

**Government of Himachal Pradesh
Labour Department**



THE INDUSTRIAL DISPUTES RULES 1974

(Amended upto 1979)

**PRINTED BY:
THE CONTROLLER, PRINTING AND STATIONERY DEPARTMENT, HIMACHAL PRADESH, SIMLA-3**

THE INDUSTRIAL DISPUTES RULES, 1974

1. *Short title and commencement.*—(1) These rules may be called the Industrial Disputes Rules, 1974.

(2) They extend to the whole of the State of Himachal Pradesh.

(3) They shall come into force at once.

2. *Interpretation.*—In these rules unless there is anything repugnant in the subject or context—

(a) "Act" means the Industrial Disputes Act, 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 of Works Committee constituted under sub-section(1) of section 3 of the Act;

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

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

(f) "State Government" means Government of Himachal Pradesh; and

(g) words and expressions used in these rules and not defined in the Act shall have the same meanings respectively assigned to them in the Act.

PART I

PROCEDURE FOR REFERENCE OF INDUSTRIAL DISPUTES TO BOARDS OF CONCILIATION, COURTS OF ENQUIRY, LABOUR COURTS OR INDUSTRIAL TRIBUNALS

3. *Application.*—An application under sub-section (2) of section 10 for the reference of an industrial dispute to a Board, Court, Labour Court or Tribunal shall be made in Form 'A' and shall be delivered personally or forwarded by registered post to the Secretary to the Government of Himachal Pradesh Labour Department, the Labour Commissioner, Government of Himachal Pradesh (in triplicate) and the Conciliation Officer of the area concerned. The application shall be accompanied by a statement setting in 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 incorporated by the agent, manager or other principal officer of the corporation; and

(b) in the case of workmen, either by the President and Secretary 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.

5. *Notification of appointment of Board, Court, Labour Court or Tribunal.*—The appointment of a Board, Court, Labour Court, Tribunal together with the names of the 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 State Government proposes to appoint a Board, it shall send a notice in Form 'B' to the parties requiring them to nominate within a reasonable time, persons to represent them 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 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 the workmen who are members of a trade union, to the President or Secretary of the trade union; and
- (b) in the case of workmen who are not members of a trade union, to any one of the five representatives of the workmen who have attested the application made under rule 3, and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof 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 to the Secretary to the Government of Himachal Pradesh, Labour Department, the Labour Commissioner, Himachal Pradesh (in triplicate) and the Conciliation Officer or the area concerned. The agreement shall be accompanied by the consent in writing of the arbitrator or arbitrators.

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; and
- (b) in the case of the workmen, by an 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.

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

9. *Notification regarding arbitration 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 OFFICERS, BOARDS, COURTS, LABOUR COURTS, TRIBUNAL AND ARBITRATORS

10. *Conciliation proceedings in public utility service.*—(1) The Conciliation Officer, on receipt of a notice of a strike or lock-out given under rule 75 or rule 76 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 75 or rule 76 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 inserted therein.

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

12. *Parties to submit statements.*—The employer or the party representing workmen involved in an industrial dispute shall forward a statement setting forth the specific matters in dispute to the Conciliation Officer concerned whenever his intervention in the dispute is required.

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

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

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

Provided that such rejoinder shall relate only to such of the issues as are included in the order of reference:

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

(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, 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.

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

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

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

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 it.

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

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

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

17. *Quorum for Boards and Courts.*—The quorum necessary to constitute a sitting of a Board or Court shall be as follows:—

	<i>Quorum</i>
(i) in the case of Board—	
where the number of members is 3	.. 2
where the number of members is 5	.. 3
(ii) in the case of Court—	
where the number of members is not more than 2	.. 1
where the number of members is more than 2 but less than 5	.. 2
where the number of members is 5 or more	.. 3

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

19. *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.

20. *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.

21. Service of summons or notice.—Subject to the provisions contained in rule 23, 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.

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

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

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

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

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

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

25. Board, Court, Labour Court, Tribunal or Arbitrator may proceed ex-parte.—If without sufficient cause being shown, any party to proceedings before a Board, Court, Labour Court, Tribunal or Arbitrator fail to attend or to be represented, the Board, Court, Labour Court, Tribunal or Arbitrator may proceed, as if the party had duly attended or had been represented.

26. Power of entry and inspection.—A Board, or Court, or any member thereof or a Conciliation Officer, a Labour Court, Tribunal or any person authorised in writing by the Board, Court, Labour Court, Tribunal in this behalf may, for the purposes of any conciliation investigation, enquiry or adjudication entrusted to the Conciliation Officer, Board, Court, Labour Court, Tribunal under the Act, at any time between the hours of sunrise and sunset and in the case of a person authorised in writing by Board, Court, Labour Court, Tribunal after he has given reasonable notice enter any building, factory, workshop, or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject matter of the conciliation investigation enquiry or adjudication.

