

# The Rajasthan Payment of Wages (Procedure) Rules, 1961

RAJASTHAN

India

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### Rule

### THE-RAJASTHAN-PAYMENT-OF-WAGES-PROCEDURE-RULES-1961 of 1961

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The Rajasthan Payment of Wages (Procedure) Rules, 1961 Published vide Notification No. F.3(10 LAB/59, dated 19-10-1962, published in Rajasthan Gazette, Part 4-C, Supplement No.31, dated 1-11-1962. In exercise of the powers conferred by sub-section (1) of Section 26 of the Payment of Wages Act, 1936 (Central Act IV of 1936) the Government of Rajasthan hereby makes the following rules, the same having been previously published as required by sub-section (5) of Section 26 of the said Act.

#### 1. Short title.

- These rules may be called the Rajasthan Payment of Wages (Procedure) Rules, 1961.

#### 2. Definition.

- In these rules, unless there is anything repugnant in the subject or context:-(a)"Act" means the Payment of Wages Act, (Central Act IV of 1936)(b)"appeal" means an appeal under Section 17;(c)"Authority" means the authority appointed under sub-section (1) of Section 15;(d)"Court" means the court mentioned in sub-section (1) of Section 17;(e)"employer" includes the person responsible for the payment of wages under Section 3 and in the case of a deceased employer, his legal representative;(f)"Section" means a section of the Act;(g)"Form" means a form appended to these rules;(h)"record of order or direction" means the record of an order dismissing either wholly or in part and application made under subsection (2) of Section 15 or of a direction made under sub-section (3) or sub-section (4) of that Section kept in Form F;(i) Words and expression used and defined in the Act shall be deemed to have the same meaning as in the Act.

### **3. Form of Application.**

- Applications under sub-section (2) of Section 15 by or on behalf of an employed person or group of employed person shall be made in duplicate in Form A, Form B or Form C, as the case may be, one copy of which shall bear such court-fee as prescribed, under Rule 22 of the Payment of Wages Rules, 1961.

### **4. Authorisation.**

- The authorisation to Act on behalf of an employed person or persons under Section 15 shall be given by a certificate in Form D, and presented to the Authority hearing the application and shall form part of the record.

### **5. Permission to appear.**

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

### **6. Presentation of documents.**

(1) Applications or other documents relevant to an application may be presented in person to the Authority at any time during hours to be fixed by the Authority, or be sent to him by registered post. (2) The Authority shall at once endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be.

### **7. Refusal to entertain application.**

(1) The Authority may refuse to entertain an application presented under Rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied for reasons to be recorded in writing that-(a) the applicant is not entitled to present an application; or (b) the application is barred by reason of the provisions contained in the provisions to sub-section (2) of Section 15; or (c) the applicant shows no sufficient cause for making a direction under Section 15. (2) The Authority may refuse to entertain an application which is insufficient stamped or is otherwise incomplete and if he so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been made good, the date of representation shall be deemed to be the date of presentation, for the purposes of the provisos to sub-section (2) of Section 15.

### **8. Appearance of parties.**

(1) If the application is entertained the Authority shall call upon the employer a notice in Form E to appear before him on a specified date together with all relevant documents and witnesses, if any,

and shall inform the applicant of the date so specified.(2)If the employer or his duly authorised representative fails to appear on the specified date, the Authority may proceed to hear and determine the application ex parte.(3)If the applicant fails to appear on the specified date, the Authority may dismiss the application;Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the application reheard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for rehearing.

## **9. Record of proceedings**

.- (1) The Authority shall in all cases enter the particulars indicated in Form F, and at the time of passing orders shall sign and date the form.(2)In a case where no appeal lies, no further record shall be necessary.(3)In a case where an appeal lies, the authority shall record the substance of the evidence and shall append it under his signature to the record or order or direction.

## **10. Signature on forms.**

- Any form other a record or order or direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

## **11. Exercise of powers.**

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

## **12. Appeals**

.- (1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the prescribed court fee setting forth concisely the grounds of objection to the order dismissing either wholly or in part an application made under sub-section (3) of Section 15 or a direction made under sub-section (3) or sub section (4) of that Section as the case may be, and shall be accompanied by certified copy of the said order or direction.(2)When an appeal is lodged, a notice shall be issued to the respondent in Form 'G'.(3)The court after hearing the parties and after such further inquiry, if any, as it may deem necessary, may confirm, vary or set aside the order or direction from which the appeal is preferred, and shall make an order accordingly.[12A. Order or Direction when to be made. - The Authority or the court, as the case may be, shall after the case has been heard, make an order or issue a direction either at once or as soon thereafter as may be practicable, on some further day, and when the order or direction is to be made on some future day, it shall fix a date for the purpose, of which due notice shall be given to the parties or their pleaders.] [Inserted vide Notification No. G. S. R.75/F. I(7)(2) Sharam/68, dated 17-7-1969. published in

Rajasthan Gazette, Part IV-C(I). Ordinary, dated 30-10-1969.]

### **13. Inspection of documents.**

- Any employed person, or any employer his representative, or any person permitted under subsection (2) of Section 15 to apply for a direction, shall be entitled to inspect any application memorandum of appeal or any other document filed with the Authority or the court, as the case may be, in a case to which he is a party, and may obtain copies thereof on payment of such fees as may be prescribed. Form A Form of Individual Application [See sub-section (2) of Section 15 of the Payment of Wages Act] In the Court of the Authority appointed under the Payment of Wages Act (Central Act IV of 1936), for..... areas. Application No..... of 19 Between A, B, C..... applicant. (through a legal practitioner..... an official of which is a registered trade union and X, Y, Z..... opposite party. The applicant states as follows :-

#### **1. A, B, C, is a person employed in/on the Factory/Railway .....entitled.**

Industrial establishment and resides at. The address of the applicant for the service of all notices and processes is.....

