

The U.P. Industrial Tribunal (Textiles) Rules of Procedure, 1957

UTTAR PRADESH

India

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Rule

THE-U-P-INDUSTRIAL-TRIBUNAL-TEXTILES-RULES-OF-PROCEDURE of 1957

- Published on 5 February 1958
- Commenced on 5 February 1958
- [This is the version of this document from 5 February 1958.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Industrial Tribunal (Textiles) Rules of Procedure, 1957Published vide Notification No. 1621/IT-Est. (27), dated 5th February, 1958, published in the U.P. Gazette, Part 1-Ka, dated 15th February, 1958In exercise of the powers conferred by Section 5-C (1) of the U.P. Industrial Disputes Act, 1947, as amended by the U. P. Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956, the Industrial Tribunal (Textiles) has framed the following Rules of Procedure :

1. Title and applications.

- These Rules shall be called the Uttar Pradesh Industrial Tribunal (Textiles) Rules of Procedure, 1957, and are subject to the provisions of the U. P. Industrial Disputes Rules, 1957.

2. Definitions.

- In these Rules of Procedure, unless there is anything repugnant in the subject or context, the term :
(a)"Rules" means the U. P. Industrial Disputes Rules, 1957.
(b)"Pleading" includes an application in the nature of claim, counterclaim, complaint and written statement.
(c)"Registrar" means the Registrar of the Industrial Tribunals appointed by the Government.
(d)Words and expressions not defined in these Rules of Procedure have the same meanings as are assigned to them in the U P. Industrial Disputes Act, 1947.

3. Place and time of sittings.

- The sitting of Industrial Tribunal shall ordinarily be held at the Headquarters from 10.30 a.m. to

4.30 p.m. on all working days, with a break of one hour from 1 p.m. to 2 p.m. The Industrial Tribunal may, if it considers necessary, hold sitting at any place throughout the State of Uttar Pradesh.

4. Office hours.

- The office of the Industrial Tribunal shall be open on all working days from 10 a.m. to 5 p.m., with a break of one hour from 1 p.m. to 2 p.m. :Provided that the Presiding Officer may alter the date of the Tribunal and of its office due to seasonal conditions or nature of the case.

5. Holidays.

- Holidays shall be observed in the office of the Industrial Tribunal on the same lines as in Civil Courts in Uttar Pradesh, except the annual vacation.

6. Hearings.

- The hearings of the Industrial Tribunal shall be open to public provided that the Presiding Officer may at any stage, direct that any sitting, shall be held in camera : provided further that he may direct that particular proceedings, even though, held in public, may not be reported in the press, without the previous sanction of the Presiding Officer.

7. Language.

- The Language of the Industrial Tribunal shall, for the time being, be English.

8. Presentation of applications, pleadings and petitions.

- An application, pleading or petition may be sent to the Industrial Tribunal by registered post or may be presented before it, or in its office by the party concerned personally or by his duly authorized agent.

9. Verifications.

- All pleadings shall be verified and signed by the party concerned and a petition or application may be signed by the petitioner or applicant or his duly authorized agent.

10. Registration of references, etc.

- On receipt of a reference or petition which is in order, it shall be registered as a case in the appropriate register in Form BCD. or E.

11. Authority to represent.

- The duly authorized agent shall file in the Industrial Tribunal written authority of appointment in Form 'A' appended to these rules properly signed or marked by the party. Provided that when an agent is appointed by an Official of a Union, Association, Federation of Company, duly attested copy of the rule or authority entitling that official to appoint an agent, shall also be filed by the agent, along with his authority.

12. Addresses of the parties.

- With every initial pleading or petition shall be filed the postal address of the party and a communication sent to him or to his agent by such postal address shall be deemed to have been served on him, any change in postal address must be duly intimated to the Industrial Tribunal.

13. Agents' rights.

- The agent shall have the right to examine, cross-examine and re-examine witnesses, to make a statement of fact and to address the Industrial Tribunal after the close of evidence, and even earlier, if so desired and permitted by the Tribunal.

14. Defective pleading or petition.

- If a petition or pleading is not in order, the Industrial Tribunal shall note the defect on it and return it to the petitioner or the agent to remove the defect within a specified time.

15. Copies of pleadings.

- A party or petitioner shall file with the pleading or petition as many copies thereof as is the number of opposite party and two more copies.

16. Form of summons.

- Summons issued to workmen, in general shall be in Form 'F'.

17. Files to be summoned.

- The Industrial Tribunal shall summon from the Regional Conciliation Officer or the authority concerned the relevant file of the Conciliation Board and the same shall be returned after disposal of the case.