27. 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 it to be material and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

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

29. *Fees for copies of awards or other documents of Labour Court and Tribunal.*—(1) Fees for making a copy of an award or an order of 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 paise;
- (b) for every additional 100 words or fraction thereof, 37 paise;

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

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

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

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

30. *Decision of majority.*—All questions arising for decision at any meeting of a Board or Court, save where the Court consists of the one person, shall be decided by a majority of the vote 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.

31. *Correction of errors.*—The Labour Court, Tribunal or Arbitrator may correct any clerical mistake or error arising from an accidental slip or omission in any award if/he issues.

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

33. *Proceeding before a Board, Court, Labour Court or Tribunal.*—The proceedings before a Board, Court, Labour Court or Tribunal shall be held in public:

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

PART IV

REMUNERATION OF CHAIRMAN AND MEMBERS OF COURT, PRESIDING OFFICERS OF LABOUR COURTS, TRIBUNALS, ASSESSORS AND WITNESSES

34. *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 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.

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

36. *Expenses of witnesses.*—Every person who is summoned and duly attends or otherwise appears as a witness before a Board, Court, Labour Court, Tribunal or an Arbitrator shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witness in civil courts in the State where the investigation, enquiry, adjudication or arbitration is being conducted.

PART V

NOTICE OF CHANGE

37. *Notice of change.*—Any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule to the Act shall give notice of such intention in Form 'E'.

The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Manager's Office:

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

PART VI

REPRESENTATION OF PARTIES

38. *Form of authority under section 36.*—The authority in favour of a person or persons to represent a workman or group of workmen or an employer in any proceeding under the Act shall be in Form 'F'.

39. *Parties bound by acts of representative.*—A party appearing by a representative shall be bound by the acts of that representative.

PART VII

WORKS COMMITTEE

40. *Constitution.*—Any employer to whom an order made under sub-section (1) of section 3 relates shall forthwith proceed to constitute a works committee in the manner prescribed in this part.

41. *Number of members.*—The number of members constituting the committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in, and to 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.

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

43. Consultation with trade unions.—(1) Where any workmen of an establishment are members of a registered trade union the employer shall ask the union to inform him in writing—

- (a) how many of the workmen are members of the union; and
- (b) how their membership is distributed among the sections, shops or departments of the establishment.

(2) 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.

44. Groups of workmen's representatives.—On receipt of the information called for under rule 43, 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, 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 to the non-members:

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

Provided further that where a registered trade union neglects or fails to furnish the information called for under sub-rule (1) of rule 43 within one month of the date of 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 43, the election shall be held on receipt of the decision of the Conciliation Officer.

45. Electoral constituencies.—Where under rule 44 the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of a registered trade union and the other of those who are not:

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

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

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

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

47. Qualifications of voters.—All workmen who are not less than 18 years of age and who have put in not less than 6 months continuous service in the establishment shall be entitled to vote in the election of the representatives of workmen.

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

48. 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, sections, 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.

49. Nomination of candidates for election.—(1) Every nomination shall be made on a nomination paper in Form 'G' copies of which shall be supplied by the employer to the workmen requiring them.

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

50. Scrutiny of nomination papers.—(1) On the day following the last day fixed for 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 46 or (b) the requirement of rule 49 have not been complied with:

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

51. 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.

52. 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 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.

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

54. 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 establishment.

(3) The Vice-Chairman shall be elected by the members on the committee representing the workers, from amongst themselves:

Provided that in the event of equality of votes in the election of the Vice-Chairman, the matter shall be decided by draw of a lot.

(4) The Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the workmen and *vice versa*;

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.

55. Term of office.—(1) The term of office of the representatives on the committee other than a members chosen to fill a casual vacancy shall be two years.

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

(3) A member who without obtaining leave from the committee fails to attend three consecutive meetings of the committee shall forfeit his membership.

56. Vacancies.—In the event of workmen's representative ceasing to be a member under sub-rule (3) of rule 55 or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be elected in accordance with the provisions of this part from the same group, section, shop or department to which the member vacating the seat belonged.

57. 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 matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the committee.

58. Meetings.—(1) The committee may meet as often as necessary but not less often than once in three months (a quarter).

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

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

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

60. *Submission of returns.*—The employer shall submit half yearly returns as in Form 'H' in triplicate to the Conciliation Officer of the area concerned not later than the 20th day of the month following the half year.

61. *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 inquiry as it or he may deem fit, dissolve any Works Committee at any time, by an order in writing, if he or it is satisfied that the committee has not been constituted in accordance with these rules or that not less than two-thirds of the number of representatives of the workmen have, without any reasonable justification failed to attend three consecutive meetings of the Committee or that the committee has, for any other 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 steps to reconstitute the committee in accordance with these rules.

PART VIII

MISCELLANEOUS

62. *Memorandum of settlement.*—(1) A settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form 'I'.

(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 the 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 the workman in an industrial dispute under section 2-A of the Act, by the workman concerned.

