

U.P. Industrial Disputes Rules, 1957

UTTAR PRADESH

India

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1. Short title, extent and commencement.

- (i) These rules may be called the Uttar Pradesh Industrial Disputes Rules, 1957.(ii)They extend to the whole of Uttar Pradesh.(iii)They shall come into force at once.

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

(a)"Act" means the Uttar Pradesh Industrial Disputes Act, 1947;(b)"Form" means a form given in the Schedule to these rules;(c)"Section" means a section of the Act;(d)A Labour Court shall include an Adjudicator unless there is anything repugnant in the context. The expression "Labour Court" shall be deemed to include an Adjudicator, for the purposes of these rules, except Rule 3.]

3. Preparation of the lists of persons for appointment as Presiding Officers of Labour Courts and Tribunals.

- [* * *] [Omitted by Notification No. 300(1)(W)/XXXVI-2-96 - 171(W)-92, dated 17.4.1996.]

4. [Powers, procedure and duties of Conciliation Officers. - (1) On receipt of information about an existing or apprehended industrial dispute, the Conciliation Officer may, if he considers necessary, forthwith arrange to interview both the employers and the workmen concerned with the dispute at such place and time as he may deem fit and endeavour to bring about a

settlement about the dispute in question.

(2)The Conciliation Officer may hold a meeting of the representatives of all the parties jointly or of each party separately.(3)The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.(4)Where a reference has been made by the State Government in the matter of a dispute under Section 4-K of the Act to the Tribunal or Labour Court or the Adjudicator, the Conciliation Officer concerned shall forthwith forward to the Tribunal or the Labour Court or the Adjudicator concerned, the file of the Conciliation Board relating to that matter, immediately after the application in Form I is filed by the Union.] [Inserted by Notification No. 5627(ST)/XXXVI-A - 220(ST)-67, dated 16.12.1970.]

5. [Memorandum of Settlement. - (1) A settlement arrived at before a Conciliation Officer or otherwise outside the conciliation proceeding shall be in Form I.

(2)The settlement shall be signed, -(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; and(b)in the case of a workman, either by the workman himself or by the President or the Secretary of the Union of Workmen, competent to represent the workman under Section 6-I, or of a Federation of such Unions, or by an Officer of such Union or Federation authorized in this behalf by the President of such Union or Federation, or where there is no such Union, by five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held for the purpose.(3)Where a settlement is arrived at before a Conciliation Officer otherwise than in the course of conciliation proceedings before a Board, the Conciliation Officer shall send a report thereof to the Government with the copy of the Labour Commissioner, Uttar Pradesh.(4)The State Government shall, subject to the provisions of clause (ii) of Section 7, issue orders in Form III-A, for enforcing any settlement arrived at before a Conciliation Officer in the course of conciliation proceedings.] [Substituted by Notification No. 2 (ST)/XXXVI-1-26/(ST)-81, dated 19.4.1982.]

5A. Memorandum of settlement before a Board.

(1)In any case where a Board is successful in bringing about an amicable settlement between the parties, it shall prepare a memorandum in Form I-A stating the terms of settlement arrived at, and the Chairman of the Board shall send copies thereof to the Sachiv to Government, Uttar Pradesh, Labour (A) Department, Lucknow, the Labour Commissioner and the parties concerned within seven days (excluding holidays but not annual vacation observed by the Courts subordinate to the High Court) of the close of the proceedings.(2)Where no amicable settlement can be reached on any of the issues, the Chairman of the Board shall send to the Sachiv to Government, Uttar Pradesh, Labour (A) Department, Lucknow and the Labour Commissioner, a full report setting forth the steps taken by the Board for ascertaining the facts and circumstances relating to the dispute and for bringing about an amicable settlement thereof.(3)The report under sub-rule (2) above shall be submitted by the Chairman of the Board within thirty days (excluding holidays but not annual

vacation observed by Courts subordinate to the High Court) of the date on which the reference was made to the Board :Provided that the State Government may extend the said period from time to time.(4)The memorandum under sub-rule (1) or the report under sub-rule (2) above, shall be signed by the Chairman of the Board and such members as may be present :Provided that the memorandum under sub-rule (1) above, shall also be signed by the parties to the dispute or their authorized representatives :Provided further that nothing in this rule shall be deemed to prevent any member of the Board from submitting a dissenting report.(5)The Conciliation Officer shall file all settlements arrived at before him either in the course of conciliation proceedings or otherwise in respect of dispute in the area within his jurisdiction in a register maintained for the purpose in Form II.(6)The State Government may, subject to the provisions of clause (ii) of Section 7, enforce by an order in Form III, any settlement arrived at before a Board in the course of conciliation proceedings.

5B. [Procedure of Boards. - A Board shall, subject to such general or special instructions as may be issued by the State Government in this behalf from time to time, follow such procedure as it thinks fit.] [Substituted by Notification No. 2(ST)/XXXVI-I-26/(ST)-81, dated 19.4.1982.]

6. Powers to refer additional matters to a Board, Labour Court or Tribunal for settlement or adjudication.

- Where any dispute or matter is pending before a Board or Labour Court or Tribunal, the State Government may, by order in writing, refer any other dispute or matter that may arise between the same parties, to the same Board, Labour Court or Tribunal for settlement or adjudication, as the case may be.

7. Notice of change.

(1)Subject to the provisions of Section 4-J, any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Third Schedule to the Act, shall give notice of such intention in Form IV to the workman concerned.(2)Where there are numerous workmen affected by a notice of change, the employer shall, where personal service is not practicable, cause the service of any such notice to be made on the Secretary, or where there is no Secretary, the Principal Officer of the Union/Unions of Workers and also by affixing the same to a notice-board at or near the entrance or entrances of the establishment concerned and the notice shall remain so affixed for a period of 21 days. The notice shall be in Hindi and in such other language, if any, which is intelligible to a majority of workers.(3)A copy of the notice shall simultaneously be forwarded by the employer to the Conciliation Officer of the area concerned and the Labour Commissioner, Uttar Pradesh.

8. Arbitration agreement.

(1)An arbitration agreement referred to in Section 5-B(1) of the Act shall be made in Form V, and copies thereof shall be delivered personally or forwarded by registered post [* *] to the authorities

mentioned in sub-section (3) of Section 5-B by the signatories to the agreement or any of them.(2)The arbitration agreement shall be signed, -(a)[in the case of an employer - [Substituted by Notification No. 2166(ST)/XXXVI-A -102(ST)-57, dated 20.4.1961.](i)by the employer himself, or,(ii)if any group or association of employers is a party to the agreement, by a person authorized in writing in this behalf by such group or association, or(iii)if the employer is an incorporated company or other body corporate, by the agent, manager, or other principal officer of the corporation, if so authorized in writing by the employers].(b)in the case of a workman, either by the workman himself or by the President or the Secretary of the Union of Workmen, competent to represent the workman under Section 6-I, or of a Federation of such Unions or by an officer of such Union or Federation authorized in this behalf in writing by the President of such Union or Federation, or where there is no such Union, by five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held for the purpose.

9. Evidence.

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

10. Summons.

- Summons issued by a Board, Labour Court, Tribunal or an Arbitrator shall be in Form VI and may require any person to produce before if any books, papers or other documents and things in his possession or under his control in any way relating to the matter under investigation or adjudication by the Board, Labour Court, or Tribunal or Arbitrator which are r Board, Labour Court, Tribunal or Arbitrator thinks necessary for the purpose of such investigation or adjudication.