18. Issues.

- After the written statements and rejoinders of both the parties which may be filed and after oral examination, if any, the Industrial Tribunal shall frame the issues, if necessary.

19. Documentary Evidence.

- The parties or their authorized representatives shall produce at the first hearing of the case all the documentary evidence in their possession on which they intend to rely and which had not already been filed in the Industrial Tribunal and all such documents which the Tribunal had ordered them to produce. Except with the special leave of the Tribunal no document shall be allowed to be filed afterwards. The documents shall be accompanied by an accurate list thereof.

20. Parties to explain relevancy.

- The Industrial Tribunal may, at any stage, if it considers necessary, call upon the parties to disclose the relevancy of oral and documentary evidence sought to be tendered.

21. Summonses.

- Summonses to witnesses shall issue in Form

22. Payment to witness.

- A party shall, while applying for summoning a witness deposit, for payment to him, daily allowance and travelling expenses as follows:(a)If the witness is a Government servant, his pay and travelling allowance according to the rules contained in Financial Handbook, Volume III, will be realized from the party summoning him and the same will be deposited in the Government Treasury in relevant head. The summoned Government servant will be issued a non-payment certificate in Form 'H' to enable him to draw his travelling allowance from his department.(b)If the witness is not a Government servant, he would be entitled to travelling allowance, daily allowance, etc., as detailed in Schedule I.Note.-The time spent in the journey by a witness coming from outside shall also be counted for the purpose of his daily allowance :Provided, however, that if a party undertakes to pay the expenses of a witness direct to him he need not deposit the expenses in the Industrial Tribunal, but that fact shall be mentioned in his application and in the summons, and the party shall do so at his own risk.

23. Oath or solemn affirmation.

- Oath or solemn affirmation shall be administered to a witness by a peon or official of the Industrial Tribunal.

24. Recording of Oral Evidence.

- Oral Evidence shall be recorded in a narrative form but the Industrial Tribunal may order any portion of the evidence to be recorded in the form of question and answer.

25. Deposition.

- Deposition shall be read over or translated to, or may be read by a witness, as the case may be. Any bona fide error discovered to have been made in deposing or recording shall be rectified at that stage. The Industrial Tribunal shall certify that it has been so read over or translated to, or read by, the witness admitted to be a correct record of his statement. It shall then be signed or marked by the witness, the parties or their agents if there be any, and the Presiding Officer.

26. Exhibiting the Documents.

- Documentary evidence tendered on behalf of the employers shall be marked as Ex. E-1, etc., and the same series of Employers' documents shall be marked Ex. E-1, Ex. E-1 (a), Ex. E-1 (b) etc. and of workers' documents as Ex. W-1, Ex. W-1 (a), Ex. W-1 (b) etc., Along with the exhibit mark shall also be endorsed the name of the person filing the documents, the date of filing and the date of exhibiting, and the endorsement shall be initialled by the Presiding Officer.

27. Rejected Documents.

- Where a document is rejected as inadmissible or is not proved, it shall, before the decision of the case be returned to the party or person who produced it and if that party or person is not in attendance, it shall be placed in a sealed cover on which shall be written the words 'Not part of the Records' and shall, on request, be returned to the party or person who produced it or his successor in-interest. This envelope shall be tagged to file B-3.

28. Particulars of the case to be mentioned on each paper.

- Each paper brought on the record of the Industrial Tribunal shall bear on the left hand margin the particulars of the case e.g., Reference number with year and Names of Parties.

29. Right to argue.

- After the close of evidence normally the party who led evidence shall first argue and the opposite-party may reply and thereafter the former party may further reply.

30. Correspondence.

- All official correspondence meant for the Industrial Tribunal shall be addressed to the Registrar of the Industrial Tribunals by designation.

31. Preparation of records.

- A record shall consist of five files, each file shall have an index of the papers contained therein as follows :File "A" shall, besides the index, contain the order sheet of the whole case, the reference, pleading of the parties, issues other orders and the award or decision. File "B" shall consist of three parts as given below :B-1 to contain employer's exhibits. B-2 to contain workers' exhibits. B-3 to contain all other documentary evidence summoned by the Court and not tendered by any party. File "C" shall contain oral evidence adduced by the parties. File "D" shall contain all other papers. On the cover of each file shall be noted the name of the Tribunal and all the particulars of the case, the date of decision and number of papers contained in it. At the close of the case, the Reader shall total the number of leaves included in a file and shall note the same at the foot of the index and shall verify and sign this note.

32. Consignment of Records.

- The Reader of the Industrial Tribunal shall within one month from the date of publication of the award, complete that record and consign it to the Record-room and shall obtain from the Assistant concerned an acknowledgment of receipt of the Record in the Despatch and Receipt Register. Records shall thereafter be entered in the Register in Form "1".