[*Explanation.*—In this rule "officer" means any of the following officers, namely:—

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

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

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

63. 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 'J' 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 and the place at which signed.

64. Application under section 33.—(1) An employer intending to obtain the express permission in writing of the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be, under sub-section, (1) or sub-section (3) 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.

(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 (d) of sub-section (2) of section 33 shall present an application in Form 'L' 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.

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

(2) The employer shall subject to section 33, sub-section (4) recognise such workmen to be "protected workmen" for the purposes of sub-section (3) of the said section and communicate to the union in writing within fifteen days of the receipt of the names and address under sub-rule (1) the list of workmen recognised as protected workmen.

(3) Where the total number of names, received by the employer under sub-section (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 union seeking protection, the union shall be entitled to select the officers to be recognised as protected workmen. Such selection shall be made by the union and communicated to the employer within five days of the receipt of the employer's letter.

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

66. Application for recovery of dues.—(1) Where any money is due from an employer to a workman or a group of workmen under a settlement or an award or under the provisions of Chapter V-A, the workmen or the group of workmen, as the case may apply in Form 'M' for the recovery of the money due:

Provided that in the case of a person authorised in writing by the workman, or in the case of the death of the workman the assignee or the heir of the deceased workman, the application shall be made in Form 'N'.

(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 specified Labour Court in Form 'O' for the determination of the amount due or, as the case may be, the amount at which such benefit should be computed.

67. Appointment of Commissioner.—Where it is necessary to appoint a Commissioner under sub-section (3) of section 33-C of the Act, the Labour Court may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a person with experience as a Judge of the Civil Court, or as a Stipendiary Magistrate or as a Registrar or Secretary of a Labour Court or Tribunal constituted under any provincial Act or State Act, or of a Labour Court, Tribunal or National Tribunal constituted under the Act, or of the Labour Appellate Tribunal constituted under the Industrial Dispute (Appellate Tribunal) Act, 1950.

68. Fees for the Commissioner, etc.—(1) The Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioner's fees and other incidental expenses and direct the payment thereof, into the nearest treasury, within

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

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

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

(2) The Labour Court, may at any time, for reasons to be recorded in writing, vary the amount of the 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 undischursed 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.

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

(2) If for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply, before the expiry of the said date, for the 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.

70. Local investigation.—In any industrial dispute in which the Labour Court deems a local investigation to be requisite or proper for the purpose of computing the money value of a benefit, the Labour Court may issue a commission to a person referred to in rule 67 directing him to make such investigation and to report thereon to it.

71. Commissioner's report.—(1) The Commissioner after such local inspection as he deems necessary and after refusing 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 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.

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

- (a) examine the parties themselves and any witnesses whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;
- (b) call for and examine documents and other things relevant to the subject of enquiry;
- (c) at any reasonable time enter upon or into any premises mentioned in the order.

73. *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 68 of an allowance for expenses incurred by him in accordance with the scale for the time being in force payment of such allowance to witnesses appearing in the Civil Courts.

74. *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.

75. *Notice of strike.*—(1) The notice of strike to be given by workmen in a public utility service shall be in Form 'P'.

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

76. *Notice of lock-out.*—The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form 'Q'. The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Manager's Office:

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

77. *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 'R'.

78. *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 Himachal Pradesh.

(2) The Labour Commissioner, Himachal Pradesh.

(3) The District Magistrate concerned.

79. *Register of settlements.*—The Conciliation Officer shall file all settlements effected under this Act in respect of disputes in the area within jurisdiction in a register maintained for the purpose as in Form 'S'.

80. *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 Forms 'T' and 'U' respectively within seven days of such commencement or termination, as the case may be.

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

81. Notice of retrenchment.—If any employer desires to retrench any workman employed in his industrial establishment who has been in continuous service for not less than one year under him (hereinafter referred to as 'workman' in this rule and in rules 82 and 83), he shall give notice of such retrenchment as in Form 'V' to the State Government, the Labour Commissioner, Himachal Pradesh, the Conciliation Officer of the area concerned and the Employment Exchange concerned and such notice shall be served on that Government, the Labour Commissioner, the Conciliation Officer and the Employment Exchange concerned by registered post in the following manner:—

- (a) where notice is given to the workman, notice of retrenchment shall be sent within three days from the date on which notice is given to the workman;
- (b) where the 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 specified a date for the termination of service, notice of retrenchment shall be sent so as to reach the State Government, the Labour Commissioner, Himachal Pradesh, the Conciliation Officer and the Employment Exchange concerned, at least one month before such date:

Provided that if the date of termination of service agreed upon is within 30 days of the agreement the notice of retrenchment shall be sent to the State Government, the Labour Commissioner, Himachal Pradesh, the Conciliation Officer and the Employment Exchange concerned, within 3 days of the agreement.

81A. Notice of closure.—If an employer intends to close down an undertaking, he shall give notice of such closure in Form 'W' to the State Government, the Labour Commissioner, Himachal Pradesh, the Conciliation Officer and the Employment Exchange concerned, by registered post.