11. Service of summons or notice.

- Any notice, summons, process or order issued by a Board, Labour Court or Tribunal or Arbitrator may be served either by personal delivery or by registered post or in any other manner prescribed in this behalf in the Code of Civil Procedure, 1908 (Act V of 1908).

12. [Proceedings before the Labour Court or Tribunal. - (1) Where the State Government refers an industrial dispute for adjudication to a Labour Court or Tribunal within two weeks of the date of receipt of order of reference, the party representing the workmen, or in the case of individual workman, the workman himself and the employer involved in the dispute shall file before the Labour Court or the 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, -(a)extend the time-limit for filing of such statement; or(b)reduce the time-limit for filing of such statement to one week in emergent cases for reasons to be recorded in writing; or(c)where both the parties agree, reduce the time-limit for filing of such statement as per agreement; or(d)where both the parties agree dispense with the requirement of filing of such statement altogether; or(e)allow at any stage of the proceedings, amendment of such statement to the extent as may be necessary for the purpose of determining the real issue included in the order of reference.(2)Within two weeks of the receipt of this statement referred to in sub-rule (1) above the opposite party shall file its rejoinder with the Labour Court or the 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 also that where the Labour Court or the Tribunal, as the case may be, considers it necessary, it may, -(a)extend the time-limit for filing of such a rejoinder or reduce the time-limit for filing of such rejoinder to one week in emergent cases for reasons to be recorded in writing;(b)permit the workman to file reply to the said rejoinder on a date fixed by the Presiding Officer, and on such date the parties shall file their documents and issues, if any, arising out of the pleadings of the parties shall be framed;(c)fix a date for filing documents and may on the same date frame such issues, if any, as may arise out of the pleadings of the parties after the written statements and rejoinders have been filed.(3)The Labour Court or the 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 the 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 the Tribunal, as the case may be, shall not ordinarily grant an adjournment for a period exceeding one week at a time, and not more than three adjournments at the instance of any one of the parties to the dispute shall be granted :Provided that in a very special case only the Labour Court or the Tribunal, as the case may be, may for reasons to be recorded in writing, grant an adjournment exceeding a week, or more than three adjournments at the instance of any one of the parties to the dispute.(6)At the first hearing of the Labour Court or the Tribunal, the Presiding Officer may call upon the parties to state their case in such order as it may think fit(7)Where reference is pending before the Labour Court or the Tribunal, the Labour Court or the Tribunal shall proceed to decide such dispute on a priority basis in which it has been brought to the notice of the said Court or the Tribunal that a strike or lock-out is pending or threatened in the establishment concerned.(8)The written statement filed by the Union or the workmen shall state the grounds on which the claim of the concerned workman is based and the written statement shall be accompanied by an affidavit in which the contents of the written statement are sworn to.(9)If the affidavit accompanying the written statement of the Union or the workmen is not rebutted by tire employers, the Labour Court or the Tribunal, as the case may be, shall presume the contents of the affidavit to be true and make an award accepting the facts stated in the written statement.(10)As and when the application in Form I filed by the espousing Union before the Conciliation Officer is received by the Labour Court or the Tribunal, the Presiding Officer concerned shall place on record this document which shall be treated in the proceedings as document of the Union or the workman.] [Substituted by Notification No. 9043/(ST)/XXXVI-1, dated 19.1.1978.]

13. Place and time of hearing.

- The sitting of a Labour Court or Tribunal or of an Arbitrator shall be held at such times and places as the Presiding Officer of the Arbitrator, as the case may be, may fix and the Presiding Officer or Arbitrator, as the case may be, shall inform the parties of the same in such manner as he thinks fit.

14. Proceedings before a Labour Court or Tribunal.

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

15. Information to be kept confidential.

- All books, papers and other documents or things produced before a Labour Court or Tribunal, whether voluntary or in pursuance of a summons, may be inspected by such parties as the Labour Court or Tribunal may allow but the information obtained therefrom shall not, except as provided in the Act, be made public, and such parts of the books, papers, documents or things as, in the opinion of the Labour Court or Tribunal, do not relate to the matters at issue, may be kept in a sealed cover at the discretion of the Presiding Officer.

16. Labour Court or Tribunal or Arbitrator may proceed ex-parte.

(1) If, on the date fixed or on any other date to which the hearing may be adjourned, any party to the proceedings before the Labour Court or Tribunal or an Arbitrator is absent, though duly served with summons or having the notice of date of hearing, the Labour Court or Tribunal or the Arbitrator, as the case may be, may proceed with the case in his absence and pass such order as it may deem fit and proper. (2) The Labour Court, Tribunal or an Arbitrator may set aside the order passed against the party in his absence, if within ten days of such order, the party applies in writing for setting aside such order and shows sufficient cause for his absence. The Labour Court, Tribunal or an Arbitrator may require the party to file an affidavit, setting the cause of absence. As many copies of the application and affidavit, if any, shall be filed by the party concerned as there are persons on the opposite side. Notice of the application shall be given to the opposite parties before setting aside the order.

17. Power of entry and inspection.

- The Presiding Officer of a Labour Court or a Tribunal or any other person authorized in writing by a Labour Court or Tribunal in this behalf may, for the purposes of any investigation, enquiry or adjudication entrusted to the Labour Court or Tribunal under the Act 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 in respect of anything situated therein or any matter relevant to subject-matter of the investigation, enquiry or

adjudication.

18. Description of parties in certain cases.

- Where in any proceeding before a Board, Labour Court or Tribunal or, an Arbitrator, there are numerous persons arrayed on any side, such persons shall be described as follows, -(i)all such persons as are members of any Union or Association, shall be described by the name of such Union or Association; and(ii)all such persons as are not members of any Union or Association, shall be described in such manner as the Board, Labour Court, Tribunal or Arbitrator, as the case may be, may determine.

19. 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, Labour Court, Tribunal or an Arbitrator and such persons are members of any Union or Association, the service of the notice on the 'Secretary, or where there is no Secretary, on the Principal Officer of the Union or Association shall be deemed to be the service on such persons.(2)Where there are numerous persons as parties to any proceeding before a Board, Labour Court, Tribunal or an Arbitrator and such persons are not members of any Union or Association the Board, Labour Court, Tribunal or Arbitrator, as the case may be, shall, where in its/his opinion, 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 and in such other manner as the Board, Labour Court, Tribunal or Arbitrator may deem fit and proper. A notice exhibited in such manner shall also be considered as sufficient in the case of such workmen as cannot be ascertained and found.

20. [Assessors. - (1) The State Government may, if it considers necessary, appoint up to two persons as assessors to advise a Tribunal in the proceedings before it.

(2)Where assessors are appointed to advise a Tribunal under any provisions of the Act, tire Tribunal shall, in relation to proceedings before it, obtain the advice of such assessors, but such advice shall not be binding on it.] [Substituted by Notification No. 2(ST)/XXXVI-1-26(ST)-81, dated 19.4.1982.]

21. Power of Labour Courts, Tribunals and Arbitrators.

- In addition to the powers conferred by the Act, Labour Courts, Tribunals and Arbitrators shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit, in respect of the following matters, namely, -(a)discovery and inspection;(b)granting of adjournment; and(c)reception of evidence taken on affidavit;and the Labour Court or Tribunal or Arbitrator may summon and examine any person whose evidence appears to it/him to be material.