33. Preservation of Records.

- File "A" shall be preserved for fifteen years from the date of enforcement of the award. Files "B" and "C" shall be preserved for six years from the date of enforcement of the award. File "D" shall be preserved for three years from the date of enforcement of the award. After the expiry of the aforesaid periods, the assistant concerned shall obtain orders of the Presiding Officer concerned in writing for weeding. After weeding papers shall be destroyed and auctioned as waste paper. A note about each weeding shall be made in the index. If File "A" is also weeded, a note about it shall be made in the remarks column of the Register of cases.

34. Preservation of Forms and Register.

- Register in Forms B, C, D, E and H shall be preserved permanently and all other forms for three years only.

35. Inspection of Records.

(1) On the date of hearing the Industrial Tribunal may, in its discretion without a written order in this behalf, permit party to a case or his authorised representative, even without a written application, to inspect the record of the case fixed for hearing. (2) Any party to a case or proceeding or its authorised representative may apply in Form "J" for an order to inspect the record or any paper in such case or proceeding. (3) When the inspection is over, a note to that effect shall be made by the person making the inspection. No person while making inspection, shall make any mark on

the record or in any respect mutilate any record or paper. He can take short notes of the contents of documents which he inspects but shall on no account make a copy or translation of any paper of record.(4)No stranger to a case shall be entitled, as of right, to claim inspection of the record of a case or proceeding without the previous permission of the Presiding Officer.(5)The Register of Inspections shall be maintained in Form "K".(6)With each application for inspection, a fee of 12 Naye Paise and an additional fee of 50 Naye Paise per hour of inspection shall be deposited in cash, beforehand or as inspection proceeds from hour to hour in the office, for which a receipt shall be issued, and the amount shall be noted on the application for inspection and also in Column 5 of the Register and shall be deposited in Government Treasury under Head "XXXVI-Miscellaneous Department- Miscellaneous Receipts-Inspection Charges."

36. Oath Commissioner.

- The Official authorised to verify the affidavit shall maintain a register in Form "L". He shall endorse on the affidavit or counter-affidavit a certificate of verification in Form "M".Form A[Rule 11]Letter of AuthorityBefore the Presiding OfficerI. T. (Textiles)-Reference No.-----of-----In the matter of -I/We hereby authorise Sri------(designation)-----to represent me/us into the above mentioned case on my/our behalf.I/We agree to be bound by all acts done by him in these proceedings on my/our behalf.Name and Signature-Designation-----Address-----AcceptedName and signature-----Designation-----I.T. (Textiles) at AllahabadForm B[Rule 10]Register of cases

Serial No.	Date of registration	Government notification No. and date	Industry	Particulars of Parties	Nature of dispute	Date of submission of award to Government	Date of publication of award by Government	Remarks
1	2	3	4	5	6	7	8	9

[I.T.
(Textiles)
at
Allahabad]

Form C[Rule 10]Register of Cases under Section 6-E (1) and (3) and Rule 31 (1)

Serial No.	Date of receipt of application	Name of applicant	Name of opposite party	Nature of case	Decision	Date of decision	Remarks
1	2	3	4	5	6	7	8

[I.T. (Textiles)
at Allahabad]

Form D[Rule 10]Register of Cases under Section 6-E (2) of the Act and Rule 31 (2)

Serial No.	Date of receipt	Name of	Name of	Action to be	Decision(approved	Remarks
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	of application	applicant	opposite party	approved	or not)	
1	2	3	4	5	6	7

[I.T. (Textiles)
at Allahabad]

Form E(Rule 10)Register of Application under Section 6-F of the Act and Rule

Serial No.	Date of receipt of application	Name of applicant	Name of opposite party	Actions of contravention of Section 6	Relief sought	Date of submission of Award to Government	Date of application of Award by Government	Remarks
1	2	3	4	5	6	7	8	9

[I.T.
(Textiles)
at
Allahabad]

Form FBefore the Industrial Tribunal (Textiles) at AllahabadAdjudication Case No. of(General summons to all concerned)Whereas an industrial dispute between Messrs and its workmen has been referred to the Industrial Tribunal (Textiles)-----under Section 4-K of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947), vide G.O. No. dated, you are hereby summoned to appear in person or through a duly authorised representative as required under Rule 36 of the U. P. Industrial Disputes Rules, 1957, on the day of----- at 10.30 a.m. before the Industrial Tribunal (Textiles) at Allahabad 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 tilings in your possession or under your control in any way relating to the matter under investigation by me. Your written statements, if any, should also be presented to me in four copies on the date specified above.Matter(s) of DisputeThe attention of all concerned is also drawn to Section 6-E of the U. P. Industrial Disputes Act, 1947, for strict compliance.By order of the Tribunal,Registrar.I.T. (Textiles) at AllahabadForm G[Rule 21]Reference No.