82. Maintenance by 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.

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

Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 82 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 the intimation of such vacancy to individual retrenched workmen:

Provided also that if a retrenched workman without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.

(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and 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 everyone of the workmen mentioned in the list prepared under rule 82.

84. *Penalties.*—Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

85. *Repeal.*—The Industrial Disputes (Central) Rules, 1957 as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 and Industrial Disputes (Punjab) Rules, 1958, as in force in the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (Central Act 31 of 1966) are hereby repealed:

Provided that such repeal shall not effect:—

- (a) the previous operation of these rules so repealed or anything duly done or suffered thereunder,
- (b) any right, privilege, obligation or liability, acquired, accrued or incurred under any rule so repealed,
- (c) any penalty, forfeiture or liability, punishment in respect of any offence committed against any rule so repealed,
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and
- (e) any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty forfeiture or punishment may be imposed, as if these rules had not been framed:

Provided further that anything done or any action taken under any rules so repealed shall be deemed to have been done or taken under corresponding provisions of the above rules and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under these rules.

SCHEDULE

FORM 'A'

(See rule 3)

Form of application for the reference of an Industrial Dispute a Board of Conciliation/ Court of Enquiry/Labour Court/Tribunal under section 10 (2) of the Industrial Disputes Act, 1947.

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..... for dispute, investigation and settlement relevant to the dispute ** enquiry..... by..... should be referred for..... a Board of Conciliation/A Court of Enquiry/ A Labour Court/Tribunal an application is hereby made under sub-section (2) of section 10 of the Industrial Disputes Act, 1947, that ** the** said matters/said disputes should be referred

to—**Board of Conciliation/A court of Enquiry/A Labour Court/a Tribunal. This application is made by the undersigned who has/have been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the held on the..... 19 ..

A statement giving the particulars required under rule 3 of the Industrial Disputes (Himachal Pradesh) Rules, 1972, is attached.

Dated the.....

Signature of employer** or agent or manager or principal officer of the corporation.....

Signature of the President of the trade union**..... Secretary of the trade union.....

**Signature of five representatives duly authorised (*vide* resolution enclosed).....

To

The Secretary to the Government of Himachal Pradesh,
Labour Department, Simla.

Statement required under rule 3 of the Industrial Disputes (Himachal Pradesh) Rules, 1972, to 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.

Copy to—

- (i) The Conciliation Officer of the area concerned.
- (ii) The Labour Commissioner, Himachal Pradesh, Simla.

**Delete whichever is not applicable.

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..... name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board.

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

Secretary to the Government of
Himachal Pradesh, Labour
Department.

FORM 'C'

(See rule 7)

AGREEMENT

(Under section 10-A of the Industrial Disputes Act, 1947)
betweenName of parties:
Representing employers:
Representing workmen:

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

- (i) Specify matters in dispute.
- (ii) Details of the parties to the dispute including the name of the establishment or undertaking involved.
- (iii) Name of the union, if any, representing the 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.

The majority decisions of the arbitrators, shall be binding on us. We further agree that 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) 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 aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties.

Representing employers
Representing workmen

Witness:

- (1)
- (2)

Copy to—

- (i) The Conciliation Officer of the area concerned.
- (ii) The Labour Commissioner, Government of Himachal Pradesh, Simla.
- (iii) The Secretary to the Government of Himachal Pradesh, Labour Department, Simla.

FORM 'D'

(See rule 20)

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 control in any way relating to the matter under investigation by this Board/Court/Labour Court/Tribunal.

Dated Chairman/Secretary Board Conciliation/Court of Enquiry.

Presiding Officer/Secretary Labour Court/Tribunal.

FORM 'E'

(See rule 37)

NOTICE OF CHANGE OF SERVICE CONDITION PROPOSED BY ANY 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 of the area concerned.
3. Labour Commissioner, Government of Himachal Pradesh, Simla.

FORM 'F'

(See rule 38)

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 day of 19 ..

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

Address

Accepted.

Signature of representative(s).

Address

FORM 'G'

(See rule 49)

FORM OF NOMINATION PAPER

Name of Industrial Establishment Group/Section/Shop/Department

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

Signature of proposer.

Date
 I agree to the proposed nomination.

Signature of candidate.

Date

Attested by: (1)

(2)

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

FORM 'H'

(See rule 60)

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

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

Dated.....
Place.....

Signature of employer or his representatives.

*Strike out the portion not applicable.

FORM 'T'

(See rule 62)

FORM FOR MEMORANDUM OF SETTLEMENT

Name of parties.....
Representing employer(s).....
Representing workmen.....
Short recital of the case.....
Terms of settlement.....

Signature of parties.....

Witnesses:

- (1).....
- (2).....

*Signature of Conciliation Officer/Board of Conciliation.