22. Expenses of witnesses.

(1) Every person, who is summoned and duly attends or otherwise appears as a witness before a Labour Court or Tribunal or Arbitrator, shall be entitled to receive from the party concerned such allowances for expenses as, subject to such general or special instructions as may be given by Government from time to time, the Labour Court or Tribunal or Arbitrator may determine. (2) A Labour Court or Tribunal or Arbitrator when summoning a witness at the request of a party, may require the party to deposit expenses of the witness in advance.

23. Right of representatives.

- The representatives of the parties appearing before a Labour Court or Tribunal or an Arbitrator shall have the right of examination, or cross-examination, as the case may be, of a witness.

24. Papers, records, documents, files, etc., of an arbitration award.

- Within fifteen days of submission of an arbitration award to the State Government, the Arbitrator or Arbitrators shall send all papers, records, documents and files relating to the arbitration proceeding, and also the original copy of the arbitration award to the Labour Court or Tribunal which has otherwise jurisdiction over the industrial dispute.

25. Copies of awards or other documents of a Labour Court or Tribunal or an Arbitrator.

(1) A party to the dispute shall be entitled at any stage to obtain a copy of the records of the case or any portion thereof, including exhibits which have been put in and finally accepted as evidence, but excluding confidential papers and office notes. (2) A stranger to a dispute, on application may, after the decision, obtain a copy of an award or any document on the record of the case, except confidential documents and office notices : Provided that a stranger may not be given a copy of exhibits admitted in evidence, except with the consent of the person by whom they were produced or his successor-in-interest. (3) Every such copy shall be examined and certified as correct before it is issued from the office of the Labour Court or Tribunal or an Arbitrator. No copy shall be certified unless it has been prepared in either of the aforesaid offices. (4) An application for copies of awards or other documents shall be presented between 11 a.m. and 12 noon on any working day in Form VII to the Labour Court or the Registrar of the Tribunal concerned, or in the case of an arbitration award or documents relating thereto, to the Labour Court or the Registrar of the Tribunal which has otherwise jurisdiction over the dispute. (5) On receipt of an application for a copy, the Head Clerk or Clerk concerned shall inform the applicant of the amount of fee payable and that his application will not be considered complete and the preparation of the copy will not be commenced, until he has deposited the said amount. The receipts on account of copying and certifying fees shall be credited to the head of account specified by the State Government in this behalf. (6) If, owing to insufficient or incorrect description, the document of which a copy is sought cannot be traced, that fact shall be endorsed on the application which shall be submitted to the Presiding Officer of the Labour Court or

Tribunal concerned.(7)If the estimated amount of fees is not deposited within seven days of its being notified to the applicant, the application for copy shall be rejected.(8)If an application has been rejected under sub-section (7) and a copy is still required, a fresh application must be presented and the same will be dealt within the manner prescribed, as though the original application had not been made.(9)If and when it is ascertained that additional fees are necessary, the amount thereof shall be immediately notified to the applicant and shall be deposited within seven days of receipt of the notice.(10)The copies shall be prepared in strict order of priority, and where it is proposed to make any departure for any special reason, prior sanction of the Presiding Officer of the Labour Court or Tribunal or the Arbitrator shall be obtained.(11)In ordinary circumstances, a copy may be furnished up to 1 p.m. on third day after the necessary fee, or additional fee, has been paid.(12)If the applicant furnishes his address accompanied by sufficient amount (in cash) to cover the costs of registration (Acknowledgement due), a copy may be sent to him by post.(13)When a copy is granted, the following particulars shall be recorded on the back of the copy :(i)Date of application for copy.(ii)Date of notifying the fee payable.(iii)Date of deposit of fee.(iv)Date of making over the copy to the applicant.(14)A register shall be maintained in respect of application for copies in Form VIII and shall be daily checked by the Presiding Officer of the Labour Court or Tribunal or any other person authorized by him in this behalf.(15)Fees for making a copy of an award of a Labour Court, Tribunal or Arbitrator, or any document filed in any proceeding before a Labour Court, Tribunal or in Arbitrator shall be charged as follows, -(a)for the first 200 words or less, 75 Naye Paise;(b)for every additional 100 words or fraction thereof, 38 Naye Paise.Provided that where an award 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 nearest hundred for the purpose of assessing the copying fee :Provided further that, if a party applies for urgent delivery of a copy of any such award or document, an additional fee equal to the fee leviable under this rule, shall be payable by such party.(16)A fee of Rupee 1 shall be payable for certifying a copy of any such award or document.(17)Copying and certifying fees shall be payable in advance.

26. Application for registration of settlement.

- An application for registration of settlement, arrived at otherwise than in the course of the conciliation proceedings before a Board shall be made in Form XI and shall be sent by the parties to the settlement or any one of them, within one month of the date of settlement, to the Conciliation Officer of the area concerned by registered post acknowledgement due, or by personal delivery. A copy of the memorandum of settlement shall be affixed by the parties to the settlement to a notice-board at or near the entrance or entrances of the establishment concerned, and shall remain so affixed for a period of 15 days before making the application for registration.

27. Procedure for registration of settlement.

- On receipt of an application for registration of settlement, the Conciliation Officer or the authority notified by the Government in this behalf under Section 6-B(3) of the Act, may make an enquiry if he/it considers necessary. If after enquiry, the Conciliation Officer or the authority concerned decides to register a settlement for which an application has been made, under sub-section (2) of Section 6-B, the registration shall be made in Form X, and a certificate of registration shall be issued

to all the parties to the settlement in Form XI. If the registering authority refuses to register the settlement under sub-section (3) of Section 6-B, an intimation to this effect, together with reasons for refusal to register, shall be given to all the parties to the agreement. The authority notified by the State Government for registering a settlement shall also give intimation of registration of settlement, or of the refusal thereof, as the case may be, to the Conciliation Officer of the area concerned and to the Labour Commissioner, Uttar Pradesh.

28. Persons on whom awards are binding.

- An award which has become enforceable, shall be binding on, -(a)all parties to the industrial dispute;(b)where a party referred to in clause (a) is an employer, his heirs, successors or assigns in respect of the establishment to which the dispute relates;(c)where a party referred to in clause (a) is composed of workmen, all persons, who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates, on the date of tire dispute and all persons who subsequently become employed in the establishment or part.

29. Recognition of protected workmen.

(1)A Union desirous of recognition of its officer or officers as "protected workman", shall, before the 1st day of September every year submit an application in Form XII to the Registrar, Trade Unions, Uttar Pradesh, Kanpur, appointed by the State Government under the Indian Trade Unions' Act, 1926 (Act XVI of 1926).(2)On receipt of an application under sub-rule (1), or on his own initiative if no such application is received, the Registrar of Trade Unions may, after making such enquiries as he may consider necessary, pass appropriate orders in the matter. Such orders shall be communicated to the Union and the employer concerned and also to the Conciliation Officer of the area concerned.(3)The names of protected workmen recognized under sub-rule (2) above, shall be entered in a register in Form XII to be maintained in the office of the Registrar of Trade Unions, Uttar Pradesh. The register can be inspected by the person on payment of a fee of Re. 1 during such hours as may be prescribed by the Registrar of Trade Unions, Uttar Pradesh.(4)[The recognition given to an officer under sub-rule (2) shall remain in force till the 31st day of October of the year following that in which the order giving such recognition is made.] [Substituted by Notification No. 4873 (ST)/XXXVI-A-220(ST)-67, dated 7.4.1970.](5)If a vacancy occurs amongst the protected workmen by the reason of any such workmen having died or not remaining in service or for any other reason, the Union concerned shall, within one month of the occurrence of such vacancy, inform the Registrar of it. The Registrar may fill the vacancy after such enquiry as he considers necessary.