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

#### **3.**

(1) The applicant's wages have not been paid for the following wage period(s) [give date(s)] Or a sum of Rs..... has been unlawfully deducted from his wages of..... (amount) for the wage period(s) which ended on [give date(s)] (2) (Here give any further claim or explanation).

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

#### **5. The applicant prays that a direction may be issued under subsection (3) of Section 15 for-**

(a) payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due, or refund of the amount illegally deducted, and (b) payment of compensation amounting to..... The applicant certifies that the statements of facts contained in this application is to the best of his knowledge and belief accurate. Signature or thumb impression of the employed person or legal practitioner or official of a registered Trade Union duly authorised. Form B Form of group application [See sub-section (2) of Section 15 and Section 16 of the Payment of Wages Act] In the court of Authority appointed under the Payment of Wages Act (Central Act IV of

1936) for.....area.....Application No.....of 19....Between A, B, C, and (state the number) other applicants(s)(Through A legal practitioner/an official of which is a registered trade union)And X, Y, Z.....opposite party.The applicant state as follows:-

**1. The applicants whose names and permanent address appear in the attached schedule are persons employed in/on the Factory/Railway/Industrial establishment entitled.**

The address of the applicant's for service of all notices and processes is:-

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

**3. The applicant's wages have not been paid for the following period(s):-**

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

**5. The applicants pray that a direction may be issued under subsection (3) of Section 15 for.....**

(a)Payment of the applicants delayed wages as estimated for such greater or lesser amount as the Authority may find to be due.(b)Compensation amounting to.....The applicants certify that the statement of the facts contained in this application is to the best of their knowledge and belief accurate.Signature or thumb impression of the applicants, or legal practitioner,or an official of registered Trade Union duly authorised.

## **Schedule**

S. No. Name of applicant Permanent address

1                      2                      3

1.

2.

3.

4.

5.

6.

Form CForm of application by an Inspector or person permitted by the authority or authorised to act.[See sub-section(2) of Section 15 and Section 16 of the Payment of Wages Act]In the court of the

Authority appointed under the Payment of Wages Act.....areaApplication No  
....of.....19Between A,B,C designation .....an Inspector under the Payment of Wages  
Act, [or a person permitted by the authority ..... authorised to act under sub-section (2) of  
Section 15]Applicantand X, Y, Z,the opposite party,The applicant states as follows: -

**1. X, Y, Z, the opposite party is the person responsible under the Act or the Payment of Wages to the following person (s)-**

(1)(2)(3)

**2. His address for the service of all notices and processes is:-**

**3. The wages of the said person, whose names and permanent address are given below, due in respect of the following wage period.**

(S)| Have not been paidHave been subjected to the following illegal deductions

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

**5. The applicant prays that a direction may be issued under subsection (3) of Section 15 for-**

(a)Payment of the delayed wages as estimated or such greater or such lesser amount as the Authority may find to be due or refund of the amount illegally deducted.(b)Payment of compensation amounting to.....The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.SignatureForm DCertificate of Authorisation

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

Witness Signature

- (1) (1)
- (2) (2)
- (3) (3)
- (4) (4)

accept the authorisation.Signature

Legal PractitionerOfficial of a registered Trade Union.

Form ENotice for the disposal of applicationToWhereas the Payment of Wages Act, 1936 (Central Act IV of 1936 a claim against you has been presented to me in the application of which a copy is

enclosed, you are hereby called upon to appear before me either in person or by any person duly instructed and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions.. on the day of.....19 , at .....O'clock in the fore/after noon to answer the claim and as the day fixed for your appearance appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your defence. Take notice that in default of your appearance on the day before mentioned, the application will be heard and determined in your absence. Given under my hand and seal, this day 19 .

Seal authority Form F Record of order or direction (1) Serial Number..... (2) Date of application..... (3) Name or names, parentage, address or addresses of the applicant, or same or all of the applicants belonging to the same unpaid group..... (4) Name and address of the employer..... (5) Amount claimed ..... (a) as delayed wages..... Rs..... (b) as deducted from wages..... Rs..... (6) Plea of the employer and his examination (if any)..... (7) Finding and a brief statement of the reason therefor. (8) Amounts awarded :- (a) Delayed wages..... Rs..... (b) Deducted wages..... Rs..... (9) Compensation awarded..... Rs..... (10) Penalty imposed..... Rs..... (11) Costs awarded to:- (12) [ Date by which the amount awarded shall be paid.] [Inserted vide Notification No. G. S. R. 75/F. 1(7)(2) Sharam/68. dated 17-7-1969. published in Rajasthan Gazette, Part IV- C(1), Ordinary, dated 30-10-1969.] (i) Court fee charges..... Rs..... (ii) Pleader's fee..... Rs..... Witnesses expenses..... Rs..... Signed..... Dated.....

Note:- In cases where an appeal lies, attach on a separate sheet, the substance of the evidence. Form G Notice to respondent on the day fixed for the hearing of the appeal under Section 17 of the Payment of Wages Act, 1936. Appeal from the decision of the Authority for the area dated the day of.....19..... To..... Respondent. Take notice that an appeal of which a copy is enclosed, from the decision of the Authority for..... area has been presented by X,Y,Z, (and others), and registered in the Court, and that the..... day of 19 , has been fixed by this Court for the hearing of this appeal. If no appearance is made on your behalf by yourself, or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence. Given under my hand and the seal of the Court, this day of 19..... Seal of the Court Judge