Copy to—

- ** (1) Conciliation Officer of the area concerned.
- (2) Labour Commissioner, Government of Himachal Pradesh, Simla.
- (3) The Secretary to the Government of Himachal Pradesh Labour Department, Simla.

*In cases of settlement effected by Conciliation Officer/Board of Conciliation.
**In case where settlements are arrived at between the employer and his workmen otherwise than in the course of conciliation proceeding.

FORM 'J'
(See rule 63)

BEFORE THE LABOUR COURT/TRIBUNAL

Complaint under section 33-A of the Industrial Disputes Act, 1947.

A.....(Complainants).

Versus

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

Address

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 provisions of section 33 of the Industrial Disputes Act, 1947 (14 of 1947), as shown below:—

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

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 63 of Industrial Disputes (Himachal Pradesh) Rules, 1972, are submitted herewith.

Signature of the complainant(s).

Date this..... day of.....19 ..

VERIFICATION

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

Signature or thumb impression of the person verifying.

FORM 'K'

[See rule 64 (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 (14 of 1947), in the matter of reference No.....

A. Applicant.

Address

B. Opposite party(ies).

Address(es)

The above mentioned applicant begs to state as follows:—

[here mention the action specified in clause (a) or clause (b) of sub-section (1) grounds on which the permission is sought for].

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

(Here mention the action specified in clause (a) or clause (b) of sub-section (1)/sub-section (3) of section 33).

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

Signature of applicant.

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

Space for verification.

(Signature of person verifying).

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

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

FORM 'L'

[See rule 64 (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 (14 of 1947) in the matter of reference No.....

A..... Applicant.
Address.....

Versus

B..... Opposite party(ies)

The above mentioned applicant begs to state as follows.—

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

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

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

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

Signature of the applicant.

Space for verification.

(Signature of the person verifying).

Dated this day of 19

Date (on which the verification was signed)

Place (at which the verification was signed)

*Delete if not applicable.

FORM 'M'
[See rule 66(1)]

APPLICATION UNDER SUB-SECTION (1) OF SECTION 33C OF THE INDUSTRIAL
DISPUTES ACT, 1947

To

- (1) The Secretary to the Government of Himachal Pradesh, Labour Department, Simla-2.
- (2) The Labour Commissioner, Himachal Pradesh, Simla-4.

Sir,

I/We have to state that I am/we are entitled to receive from M/s..... a sum of 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 M/s..... and their workmen through the duly elected representatives.

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

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

Signature(s) of the applicant(s).
Address(es):

Station..... 1.
Date..... 2.
..... 3.
..... 4.

ANNEXURE

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

FORM 'N'
[See rule 66(1)]

Application by a person authorised 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 the Government of Himachal Pradesh, Simla.
- (2) The Labour Commissioner, Himachal Pradesh, Simla-1.

Sir,

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

I further state that I served the management with a demand notice by registered post on..... 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 33C of the Industrial Disputes Act, 1947, and paid to me as early as possible.

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

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

Station.....

Date.....

Address..... Signature of the applicant.....

ANNEXURE

(Here indicate the details of the amount claimed).

*Strike out the portions inapplicable.

FORM 'O'
[See rule 66(2)]

Application under sub-section (2) of section 33-C of the Industrial Disputes Act, 1947.
Before the State Government Labour Court at.....

- (1) Name of the applicant(s)..... between:
(2) Name of the employer..... The petitioner.....
a workman of..... M/s..... of.....

The petitioners undersigned, workman of..... 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 determined the amount/amounts due to the petitioner(s).

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

Address(es):

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

Station.....

Date.....

ANNEXURE

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

FORM 'P'
 (See rule 75)

**FORM OF NOTICE OF STRIKE TO BE GIVEN BY (UNION/WORKMEN) IN A
 PUBLIC UTILITY SERVICE**

Name of Union:.....
 (Names of five elected representatives of workmen)

Address.....
 Dated the.....day of.....198.....

To
 (The name of the employer).

Dear Sir/Sirs,

In accordance with provisions contained in sub-section (1) of section 22 of the Industrial Disputes Act, 1947, I/we hereby give you notice that I propose to call at strike on/we propose to go on strike for the reasons explained in the annexure.....19.....

Yours faithfully,

Secretary of the Union of the workmen duly elected at a meeting held on.....
 Five representatives.
(date), vide resolution attached.

ANNEXURE

Statement of the case.

Copy to—

- (1) The Conciliation Officer.....
 (Here enter Office Address of the Conciliation Officer in the local area concerned).
- (2) Labour Commissioner, Himachal Pradesh, Simla-4.

FORM 'Q'
(See rule 76)

FORM OF NOTICE OF LOCK-OUT TO BE GIVEN BY AN EMPLOYER CARRYING
ON A PUBLIC UTILITY SERVICE

Name of employer.....
Address.....
Dated, the..... day of..... 19.....

In accordance with the provision of sub-section (2) of section 22 of the Industrial Disputes Act, 1947, I/we hereby give notice to all concerned that it is my/our intention to effect a lock-out in..... department(s), section(s), of my/our establishment with effect from..... for the reason explained in the annexure.