30. Distribution of protected workmen.

(1)The distribution of protected workmen for an establishment amongst unions for the purposes of sub-section (4) of Section 6-E shall be made by the Registrar of Trade Unions, Uttar Pradesh, in proportion to their membership and after such enquiries as he may consider necessary.(2)For the up-to-date maintenance of the register in Form XIII, the Registrar of Trade Unions, Uttar Pradesh, may hold such enquiries as may be necessary and pass suitable orders which shall be final and

binding on the parties concerned.

31. Application under Section 6E.

(1)An employer intending to obtain 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 6-E, shall present an application in Form XIV 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 (b) of sub-section (2) of Section 6-E, shall present an application in Form XV 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 the person duly authorized in this behalf by the employer acquainted with facts of the case.(4)The person verifying the application shall, specify by references to the numbered paragraphs of the application, what he verifies of his own knowledge, 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.

32. Application for adjudication as to whether the conditions of service, etc. changed during the pendency of proceedings.

(1)An application under Section 6-F shall be presented in duplicate in Form XVI and shall be accompanied by as many additional copies of the application as there are opposite parties to the complaint.(2)Every application under sub-rule (1) shall be verified at the foot by the workman making it or by some other person proved to the satisfaction of the Labour Court or Tribunal to be acquainted with the facts of the case.(3)The person verifying shall specify, by references to the numbered paragraphs of the complaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.(4)The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

33. Application for the recovery of money due from an employer.

- An application for the recovery of money due from an employer made by a workman under sub-section (1) of Section 6-H, shall be in Form XVII.

34. Procedure for computing money value of a benefit.

(1)Where the State Government has specified a Labour Court for the purpose of computing the money value of a benefit, under sub-section purpose of computing the money value of a benefit, under sub-section (2) of Section 6-H, the Labour Court may, by an order in writing, appoint a Commissioner for such computation and ask the Commissioner to report to the Labour Court within

such time as may be specified in the order :Provided that the Labour Court may, either on its own motion or on an application made to it by the Commissioner, grant extension of time for submission of the report by the Commissioner.(2)The Commissioner shall be paid such fees, if any, as may be specified by the Labour Court in the order appointing the Commissioner and the amount of fee so fixed shall be recoverable from such party as the Court may direct. The party concerned shall in that case deposit the amount within a specified time with the Labour Court for deposit into the nearest Treasury. The Commissioner shall not issue his report until the amount of fees is deposited with the Labour Court by the party concerned :Provided that the party concerned may, from time to time, be directed by the Labour Court for deposit of further amounts, if any :Provided further that the Labour Court may, in its discretion, extend the time for depositing the sum by the party concerned.(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 think fit.(4)The undisbursed balance, if any, of the sum deposited, shall be refunded to the party which deposited the sum.

35. Local investigation.

- If any industrial dispute in which the Labour Court deems a local investigation to be requisite or proper for the purposes of computing the money value of benefit, the Labour Court may issue a commission to a person referred to in Rule 34 directing him to make such investigation and to report thereon to it.

36. Commissioner's report.

(1)The Commissioner, after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence, together with his report in writing signed by him to the Labour Court.(2)The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute, but the Labour Court or with the permission of the Labour Court, any of the parties to the industrial dispute may examine the Commissioner personally before the Labour Court, regarding any of the matters referred to him or mentioned in his report or as to his report, or as to the manner in which he has made the investigation.(3)Where the Labour Court is for any reason dissatisfied with the proceedings of the Commissioner it may direct such further enquiry to be made as it deems fit.

37. 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 land or building mentioned in the order.

38. Summoning of witness, 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 34, of an allowance for expenses incurred by him as may be directed by the Labour Court in this behalf.

39. Representation of parties before the Commissioner.

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

40. [Representation of parties. - (1) The parties may, in their discretion, be represented before a Board, Labour Court or Tribunal, -

(i)in the case of a workman subject to the provision of sub-section (3) of Section 6-1, by -(a)an officer of a Union of which he is member, or(b)an officer of a Federation of Unions to which the union referred to in clause (a) above, is affiliated, and(c)where there is no union of workmen, any representative, duly nominated by the workman who are entitled to make an application before a Conciliation Board under any orders issued by Government, or any member of the executive, or other officer;(ii)in the case of an employer, by(a)an officer of a union or Association of employers of which the employer is a member, or(b)an officer of a federation of unions or associations of employers to which the union or association referred to in clause (a) above, is affiliated, or(c)by an officer of the concern, if so authorized in writing by the employer :Provided that no officer of a federation of unions shall be entitled to represent the parties unless the federation has been approved by the Labour Commissioner for this purpose.(2)A party appearing through a representative shall be bound by the acts of that representative.(3)An application for approval of a federation of unions for representing the parties before a Board, Labour Court and Tribunal shall be made in Form XX to the Labour Commissioner :Provided that no federation of unions shall be entitled to apply for approval unless a period of two years has elapsed since its formation.(4)On receipt of an application under sub-rule (3) above, the Labour Commissioner may, after making such enquiries, as he deems fit, approve the federation or reject the application. In case a federation is approved its name shall be notified in the Official Gazette otherwise the applicant shall be informed of the position in writing by the Labour Commissioner.(5)The Labour Commissioner or the Registrar of the Trade Unions, Uttar Pradesh, may, at any time before or after a federation has been approved, call for such information from the federation as he considers necessary and the federations shall furnish the information so called for.(6)Every approved federation shall, -(a)intimate to the Labour Commissioner and to the registrar of Trade Unions, Uttar Pradesh, in Form XXI every change in the address of its head office and in the members of the executive (including its office bearers) within seven days thereof; and(b)submit to the Labour Commissioner and to the Registrar of Trade Unions, Uttar Pradesh by December 31 every year a list of unions

affiliated to it in Form XXII.(7)The Labour Commissioner may, at any time and for reasons to be recorded in writing, withdraw the approval granted to a federation under sub-rule (4) above.(8)A party aggrieved by the order of the Labour Commissioner under sub-rule (4) or (7) may within one month from the date of the receipt of such order prefer an appeal before the State Government, whose decision in the matter shall be final and binding.] [Substituted by Notification No. 9043 (ST)/XXXVI-1, dated 19.1.1978.]

41. Muster-rolls of the workmen.

- The muster-rolls of the workmen required to be maintained by the employer under Section 6-L, shall be in Form XVIII.

41A. [Notice of lay-off. - (1) If any workman employed in tin Industrial establishment as defined in explanations (i) and (iii) below Section 6-J 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 XVIII-A and XVIII-B 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 6-M.] [Inserted by Notification No. 7145(ST)/XXXVI/693(SI)-79, dated 30.12.1980.]

