
(2)

(3)

(4)

Witnesses (1)

(2)

(3)

(4)

I accept the authorization.

*Legal Practitioner/Official of a registered  
Trade union.*

FORM 'E'

[See sub-section (3) of section 15 of the Payment of Wages Act and rule 8]

**NOTICE FOR THE DISPOSAL OF APPLICATION**

To

Whereas under the Payment of Wages Act, 1936 (Central Act IV of 1936), a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby 1 at called upon to appear before me either in person or through any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such question on..... day of.....

19 at ..... O'clock in the forenoon/afternoon to answer the claim, and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to reply in support of your defense.

Take notice that, in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Given under my hand and seal, this day..... 19 .

Seal.  
*Authority*

FORM 'F'

[See sub-section (3) of section 15 of the Payment of Wages Act, 1936 and rule 9]

**RECORD OF ORDER OR DIRECTION**

(1) Serial number.

- (2) Date of application.
- (3) Name or names, parentage, address or addresses of  
  - The applicants or some or all of
  - The applicants belonging to the same unpaid group
- (4) Name and address of the employer.
- (5) Amount claimed:
  - (a) as delayed wages Rs.
  - (b) as deducted from wages, Rs.
- (6) Plea of the employer and his examination (if any).
- (7) Finding and a brief statement of the reasons therefore.
- (8) Amount awarded:
  - (a) Delayed wages
  - (b) Deducted wages
- (9) Compensation awarded.
- (10) Penalty imposed.
- (11) Costs awarded to
  - (i) Court-fee charges.
  - (ii) Pleaders fee.
  - (iii) Witnesses' expenses.
- (12) Date by which the amount awarded shall be paid.

Dated.....

*Signed.*

*Note.--* In case where an appeal lies attach on a separate sheet the substance of the evidence.

**FORM "G"**

**(See section 17 of the Payment of Wages Act and rule 12)**

**NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE  
 APPEAL, UNDER SECTION 17 OF THE PAYMENT OF WAGES ACT, 1936**

(CENTRAL ACT IV OF 1936)

Appeal from the decision of the authority for the area, dated the.....day  
 of..... 19.....

*Respondent.*

Take notice that an appeal of which a copy is enclosed, from the decision of the authority  
 For.....area has been presented by X. Y. Z.

(And others and) registered in this Court and that the.....

Day of..... 19..... has been fixed in this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, or by someone by law authorized to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this..... day of.....  
19.....

Seal of the Court.  
*Judge.*