Signature.....

Designation.....

ANNEXURE

STATEMENT OF REASONS

Copy forwarded to—

1. The Secretary of the Registered Union, if any.
2. Conciliation Officer.....
(Here enter Office Address of the Conciliation in the local area concerned).
3. Labour Commissioner, Himachal Pradesh, Simla-4.

FORM 'R'
(See rule 77)

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 under- taking	Station and District	Normal working strength	Number of workers involved		Strike or lock-out
			Directly	Indirectly	
1	2	3	4	5	6

Date of commencement of strike or lock-out	Cause	Was notice of strike or lock-out given? If so, on what date and for what period	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

NOTES

Column (3)—Give the average number 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 workmen. Thus days on which strike or lock-out occurs or communal holiday is enjoyed by a large section of workers should be omitted.

Column (4)—If, say 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers has to be closed, 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 figures 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 'S'

(See rule 79)

REGISTER

PART I

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

*Whether 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 of each of the settlement in the serial order indicated in Part I.

FORM 'T'

(See rule 80)

To

The Labour Commissioner,
Himachal Pradesh, Simla.

Sir,

Under rule 80 of the Industrial Disputes, (Himachal Pradesh) Rules, 1971, I/we inform 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

*Here insert the number of workmen.

**Here insert the date.

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

FORM 'U'

(See rule 80)

To

The Labour Commissioner,
Himachal Pradesh, Simla.

Sir,

As required by rule 80 of the Industrial Disputes (Himachal Pradesh) Rules, 1971 and in continuation of my/our notice dated*.....
in Form 'T' I/We hereby inform you that the lay-off my/our establishment has ended on**.....

Yours faithfully,

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

*Here insert the date.

**Here insert the date.

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

FORM 'V'

(See rule 81)

FORM OF NOTICE OF RETRENCHMENT TO BE GIVEN BY AN EMPLOYER
UNDER CLAUSE (C) OF SECTION 25-F OF INDUSTRIAL DISPUTES ACT, 1947

Name of employer Address.....
Dated the day of 19 ..

To

The Secretary to the Government of Himachal Pradesh,
Labour Department, Simla.

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 75 of the 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 as required under 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 and designation of workmen to be retrenched 1	Number of workmen	
	Employed 2	To be retrenched 3

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

Yours faithfully,
.....

- *Here insert the number of workmen.
**Here insert the date.
***Delete the portion which is not applicable.
****Here insert the total number of workmen employed in the industrial establishment.
*****Here insert the position which the person who signs this letter holds with the employer issuing the letter.

ANNEXURE

STATEMENT OF REASONS

Copy to—

- (1) Conciliation Officer (here enter office address of the Conciliation Officer in local area concerned).
- (2) Labour Commissioner, Himachal Pradesh, Simla.
- (3) Employment Officer, Employment Exchange.....(enter the full address of the Employment Exchange concerned).

FORM 'W'

(See rule 81-A)

FORM OF NOTICE OF CLOSURE TO BE GIVEN BY AN EMPLOYER UNDER SECTION 25-FFA OF THE INDUSTRIAL DISPUTES ACT, 1947

Name of employer.....Address.....
 Dated the..... day of.....19 .

To

The Secretary to the Government of Himachal Pradesh,
 Labour Department, Simla.

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 workmen whose services should be terminated on account of the 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, Himachal Pradesh, Simla.
- (2) The Conciliation Officer of the area concerned.
- (3) The Employment Exchange.....
 (of the area concerned).

THE INDUSTRIAL DISPUTES (HIMACHAL PRADESH) AMENDMENT RULES, 1976

1. These rules may be called the Industrial Disputes (Himachal Pradesh) Amendment Rules, 1976.

2. In the Industrial Disputes (Himachal Pradesh) Rules, 1974,—

(a) after rule 80, the following rule shall be inserted, namely:—

“80A. Application for permission to lay off under section 25-M.

(1) Application for permission to lay-off any workman under sub-section (1), or for permission to continue a lay-off under sub-section (2), of section 25-M shall be made in Form U-1 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 is delivered to the said authority shall be deemed to be the date on which the application is made for the purposes of sub-section (4) of the said section.

(2) The 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 informations the authority considers necessary for arriving at a decision on the application, as and when called for by such authority, so as to enable the authority to communicate the permission or refusal to grant permission within the period specified in sub-section (4) of section 25-M.

(4) Where the permission to lay-off has been granted by the said authority, the employer concerned shall give to the Conciliation Officer concerned, a notice of commencement and termination of such lay-off in Form T and U respectively and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Conciliation Officer concerned a notice of commencement of such lay-off in Form T, in case such a notice has not already been given under sub-rule (1) of Rule 80 and a notice of termination of such lay-off in Form ‘U’.

(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 80.