42. Procedure for retrenchment of workmen.

(1)If any employer desires to retrench any workman, employed in establishment who has been in continuous service under him for not less than one year (hereinafter referred to as "workman" in this rule and in Rule 43), he shall give notice of such retrenchment in Form XIX to the Secretary to Government, U.P., Labour (A) Department, to the Labour Commissioner, U.P. and to the Conciliation Officer of the area concerned by registered post, in the following manner, -(a)where a notice, as required under clause (a) of Section 6-N is given to the workman, notice of retrenchment shall be sent on the same day on which notice is given to the workman;(b)where no notice is given to the workman, and he is paid one month's wages in lieu by notice, notice of retrenchment shall be sent on the same date on which wages are paid to the workman; and(c)where retrenchment is or is intended to be carried out under an agreement, which specifies a date for the termination of service, notice of retrenchment shall be sent on the date on which the agreement was made, if the period for the date of the agreement to the date of retrenchment is of less than one month, otherwise not less than one month before the date of retrenchment.(2)The employer shall prepare a list of the 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 date of retrenchment.(3)Before retrenchment of a workman, the employer shall, for the purposes of sending intimation to the workman for re-employment as required in Rule 43 obtain the address of the workman in writing from the workman duly signed, or thumb-impression affixed by the said workman.

43. Re-employment of retrenched workmen.

(1)At least ten days before the date on which any vacancies are to be filled in his industrial establishment, an 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 send intimation thereof to everyone of the retrenched workmen eligible to be considered therefor, by registered post or personal delivery to the address given by the workman concerned at the time of retrenchment or at any time thereafter :Provided that where the number of such vacancies is less than the number of the retrenched workmen, it shall be sufficient if intimation is sent by the employer individually to such number of seniormost amongst the eligible workmen as is not less than double the number of the vacancies :Provided further that where the vacancy is of a duration of less than one month, there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen :Provided further that if a retrenched workman does not offer himself for re-employment in spite of having received such intimation the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.(2)Unless there are good reasons to the contrary, an employer shall re-employ retrenched workmen in order of their seniority as shown in the list maintained under Rule 42.

44. Intimation of strikes and lock-outs.

- An intimation of the strike or lock-out, referred to in sub-section (3) of Section 6-S, shall be given in Form XXIII and be delivered personally or forwarded by registered post to the State Government, the Labour Commissioner and the Conciliation Officer of the area concerned.

45. Notices of strikes and lock-outs.

(1)The notice of strikes, referred to in sub-section (1) of Section 6-S, shall be given, -(a)where there is a registered trade union of workmen, by the President or Secretary of such Union or by an office-bearer of the federation of unions; approved under sub-rule (4) of Rule 40, to which such union is affiliated; and(b)where there is no registered trade union of workmen, by at least seven representatives of workmen duly authorized in this behalf at a general meeting specifically held for the purpose.(2)The notice, referred to in sub-rule (1) above, shall be given to the Manager and/or the Chief Executive Officer of the industrial establishment and shall be delivered personally or by registered post. Copies of such notice shall be delivered simultaneously, either personally or by registered post, to the State Government, the Labour Commissioner and the Conciliation Officer of the area concerned.(3)The notice of lock-outs, referred to in sub-section (2) of Section 6-S, shall be given by the Manager and/or the Chief Executive Officer of the industrial establishment to the President or Secretary of the trade union of workmen of such establishment and where there is no such union by affixing it on the notice-board of the establishment at a conspicuous place. Copies of

such notice shall be delivered simultaneously, either personally or by registered post, to the State Government, the Labour Commissioner and the Conciliation Officer of the area concerned.

46. Application for permission for closure.

(1) Application for prior permission to close down an undertaking of an industrial establishment under sub-section (1) of Section 6-W shall be made in Form XXIV along with its two copies and be delivered to the State Government either personally or by post under registered cover with acknowledgement due and where the application is sent by registered post the date on which the same is delivered to the State Government shall be deemed to be the date on which the application was made for the purpose of sub-section (3) of the said section. (2) A copy of the said application for prior permission to close down an undertaking of an industrial establishment shall be served on the Presidents or Secretaries of all the registered trade unions working in the establishment through personal service, and where it is not practicable, through registered post acknowledgement due. (3) A copy of the said application shall also be affixed at or near the main entrance of the establishment concerned which shall be considered as sufficient service in the case of such workmen as cannot be ascertained and informed.

47. Reference to the Tribunal by the employer.

- An employer aggrieved by an order passed under sub-section (1) of Section 6-X who wants to refer the matter to the Tribunal for adjudication shall apply to the Tribunal in Form XXV along with its two copies, stating the grounds thereof, either personally or through an authorised representative. A copy of the impugned order shall also be attached with it.

Schedule

Form 1[See Section 4-F and Rule 5(1)]Memorandum of SettlementName and addresses of parties.....Representing employer(s).....Representing workmen.....Short Recital Of CaseTerms of AgreementSignatures of parties

Witnesses:(1).....(2).....Witnesses:(1).....(2)..... (Representing employers)..... workmen).....

Place and date.....Signature of Conciliation Officer.Form I-A(See Rule 5-A)Memorandum of SettlementName and addresses of parties.....Representing employer(s).....Representing workmen.....Short Recital Of CaseTerms of AgreementSignatures of partiesor their representatives

Witnesses:(1).....(2).....Witnesses:(1).....(2)..... (Employers).....

Place and date.....Signature of Chairman,Conciliation Board.Form II[See Section 4-F and Rule 5-A(2)]Register of Settlements

Part I – { |

| -| SI. No| Industry| Parties to the settlement| Date of settlement| [Remarks] [Here indicate whether the settlement was effected in the course of conciliation proceedings or otherwise at the intervention of the conciliation machinery.]| -| | }

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

Form III[See Section 7(ii) and Rule 5-A(6)]Government Order enforcing a settlement arrived at in the course of Conciliation ProceedingsWhereas, the Conciliation Board.....constituted under clause... of Government Order No....., dated....., has been successful in bringing about an amicable settlement in the industrial dispute between the concern known as Messrs.....and its workman/workmen..... (C.B. Case No.....of.....);And, whereas, in the opinion of the Governor, it is necessary, for the maintenance of public order and for maintaining employment, to enforce the said memorandum of settlement, dated contained in its report, dated.....;Now, therefore, in exercise of the powers, conferred by Section 3, read with Section 7(ii) of the U.P. Industrial Disputes Act, 1947 (U.P. Act XXVIII of 1947), the Governor is pleased to order as follows, namely :

1. The terms of the said settlement contained in the Schedule annexed herewith, shall be and are hereby enforced and shall remain in force in respect of matters covered by the said settlement and bind the said concern and its workmen for a period of with effect from the date of this order.

2. Any person, who contravenes or attempts to contravene any provision of this order or abets any such contravention, shall be liable, on conviction under Section 14 of the U.P. Industrial Disputes Act, 1947, to fine or to imprisonment not exceeding three years or both.

Form III-AWhereas, the Conciliation Officer. during the course of conciliation proceedings has been successful in bringing about an amicable settlement in the industrial dispute between the concern known as Messrs.....and its workmen (Conciliation Case No.....);And, whereas, in the opinion of the Governor, it is necessary for the maintenance of public order and for maintaining employment to enforce the said memorandum of settlement.Now, therefore, in exercise of the powers conferred by Section 3, read with Section 7(ii) of the U.P. Industrial Disputes Act, 1947 (U.P. Act XXVIII of 1947), the Governor is pleased to order as follows, namely :

1. The terms of the said settlement, contained in the Schedule annexed herewith shall be and are hereby enforced and shall remain in force in respect of matters covered by the said settlement and bind the said concern

and its workmen for a period of one year with effect from the date of this order.

