

The Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Rules, 1966

HARYANA

India

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Rule

THE-PUNJAB-INDUSTRIAL-ESTABLISHMENTS-NATIONAL-AND-FEST of 1966

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The Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Rules, 1966 Published vide Punjab Government Labour Department Notification No. GSR 72/PA 14/65/S. 15/65, dated 5.4.1966

1. Short title.

- These rules may be called Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Rules, 1966.

2. Definitions.

- In these rules, unless context otherwise requires, -(a)'Act' means the Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1965;(b)'Conciliation Officer' means a Conciliation Officer notified as such under the Industrial Disputes Act, 1947;(c)'Form' means a form appended to these rules;(d)'representatives of the workers' shall mean the representatives of the workers on the Works Committee constituted under section 3 of the Industrial Disputes Act, 1947 and where there is no such Works Committee, the representatives of the workers elected in the manner prescribed under rule 4;(e)'section' means a section of the Act.

3. Festival Holidays.

- [Section 3(1)(a) read with section 15(2)(a)]. - (1) The [five] [Substituted for the word 'four' by Haryana Government Notification No. GSR PA 23/PA/14/65/S.15/73 dated 9.2.1973.] festival holidays required to be allowed under section 3(1)(b) shall be determined in consultation with the representatives of the workers before the 30th day of November each year for the ensuing calendar year. The holidays so determined shall be notified to the workers before the 31st December each year by exhibiting a copy of the same on the notice board kept at a conspicuous place where the majority of the workers enter the premises of the industrial establishment and also at the Time Keeper's Office, if any; and a copy of the same shall be delivered to the Inspector of the area before the 31st December each year.(2)For exercising claim for half festival holiday as provided in proviso to sub-section (1) of section 3, a written application to this effect shall be received by the employer before the 31st October every year which shall be signed by not less than 10 per cent workers of the industrial establishment on rolls on that day indicating the name of festivals on which they want to avail half holidays. If any difficulty in this behalf arises, the matter will be settled by the employer in consultation with the representatives of the workers.(3)In case it is not possible to determine the festival holidays under sub-rules (1) and (2) before 30th November, the matter shall be referred by the employer to the Conciliation Officer of the area immediately but not later than the 1st December. The Conciliation Officer shall make efforts to bring about settlement between the employer and the workers. In case the Conciliation Officer is not able to bring about any settlement between the employer and the workers within 15 days of the receipt of the reference from the employer, he shall refer the matter to the Labour Commissioner, Punjab, for his decision. The Labour Commissioner, Punjab, shall give his decision before the 31st December, which shall be final.

4. Election of representatives of workers.

- [Section 43(1) read with section 15(1)(b)]. - Where there is no Works Committee constituted under section 3 of the Industrial Disputes Act, 1947 the representatives of the workers shall be elected from amongst the workers. The election shall be arranged by the employer in the month of October each year for which purpose he shall issue seven days' notice and invite nominations whereafter election shall be held by show of hands.

5. Casual Leave.

- [Section 4 read with section 15(2)(b)]. - (1) During the first year of service, a workman may be allowed not more than two days' casual leave for every three months of service :(2)The unavailed casual leave shall lapse at the end of the calendar year. If any casual leave due is refused by the employer in his own interest, the workers shall be compensated by grant of casual leave on any other day or by payment of the average daily wage for that day.(3)The casual leave shall not be combined with any kind of leave except with the express permission of the employer.(4)Except for emergent reasons, casual leave shall not be asked or allowed for more than two days at a time.(5)An application for casual leave shall be made two days in advance to the management concerned and permission obtained before hand :Provided that in case of urgency or death or serious illness in the family such application can be made immediately on resuming duty, giving cogent reasons for

inability to obtain prior permission.(6)If a substantial number of workers apply for casual leave in a concerted manner and for identical period and the employer has reasons to believe that the leave has been applied for with an intention to affect the working of the establishment adversely, the employer may reject the application and the worker shall not be entitled to claim any compensation for the leave thus refused :Provided further that a worker may apply for leave thus rejected, afresh at any other time during the year and such application may then be considered by the employer in the normal course.

6. Sick Leave.

- [Section 4 read with section 15(2)(a), (b)]. - (1) If sick leave is for more than the two days, it shall be granted on application supported by a medical certificate from a registered medical practitioner :Provided that the employer may require the worker to get countersigned such medical certificate from the authorised medical officer of the Industrial Establishments, if any, or from the Doctor incharge of the Government Hospital of the area and the fee for getting the medical certificate countersigned shall be borne by the employer.(2)In case a worker is suspected to be suffering from any contagious or infectious disease, he may be got medically examined by the employer at his (employer's) expense and allowed to proceed on leave as though the worker had applied for being sent on leave himself.

7. Maintenance of Records.

- [Section 15(2)(c)]. - (1) Every employer shall submit to the Inspector of the area a statement of Festival Holidays to be allowed to the workers during the calendar year before the 31st December of the preceding year in Form 'A'. A copy of this statement will be exhibited on a Notice Board to be kept in the industrial establishment at a conspicuous place and shall be available for inspection at all times.(2)The account of festival holidays, casual leave and sick leave shall be maintained in Form 'B'.

8. Penalties.

- [Section 15(3)]. - Any person who contravenes any provision of the rules shall be punishable with the fine which may extend to fifty rupees.Form 'A'[See rule 7(1)]Statement of Festival Holidays to be sent to the Inspector of the area and to be exhibited and maintained in a factory under the Punjab Industrial Establishments (National and Festival and Casual and Sick Leave) Rules, 1965

| Serial No. | Name and address of the establishment | Particulars of the days observed as FestivalHolidays | Whether whole day or half day | Number and date of the settlement through theWorkers Committee of the representatives of the workers | Remarks |
|------------|---------------------------------------|--|-------------------------------|--|---------|
|------------|---------------------------------------|--|-------------------------------|--|---------|

vide which the
Holidays were
determined

| | | | | | |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
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Form 'B'[See rule 7(2)]Register of Festival Holidays, Casual and Sick Leave in respect of Shri _____ for the year 19 _____, under the Punjab Industrial Establishments (National and Festival and Casual and Sick Leave) Rules, 1965

1. Date of joining service _____.

2. Whether covered by the Employees State Insurance Scheme. - Yes/No.

| Serial No. | Number of festival holidays/casual/sick leave due at the beginning of the year | Period for which festival holidays/casual/sick leave applied for | Whether granted or refused | Remarks |
|---------------|--|--|----------------------------------|---------|
| 1 | 2 | 3 | 4 | 5 |