(b) Rule 81-A shall be re-numbered as Rule 81-B and—

(i) before rule 81-B as so re-numbered, the following rule shall be inserted, namely:—

81A. *Notice of, and application for permission for retrenchment.*—(1) Notice under clause (c) of sub-section (1) of section 25-N for retrenchment shall be served in Form VA and served on the State Government or such authority as may be specified by that Government under the said clause either personally or by registered post acknowledgement due and where the notice is served by registered post, the date on which the same was delivered to the State Government or the authority shall be deemed to be the date of service of the notice for the purposes of sub-section (3) of the said section.

(2) Application for permission for retrenchment under sub-section (4) of section 25-N shall be made in Form VB (with attested copy of the notice given by the employer under clause (c) of section 25F appended thereto) and delivered to the State Government or to 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 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 the said section of 25-N, 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 the said section 25-N."

(ii) after rule 81-B as so renumbered the following rule shall be inserted, namely:—

- 81C. *Notice of, and application for permission for closure.*—(1) Notice under sub-section (1) of section 25-O intended closure shall be given in Form 'X' 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 Y (with attested copy of the notice served by the employer under sub-section (1) of section 25-FFA 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 was made for the purposes 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 it necessary, for arriving at a decision on the notice, or as the case may be, the application, and calls for from such employer."

(c) After form U, the following form shall be inserted, namely:—

"Form U-1

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

[See Rule 80-A (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 (14 of 1947) apply

To

.....

[The authority specified under sub-section (1) of section 25-M of the Act] i.e. the Labour Commissioner, Himachal Pradesh.

Sir,

Under sub-section (1)/sub-section (2) of section 25-M of the Industrial Disputes Act, 1947 (14 of 1947) read with sub-rule (1) of rule 80A of the Industrial Disputes (Himachal Pradesh) Rules, 1974, 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 25-M, read with section 25-C of the Industrial Disputes Act, 1947 (14 of 1947).

Yours faithfully,
(Signature).

*Strike out whatever is inapplicable.

ANNEXURE

Item No. :

1. Name of the undertaking with complete postal address including telegraphic addresses and telephone number ..
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 (32 of 1976) and the date from which each of them have 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 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 the 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, 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-offs 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 which 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 month-wise sales for the preceding twelve months, both item-wise 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 continuance of which permission is sought
22. Any other relevant factors with details thereof."

*Strike out whatever is inapplicable.

(d) After Form V, the following forms shall be inserted, namely:—

—————
"FORM VA

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

[See Rule 81-A (1)]

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

Date.....

To

.....
.....
.....

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

Sir,

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

2. The workmen concerned have been given notice in writing as required under clause (a) of sub-section (1) of section 25-N of the 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 the said clause.

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

1. Category and designation of workmen to be retrenched (1)	Number of workmen	
	Employed (2)	to be retrenched (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 (14 of 1947).

ANNEXURE

(Please give replies against each item).

Item No.:

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone No. ..
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 the utilised capacity ..
5. (i) Annual production, item-wise for 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 in the Industrial Disputes Act, 1947 (14 of 1947) employed in the undertaking ..
- (ii) Percentage of wages of workmen to the total cost of production ..
14. Administrative, general and selling cost in absolute terms per for the last three years and percentage thereof to the total costs ..
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 position of the workmen effected indicating their length of service including broken period 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) administration expenses ..
20. Position of stock 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 figures for the preceding twelve months for 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 VB

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

[See rule 81-A (2)]

Form of application for permission for retrenchment of workmen in case where at the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act 22 of 1976), the period of notice given under clause (a) of section 25-F for the retrenchment has not expired

Date.....

To

.....
 [The State Government/authority referred to in sub-section (2) of section 25-N of the Act], i.e. the Labour Commissioner, in Himachal Pradesh.

Sir,

I/We have given notice under clause (a) of section 25-F for the retrenchment of the workmen/workman specified below (Attested copy/copies of the notice is/are appended hereto):—

Name and addresses of workmen 1	Category and designation 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) of section 25-N of the Industrial Disputes Act, 1947 (14 of 1947) for the reasons set put 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 addresses 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 25-F (a) and the date 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 proceeding—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 in the Industrial Disputes Act, 1947 (14 of 1947) employed in the undertaking ..
 - (ii) Percentage of wages of workmen to the total cost of production ..
 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 the 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 position 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 the month on the preceding twelve months ..
 21. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve month—both item 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." ..
- (e) After form W, the following forms shall be inserted, namely:—

"FORM X"

(To be submitted in triplicate)

[See rule 81-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 (14 of 1947)

Dated

To
The Secretary (Labour) to the
Government of Himachal Pradesh,
Simla-171002.

Sir,
Under section 25-O of the Industrial Disputes Act, 1947 (14 of 1947) I/we hereby, inform

you that I/we propose to close down the undertakings specified below of (name of the industrial establishment).....

(Give details of the undertaking)

.....