2. Any person, who contravenes or attempts to contravene any provision of this order or abets any such contravention, shall be liable, on conviction under Section 14 of the U.P. Industrial Disputes Act, 1947, to fine or to imprisonment not exceeding three years or both.

[Form III-B [Inserted by Notification No. 5627 (ST)/XXXVI - A-220(ST)-67, dated 16.12.1970.]Whereas, the Conciliation Officer. during the course of conciliation proceedings, has been successful in bringing about an amicable settlement in the industrial dispute between the concern known as Messrs.....and its workmen (Conciliation Case No.....);And, whereas, in the opinion of the Governor, it is necessary for the maintenance of public order and for maintaining employment to enforce the said memorandum of settlement.] [Substituted by Notification No. 9043(57)/36-1, dated 19.1.1978.]Form IV[See Section 4-I(a) and Rule 7(1)]Notice of change in the conditions of serviceName of employer.....Address.....Dated the.....day of.....20.....ToIn accordance with the provisions of clause (a) of Section 4-1 of the U.P. Industrial Disputes Act, 1947, I/We hereby inform you that it is my/our intention to effect the change(s) specified in the Annexure to this letter with effect from.....Signature.....Name.....Designation.....AnnexureSettlement of the Case(Here specify the change/changes intended to be effected)Form V[See Section 5-B(1) and Rule 8]Arbitration AgreementNames and addresses of the partiesRepresenting employers :

1.

.....

2.

.....Representing workmen :

1.

.....

2.

.....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 tire arbitrator(s)].(i)Specify matter in dispute.(ii)Details of the parties to the dispute including the name and address of the establishment or undertaking involved.(iii)Name(s) of the Union(s), 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 disputes.

Witnesses : Signature of parties
:Representing employers(1).....Signature,.....Designationand.....a
(1).....(2).....
Witnesses : Representing workmen(1).....Signature,.....Designationand.....ad
(1).....(2).....

Form VI(See Section 5-C and Rule 10)Registered Acknowledgement

DueSummonsNO.....Before the Conciliation Board...../Labour Court...../Industrial
Tribunal.....Conciliation Board/Adjudication Case No.....of 20.....To(1)The
Manager,.....(2)The Secretary,.....Whereas an industrial dispute
between..... and its workmenhas been referred to This Board under Clause 3 of
G.O. No. 738..... This Labour
Court/Industrial Tribunal under Section 4-K(ST)/XXXVI-A - 112(ST)-1957, dated December 31,
1957,.....you are
herebysummoned of the U.P. Industrial Disputes Act, 1947 (U.P. Act XXXVIII of 1947), vide G.O.
No. dated to appear before the Board/Labour Court/Industrial Tribunal in person or through a duly
authorised representative in accordance with Rule 40 of the U.P. Industrial Disputes, Rules, 1957,
on the day of at a.m./p.m. to answer all material questions relating to the said dispute and you are
directed to produce on that day all the books, papers and other documents and things in your
possession or under your control in any way relating to the matter under enquiry and investigation.
Your written statements, if any, should also be presented to the Board/Labour Court/Industrial
Tribunal in duplicate on the date specified above.

2. The attention of all concerned is also drawn to Section 6-E of the U.P. Industrial Disputes Act, 1947, for strict compliance.

.....Dated.....20....Chairman, Conciliation Board.....Presiding
Officer/Registrar,Labour Court/Industrial Tribunal.Form VII[See Section 5-C and Rule 25(4)]

Application for urgent/ordinary copy of award/document in CaseNo..... of 20..... in the matter of indust
concern/concerns known as.....and its/theirworkmen.

To

.....

ThePresiding Officer, Labour Court/Registrar, Industrial Tribunal,Serial No.....

Description of document of which a copy iswanted, with date

whennecessary.....

Date.....

Official ReportThe copy willcover..... sheets.

Serial No.....

Received an application for certified copybearing theabove No.....Estimated cost Rs.....nP.....Toatte on.....

.....Head Clerk.

Note. - The application will not be considered as complete until costs have been supplied in full, which must be done within seven days of the date of the estimate. All enquiries and complaints shall be accompanied by this counterfoil. It will have to be given up when the copy is delivered.Form VIII[See Section 5-C and Rule 25(14)]Register of applications for copies of awards and other documents

| SI. No. | Date of receipt of application | Name of applicant | Description of award document | Copying fee assessed | Receipt number and date of payment of fee | Copy delivered on | Remarks |
|---------|--------------------------------|-------------------|-------------------------------|----------------------|---|-------------------|---------|
|---------|--------------------------------|-------------------|-------------------------------|----------------------|---|-------------------|---------|

Form IX[See Section 6-B(2) and Rule 26]Application for Registration of SettlementTo, Dear Sir/Madam, We, the following parties, viz., (names and addresses of all the parties)(Employer/ Workmen),(1).....(2).....do hereby apply for registration of the settlement arrived at between the aboveparties otherwise than in the conciliation proceedings on.....(date). Thememorandum of settlement in Form I, duly signed by all concerned, is hereby enclosed.A copy of the memorandum of settlement remained affixed on the Notice Board, as required under Rule 26, from.....(date) to.....(date).A brief recital of the case is also given below :Yours faithfully,(Signatures, designations and namesof the parties represented)Form X[See Section 6-B(3) and Rule 27]Form of Registration of Settlement

| Registration No. | Names and addresses of the parties to settlement | Terms of settlement | Date of settlement | Date of registration | Signature of the registering authority | Remarks, if any |
|------------------|--|---------------------|--------------------|----------------------|--|-----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Form XI[See Section 6-B(3) and Rule 27]Certificate of Registration of SettlementNo.....of 20.....It is hereby certified that the memorandum of settlement, dated....., arrived at

between.....as per copy enclosed, has been registered under the U.P. Industrial Disputes Act, 1947 (U.R Act XXVIII of 1947), this.....day of.....Two thousand, two hundred and.....Conciliation Officer, U.P.and the Certifying AuthorityForm XII[See Section 6-E(3) and Rule 29(1)]Application for recognition of protected workmenToThe Registrar of Trade Unions,Uttar Pradesh,Kanpur.Sir,In the meeting of the Executive Committee of.....(Name and address of union)Registration Certificate No.....held on..... the followingmembers of the Executive who are employed as workmen of.....havebeen approved for being recommended for(name and address of establishment)registration as "protected workmen" for a period of one year with effect from.....The Union, therefore, requests you kindly to convey your orders to the undersigned in this matter at your earliest convenience.Particulars of Officers

| Name with father's name | Name of establishment in which employed | Name of department, designation and ticket number | Date of executive meeting when selected | Local postal address | Period for which subscription paid last with date | Signature or LT.I. | Remarks |
|-------------------------|---|---|---|----------------------|---|--------------------|---------|
|-------------------------|---|---|---|----------------------|---|--------------------|---------|

Yours faithfully(Principal Secretary),.....Form XIII[See Section 6-E(3) and Rule 22(3)]Register of Protected Workmen[Name and address of establishment] [There should be one or more separate pages for one particular establishment.]