-----ofTo-----In the matter
of-Whereas----- has/have cited you as his/their witness, you are hereby summoned to appear before the I.T. (Textiles) in person on the----- day of -----
at-----a.m./p.m. to answer all material questions relating to the said dispute and are directed to produce on that day such papers or documents as are required by the
I.T.Issued-----day of-----By order of the I.T.Registrar.In the
Industrial Tribunal (Textiles) at AllahabadForm HCertificate of Attendance[Rule 22]Certified (a)
that Sri----- of-----office posted at-----has
attended (Department) this Court to give evidence of fact which came to his knowledge in his
public/private capacity in the case noted below and has not/has been paid by me
Rs.-----P.-----on account of his appearance before the Industrial Tribunal
(Textiles) at Allahabad.(1)Travelling Expenses----- (2)Subsistence
Allowance-----Total----- (b)That

Sri-----'s-----day's Pay, T. A. and D.A. is deposited in the Treasury at-----Number of the case and year-----Name of parties-----Station-----Date-----
of Presiding Officer I.T. (Textiles) at Allahabad Form I [Rule 32] Records Room Register

Serial No.	Date of receipt of record in records room	Name of the office of despatch	Particulars of the record	Date of publication of award or decision	Date fixed for weeding	Details of weeding with date	Remarks
1	2	3	4	5	6	7	8

[I.T.
(Textiles) at
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Form J [Rule 35 (2)] Serial No.-----and date of application-----Application for inspection of the record in the undermentioned pending/disposed of case.

Description of case	Number	Year	Particulars of the papers of which inspection is required	Name of person or persons who will inspect the record (not exceeding three)	Applicant whether party to case or stranger	Reason for inspection	Time and date on which inspection is sought
1	2	3	4	5	6	7	8

The-----Signature of applicant. I.T. (Textiles) at Allahabad Form K [Rule 35 (5)] Inspection Register

Number and date of order for inspection	Name of person who inspected as party or stranger to the case	Number and description of the case with specification of record book of register inspected	Date of receipt and record book or register	Amount of application and inspection fee realized and deposited	Time taken in inspection	Signature of official in charge of records in verification of entry in column	Remarks and reasons for allowing inspection by a stranger
1	2	3	4	5	6	7	8

[I.T.
(Textiles) at
Allahabad]

Form L[Rule 36]Register of Affidavits

Serial No.	Date	Name of deponent	Particulars of case	Initial of the Oath Commissioner	Remarks, if any
1	2	3	4	5	6

I.T. (Textiles) at AllahabadForm M[Rule 36]Certificate of VerificationPresented

this-----day of

at----- hours

by-----who is personally known to me

or is identified by----- who is

personally known to me Read over to the deponent and admitted to be a correct record of his

affirmation.Oath Commissioner.

I

[Rule 22 (b)]For the purpose of payment of travelling allowances and diet money, complainants and witnesses shall be classified as follows :Class 1- Persons of superior rank.Class II-Persons such as ordinary traders, pleaders and those of corresponding rank, andClass III-Persons belonging to the class of ordinary cultivators and labourers.The rates of travelling allowance and diet money for the three classes shall be as follow:

Travelling allowance	Class I	Class II	Class III
Journey by road	Up to maximum of 50 paise per mile as theTribunal may direct.	Up to a maximum of 37 paise per mile as theTribunal may direct.	Same as for Class III
Journey by rail	One first class fare each way.	One second class fare each way.	One third class fare each way.
Conveyance hire	... Rs. 3 per diem	... Rs. 2 per diem	... Re. 1 per diem
Diet money in Allahabad	... Rs. 5 per diem	... Rs. 3 per diem	... Rs. 1.50 per diem
On the journey	... Rs. 4 per diem	... Rs. 2 per diem	... Re. 1 per diem

Notes.-(a) Diet money shall be paid for the days of actual detention as well as for the time occupied in the journeys to and from the Tribunal. The number of days which should be allowed for the journey to and from the Tribunal shall be determined by the Registrar of the Industrial Tribunal.(b)Conveyance hire for the days of actual attendance at the Court shall be paid to all complainants and witnesses.(c)Witnesses following any profession, such as medicine or law, shall receive such special allowances as may be determined by the Presiding Officer of each case having regard to the circumstances and custom.(d)Diet money at the enhanced rate admissible at Allahabad shall also be admissible for the days of arrival at and departure from those places.