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

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

3. Permission is solicited for the proposed closure.

4. I/We hereby declare that in the event of approval for the closure being granted, every workmen 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 (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. The total number and categories of workmen affected by the proposed closure, alongwith the addresses of the 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 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 component thereof ..
8. 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 ..
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 inter-connected company or companies under the same management ..
- (ii) Details about inter-corporate investments and changes during the last one year ..
- (iii) Interest of any of the directors/officers of the undertaking producing same or similar type of products ..
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 preceding twelve months ..
18. Full details of the interests of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking ..
19. Buying arrangements for the raw materials and components ..
20. Interests 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 figures for the preceding twelve months both item-wise and value-wise ..
22. Reasons for the proposed closure ..
23. Any specific attempts made so far to avoid the closure ..
24. Any other relevant factors with details thereof ..

FORM-K

(To be submitted in triplicate)
[See Rule-81-C (2)]

Form of application for permission to close down an undertaking in case 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

Dated

To

The Secretary (Labour) to the
Government of Himachal Pradesh,
Simla-171002.

Sir,

I/We have given notice on under sub-section (1) of section 25FFA

of our intention to close down an undertaking specified below of (name of industrial establishment). Attested copy of the notice is appended hereto).

(Give details of the undertaking).

.....

2. The period of the 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-O of the Industrial Disputes Act, 1947 (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 workmen in the undertaking to whom sub-section (7) of the said section 25-O applies will be given notice and paid a compensation as specified in section 25-N of the Industrial Disputes Act, 1947 (14 of 1947) as if the workmen 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 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 items-wise for preceding three years ..
 (ii) Production figures month-wise for the preceding twelve months ..
7. Work in progress—Item-wise and value-wise ..
8. Any arrangement regarding off-loading or sub-contracting of products of any component thereof ..
9. Details of persons of 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) Name of any inter-connected company or companies under the same management ..
 - (j) Details about inter-corporate investments and changes during the last one year ..
 - (iii) Interest of any of the directors/officers of the undertaking producing same or similar type of product ..
 15. Percentage of wages of workmen to the total cost of production ..
 16. Administrative, general and selling cost of 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 material to be shown separately item-wise and value-wise ..
 18. Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months ..
 19. Full details of the interests of the directors/officers of the company in the organisations/persons involved in selling products of the undertaking ..
 20. Buying arrangement for the raw-materials and components ..
 21. Interests of the directors and officers with the organisations/persons involved in buying raw materials and components for the undertaking ..
 22. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months, both item-wise and value-wise ..
 23. Reasons for the proposed closure ..
 24. Any specific attempts made so far to avoid the closure ..
 25. Any other relevant factors with details thereof ..

AMENDMENTS IN THE INDUSTRIAL DISPUTES HIMACHAL PRADESH RULES, 1974

1. *Amendment of Rule 4.*—For the sign “.” occurring after clause (b) of Rule 4 of the Industrial Dispute (Himachal Pradesh) Rules, 1974 (hereinafter called the “said rules”) the sign “;” shall be substituted and thereafter the following shall be inserted namely:—

“(C) in the case of 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.”

Rules notified vide H.P. Govt. Labour Deptt. notification No. 7-9/75-LFP-Shram, dt. 16-4-1979 and published in the Extraordinary Gazette on 23-6-1979.

2. *Amendment of Rule 7.*—In rule 7 of the said rules for the words "the conciliation officer or" shall be substituted with words "the Conciliation Officer of."

3. *Amendment of Rule 8.*—For sign "." occurring after clause (b) of Rule 8, of the said rules the sign ";" shall be inserted and thereafter the following clause (c) shall be inserted, namely:—

"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".

4. *Amendment of Rule 12.*—In rule 12 of the said rules in between the words "workman" and "involved" the words "or in the case of individual workman the workman himself" shall be inserted.

5. *Amendment of Rule 13.*—In rule 13 of the said rules, the following amendments shall be made, namely:—

(i) in sub-rule (1) before the words "and the employer" and after the word "workman", the words, "or in the case of individual workman the workman himself" shall be inserted;

(ii) for the existing proviso to sub-rule (1) the following shall be substituted:—

"Provided that where the Labour Court or Tribunal, as the case may be, considers it necessary, it may,—

(a) extend the time limit for filing of such statement,

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

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

(iii) for the existing second proviso to sub-rule (2) the following proviso shall be substituted:—

"Provided further that where the Labour Court or Tribunal as the case may be, considers it necessary, it may,—

(a) extend the time limit for filing of such rejoinder;

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

(c) where both the parties agree, dispense with the requirement of filing such rejoinder altogether."

6. *Amendment of Rule 27.*—In rule 27 of the said rules, the words and figures "sections 480 and 482 of the Code of Criminal Procedure, 1898" the words and figures "sections 345 and 346 of the Criminal Procedure, 1973" shall be substituted.

7. *Amendment of Rule 29.*—In rule 29 of the said rules, the words "fees for making a copy" shall be substituted with the words "fees for a copy".