| Name of protected workman with Father's name | Department, designation and ticket or tokennumber | Local postal address | Name of union of which he is an officer | Date of meeting of the executive committee of the union in which his name was approved as protected workman | Reference of Registrar's order by whichrecognized | Remarks |
|--|---|----------------------|---|---|---|---------|
|--|---|----------------------|---|---|---|---------|

Form XIV[See Section 6-E(3) and Rule 31(1)]Before Presiding Officer, Labour Court/Tribunal, Chairman Conciliation BoardApplication for permission under sub-section (1)/sub-section (3) of Section 6-E of the U.P. Industrial Disputes Act, 1947 (U.P. Act XXVIII of 1947) in the matter of Reference No.....A.....Applicant(Address)VersusB.....Opposite Party(ies)[Address(es)].The above-mentioned applicant begs to state as follows :(Here set out the relevant facts and circumstances of the case and the grounds on which the permission is sought for.)The applicant, therefore, prays that express permission may kindly be granted to him to take the following action, namely :[Here mention the action specified in clause (a) or clause (b) of sub-section (1)/sub-section (3) of Section 6-E],Signature of the applicant.Dated this.....day of.....20.....(Space for verification.)(Signature of other person verifying)Date (on which the verification was signed).....Place (at which the verification was signed).....Form XV[See Section 6-E(2) and Rule 31(2)]Before Labour Court/TribunalApplication under sub-section (2) of Section 6-E of the U.P. Industrial Disputes Act, 1947 (U.P. Act XXVIII of 1947), in the matter of reference No.....A.....Applicant(Address)VersusB.....Opposite

Party(ies)[Address(es)].The above-mentioned applicant begs to state as follows :(Here set out the relevant facts and circumstances of the case).[The workman/workmen discharged/dismissed under clause (b) of sub-section (2) of Section 6-E has/have been paid wages for one month.] [Delete, if not applicable.]The applicant prays that the 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 6-E].Signature of the applicant.Dated this.....day of.....20.....(Space for verification.)(Signature of the person verifying)Date (on which the verification was signed).....Place (at which the verification was signed).....Form XVI(See Section 6-F and Rule 32)Before the Labour Court/Tribunal.....Complaint under Section 6-F of the U.P. Industrial Disputes Act,

1947.A.....Complainant(s)(Address)VersusB.....Opposite

Party(ies)[Address(es)].In the matter of reference No.....The petitioner(s) begs/beg to complain that the opposite party(ies) has/have been guilty of a contravention of the provisions of Section 6-F of the U.P. Industrial Disputes Act, 1947 (U.P. Act XXVIII 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 or act of 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.Copies of the complaint and its annexures as required under Rule 32 of the U.P. Industrial Disputes Rules, 1957, are submitted herewith.Signature of the Complainant(s).Dated.....this.....day of.....20VerificationI do solemnly declare that what is stated in paragraphs.....above is true to my knowledge and that what is stated in paragraphs.....above is based upon information received and believed by me to be true. This verification is signed by me at.....on.....day of.....20(Signature/thumb-impression of the person verifying)Form XVII[See Section 6-H(l) and Rule 33]Application under Section 6-H(l) of the U.P. Industrial Disputes Act, 1947ToThe Secretary to Government,Uttar Pradesh,Labour (A) Department,

LucknowDated.....20Sir,I/We,.....am/are entitled to receive a sum of Rs.....(in figures and words) from.....(Name and full address of the employer) under an award of the Labour Court/Tribunal/Arbitration award in Case No of 20...../under a settlement, dated/under Section 6-K/6-N of the U.P. Industrial Disputes Act, 1947. Details of the money due are given below -(Here indicate details and particulars of the amount due.)It is, therefore, requested that the above amount may kindly be recovered from the employer (s) under Section 6-H(1) of the Act and paid to me/us.Yours faithfullySignature or thumb-impression of the applicant(s).Full address.....Form XVIII[See Section 6-L and Rule 41]Muster-roll of workmen required to be maintained by the employerName of the Factory.....or Department.....

*There should be one or more separate pages for one particular establishment.

| | | | | |
|-------------------------------------|------------------------------|-------------|--------------------|------------|
| Monday to Friday, Saturday..... | Time of commencement of work | Rest period | Time of completion | Month..... |
| Sunday System of rotation of relays | | | | Year..... |
| From From | | | | |

To To

| Sl. No. | Name of adult worker | Father's name | Nature of work | Department | Group or relay | Shift | 1st | 2nd | 3rd | 4th | 5th | 6th | 7th | 8th | 9th | 10th | 11th | 12th |
|------------------------------|----------------------|--------------------------|----------------|-------------------|----------------|--------------------|------|--|------|---|------|------|------|------|------|---|---------------------|------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| | | | | | | | | | | | | | | | | Total number of days worked | Rate of basic wages | |
| 15th | 16th | 17th | 18th | 19th | 20th | 21th | 22nd | 23rd | 24th | 25th | 26th | 27th | 28th | 29th | 30th | 31st | 39 | 40 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | | |
| | | | | | | | | | | | | | | | | Remarks or indication showing that the payments have been made together with the dates. | | |
| Rate of allowance S if any | | Total hours of over-time | | Rate of Over-time | | Deductions, if any | | Total number of weekly holidays lost by the worker | | Date (s) on which compensatory holidays (s) will be given | | | | | | | | |
| On account of Provident Fund | | On account of advances | | Fine | | Actual wages paid | | | | | | | | | | | | |
| 41 | | 42 | | 43 | | 44 | | 45 | | 46 | | 47 | | 48 | | 49 50 | | |

[Form XVIII-A [Forms XVIII-A and XVIII-B inserted by Notification No. 7145 (ST)/XXXVI/693(ST)79, dated 30.12.1980.](See Rule 41-A)ToThe Regional Additional/Dy./Assistant Labour Commissioner,Sir,Under Rule 41-A of the U.P. Industrial Disputes Rules, 1957, I/we hereby 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 6-K of the U.P. Industrial Disputes Act, 1947, will be paid compensation due to them.Dated.....Your faithfully,Copy forwarded to the Regional Conciliation Officer. (Here specify the address of the Regional Conciliation Officer of the local area concerned).Form XVIII-B(See Rule 41-A)To,The Regional Additional/Dy./AssistantLabour Commissioner,Sir,As required by Rule 41-A of the U.P. Industrial Disputes Rules, 1957 and in continuation of my/our notice dated.....in Form XVIII-A, I/we hereby inform you that the lay-off in my/our establishment has ended on.....Dated.....Your faithfully,Copy forwarded to the Regional Conciliation Officer. (Here

specify the address of the Regional Conciliation Officer of the local area concerned).]Form XIX(See Section 6-N and Rule 42)Form of notice of retrenchment to be given by the employer under clause (a) of Section 6-N of the U.P. Industrial Disputes Act, 1947Name of the employerAddressDated.....20To,The Secretary to Government,Uttar Pradesh, Labour (A) Department, Lucknow.Sir,Under clause (a) of Section 6-N of the U.P. Industrial Disputes Act, 1947 (U.P. Act XXVIII of 1947), I/we hereby inform you that I/we have decided to retrench [.....] [Here insert the number of workmen.]workmen with effect from the [.....] [Here insert the date.]for the reason explained in the Annexure.

2. [The workmen concerned were given on the.....one month's notice in writing, as required under clause (a) of Section 6-N of the Act.] [Delete the portion which is not applicable.]

[Retrenchment is being effected in pursuance of an agreement,a copy of which is enclosed.] [Delete the portion which is not applicable.]

[The workmen were given on the 20 one month's pay in lieu of notice, as required under clause (a) of Section 6-N of the Act.] [Delete the portion which is not applicable.]

3. Information regarding the total number of workmen employed in the industry and the total number of those who will be affected by the retrenchment is given below :

| Class or designation of workmen to be retrenched | Number of workmen | |
|--|-------------------|------------------|
| | Employed | To be retrenched |

1.2.3. etc.

Yours faithfully,[.....] [Here indicate the position which the person signing the letter holds with the employer issuing the letter.]ANNEXUREStatement of reasonsCopy forwarded to :(1)The Labour Commissioner, U.P., P.O. Box No. 220, Kanpur.(2)The Conciliation Officer.....Region.....Form XX[See Section 6-1(3) and Rule 40(3)]Application for approval of a federationToThe Labour Commissioner, U.P.,Post Box No. 220,Kanpur.Sir,

1. We hereby apply under Rule 40(3) of the U.P. Industrial Disputes Rules, 1957, for the approval of Federation under the name of.....

2. The address of the Head Office of the Federation is.....

3. The Federation came into existence on the day of 20..... as per resolution passed in a general meeting of the representatives of the constituent unions held on 20 (copy enclosed).

4. The list of persons who participated in the above general meeting is

given below :

| Sl. No. | Name of the participants | Name of the constituent union of which they are members | Residential address | Remarks |
|---------|--------------------------|---|---------------------|---------|
|---------|--------------------------|---|---------------------|---------|

5. The list of members of the executive committee, including the office bearers of the Federation, is also given below :

| Sl. No. | Name | Designation in Executive | Age | Address | Occupation | Date of appointment | Remarks |
|---------|------|--------------------------|-----|---------|------------|---------------------|---------|
|---------|------|--------------------------|-----|---------|------------|---------------------|---------|

6. A list of registered trade unions affiliated to the Federation is also given below :

| Sl. No. | Name of the union | Registration number | Date of Registration | Name of the | No. of affiliation | Date of affiliation | Remarks |
|---------|-------------------|---------------------|----------------------|-------------|--------------------|---------------------|---------|
|---------|-------------------|---------------------|----------------------|-------------|--------------------|---------------------|---------|

President

Secretary

7. [Two neatly typed to printed copies of the Constitution (Rules) of the Federation are also enclosed.] [All enclosures should be duly signed by the Secretary of the Federation under its official seal.]

Yours faithfully, Date..... Signature of the President..... Signature of the Secretary..... Form XXI [See Section 6-1(3) and Rule 40(6)(a)]

Part A – Intimation of change of address of the Head Office of an approved Federation

Name of the Federation..... Number and date of notification under which approved..... Address..... Dated this day..... of..... Notice is hereby given that the Head Office of the abovementioned Federation has been removed from..... and is now situated at (City or Town or District), w.e.f..... Dated..... Signature of the Secretary.

Part B – Intimation of change in the Executive Committee of an approved Federation

The following changes in the Executive Committee of the abovenamed Federation have been made on..... Particulars Of Executive Committee Members Relinquishing Office

| Name | Office held | Date of relinquishing | Office | Remarks |
|--|-------------|-----------------------|--------|---------|
| Particulars Of New Executive Committee Members Appointed | | | | |

Name Age Designation In Executive Address Occupation Date of appointment Remarks

Signature of the Secretary. To (1) The Labour Commissioner, U.P., Post Box No. 220, Kanpur. (2) The Registrar of Trade Unions, U.P., Kanpur. Form XXII [See Section 6-1(3) and Rule 40(6)(b)] List of the Unions affiliated to the Federation Name of Federation..... As required by Rule 40(6)(b) of the U.P. Industrial Disputes Rules, 1957, the names of Unions affiliated to the above named Federation as on 31st December, 19..... are given below :

| SI. No. | Name of Union | Registration number | Date of Registration | Name of | Number of affiliation | Date of affiliation | Remarks |
|---------|---------------|---------------------|----------------------|---------|-----------------------|---------------------|---------|
|---------|---------------|---------------------|----------------------|---------|-----------------------|---------------------|---------|

President

Secretary Treasurer

Signature of the Secretary. Seal of the Federation. To (1) The Labour Commissioner, U.P., Post Box No. 220, Kanpur. (2) The Registrar of Trade Unions, Uttar Pradesh, Kanpur. Form XXIII [See Section 6-S(3) and Rule 44] Intimation of Strike/Lock-out

| Name of undertaking and industry | Station and District | Normal working strength | Number of workers involved | Strike or lock-out | If strike, please state whether it is directed, organized or controlled by some union, If so give the name of the union | Date and hour of commencement of strike or lock-out | Cause/demand, if any, giving rise to strike/lock-out | Was notice of strike or lock-out as required under Section 6-S given; if so on what date and for what period |
|----------------------------------|----------------------|-------------------------|----------------------------|--------------------|---|---|--|--|
| Directly | Indirectly | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | 10 |

Form XXIV [See Rule 46(1)] Form of application for Permission of Closure to be given by an Employer under sub-section (1) of Section 6-W of the U.P. Industrial Disputes Act, 1947 (Act 28 of 1947) Date..... To, Sachiv, Uttar Pradesh Shasan, Shram Vibhag, Lucknow Sir, Under Section 6-W of the U.P. Industrial Disputes Act, 1947 (Act 28 of 1947), I/we, hereby inform you that I/we, propose to close down the undertaking specified below (name of the industrial establishment). (Give details of the undertaking)..... with effect from..... for the reasons explained in the Annexure. A copy of this application has been served on the representatives of the workmen on..... by.....

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.

Yours faithfully,(Signature)VerificationVerified that the information furnished herewith is correct to my/our knowledge and belief.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 along with 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 utilized capacity.

5. (i) Annual production itemwise for preceding three years.

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

6. Work in progress-itemwise and valuwewise.

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-itemwise and valuwewise for a period of six months and one year next following and for the period after the expiry of the said one year.

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

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

12. Financial position of the company.

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

(ii) Details about inter-corporate investments and changes during the last one year. (iii) Interest of any of the directors/officers of the undertaking producing same or similar type of product.

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

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

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

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 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 monthwise sales figures for the preceding twelve months both itemwise and valuelike.

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 XXV(See Rule 47)Form of application for reference of the matter to the Tribunal for AdjudicationTo,The Presiding Officer,Industrial Tribunal.Sir,Whereas, the industrial establishment known as M/s (here give the name of the industrial establishment) had been closed down with effect from.....;And, whereas, in exercise of the powers under sub-section (1) of Section 6-X of the U.P. Industrial Disputes Act, 1947 (Act XXVIII of 1947), the State Government have passed orders, dated (True copy enclosed) directing that establishment shall be restarted by.....day of 20.....;[And, whereas, I/we, being the employer of the industrial establishment am/are aggrieved from the said order of the State Government on the following grounds] [Grounds may be stated in serial order.]:-

1.

2.

3.

etc.Now, therefore, it is prayed that the Tribunal may kindly entertain the above matter for adjudication under sub-section (2) of Section 6-X of the U.P. Industrial Disputes Act, 1947.Yours faithfully,(Signature)