

# The Orissa Industrial Disputes Rules, 1959

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### Rule THE-ORISSA-INDUSTRIAL-DISPUTES-RULES-1959 of 1959

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The Orissa Industrial Disputes Rules, 1959Published vide Notification No. 7238-2  
133/58-Lab./5.8.1959Notification No. 7238-II-133/58-Lab., dated 5th August, 1959. - In exercise of  
the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the State  
Government do hereby make the following rules, the same having been published as required by  
Sub-section (1) of the said section of the said Act, namely :

#### 1. Title and applications.

(1)These rules may called the Orissa Industrial Disputes Rules, 1959.(2)They extend to the whole of  
the State of Orissa and shall apply in relation to all industries, business and undertakings carried on  
in the State of Orissa in respect of which the Central Government is not the appropriate  
Government.

#### 2. Interpretation.

- In these rules unless there is anything repugnant in the subject or context-(a)"Act" means the  
Industrial Disputes Act, 1947 (14 of 1947) or the Working Journalists (Conditions of Service) and  
Miscellaneous Provisions Act, 1955 (45 of 1955), as the case may be;(b)"Chairman" means the  
Chairman of a Board of Conciliation or Court of Enquiry or if the Court consists of the person only,  
such person;(c)"Committee" means a Works Committee constituted under Subsection (1) of Section  
3 of the Act;(d)"Form" means a form in the Schedule to these rules;(e)"Labour Commissioner"  
means the Labour Commissioner, Orissa appointed by the State Government as such;(f)with  
reference to Clause (g) of Section 2 it is hereby prescribed that in relation to an industry carried on  
by or under the authority of a Department or State Government, the officer in charge of the  
day-to-day administration or the industrial establishment shall be the 'employer' in respect of that  
establishment;(g)"Trade Union" means a trade union registered under the Indian Trade Union Act,  
1926;(h)"Schedule" means a Schedule of the Act.Part-I Procedure for reference of industrial  
disputes to Boards of Conciliation, Courts of Enquiry, Labour Courts or Industrial Tribunal

### **3. Application.**

- An application under Sub-section (2) of Section 10 for the reference of an industrial dispute to a Board, Court, Labour Court or Tribunal shall be made in Form 'A' and shall be delivered personally or forwarded by registered post with acknowledgement due in triplicate to the Secretary to the Government of Orissa in the Labour Department. The application shall be accompanied by a statement setting forth-(a)the parties to the dispute;(b)the specific matters in dispute;(c)the total number of workmen employed in the undertaking affected;(d)an estimate of the number of workmen affected or likely to be affected by the dispute ; and(e)the efforts made by the parties themselves to adjust the dispute.

### **4. Attestation of application.**

- The application and the statement accompanying it shall be signed-(a)in the case of an employer by the employer himself or when the employer is an incorporated company or other body corporate by the agent, manager, secretary or any other principal officer of the corporation;(b)in case of workmen, if a substantial majority of such workmen are members of a trade union by the President and Secretary of the trade union and if a substantial majority of such workmen are not members of a trade union by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

### **5. Notification of appointment of Board, Court, Labour Court or Tribunal.**

- The appointment of a Board, Court, Labour Court or Tribunal together with the names of persons constituting Board, Court, Labour Court or Tribunal shall be notified in the Gazette.

### **6. Notice to parties to nominate representatives.**

(1)If the State Government proposes to appoint a Board, it shall send a notice in Form 'B' to the parties requiring them to nominate within a reasonable time persons to represent them on the Board.(2)The notice to the employer shall be sent to the employer personally, or if the employer is an incorporated company or a body corporate, to the agent, manager, secretary or any other principals officer of such company or body.(3)The notice to the workmen shall be sent-(a)in the case of workmen, a substantial majority of whom are members of a trade union, to the President or Secretary of the trade union;(b)in the case of workmen, a substantial majority of whom are not members of any trade union, to any one workman who has attested the application made under Rule 3 and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice boards in a conspicuous manner at the main entrance to the premises of the establishment.

Part-II Arbitration agreement

## **7. Arbitration agreement.**

- An arbitration agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in Form 'C' and shall be delivered personally or forwarded by registered post in triplicate to the Secretary to the Government of Orissa in the Labour Department, Labour Commissioner, Orissa, and the local Conciliation Officer concerned. The agreement shall be accompanied by the consent in writing of the arbitrator or arbitrators.

### **7A. [ Notification regarding arbitration agreement by majority of each party. [Inserted vide Notification No. 8713-L.E. & H./9.7.1965.]**

- Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette for the information of the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute.]

## **8. Attestation of the arbitration agreement.**

- The arbitration agreement shall be signed-(a)in the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate by the agent, manager, secretary or any other principal officer of the corporation;(b)in the case of workmen, if a substantial majority of the workmen are members of a trade union, by the President or Secretary of the trade union of the workmen; or if a substantial majority of the workmen are not members of a trade union by five representatives duly authorised in this behalf at a meeting of the workmen held for the purpose. Part-III Power, procedure and duties of Conciliation Officers, Boards, Courts, Labour Courts, Tribunals and Arbitrators

## **9. Conciliation proceedings in public utility service.**

- The Conciliation Officer, on receipt of a notice of a strike or lock-out given under Rule 78 or Rule 79, shall forthwith, arrange for interview of both the employer and workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.

## **10. Conciliation proceedings in non-public utility service.**

- Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute which does not relate to public utility service and he considers it necessary to intervene in the dispute, he shall give formal intimation in writing to the parties concerned declaring his intention to commence conciliation proceedings at such place and with effect from such date as may be specified therein.

## **10A. Parties to submit statements.**

(1)The party representing workmen involved in an industrial dispute in a public utility service shall forward a statement of its demands alongwith a copy of the notice prescribed under Rule 78 to the local Conciliation Officer concerned. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.(2)The party representing workmen involved in a dispute in a nonpublic utility service, shall forward a statement of its demands to the local Conciliation Officer concerned before such date as may be specified by him for commencing conciliation proceedings. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.(3)The statement of demands submitted by the patty representing the workmen under Sub-rule (1) and Sub-rule (2) shall be transmitted to the State Government by the local Conciliation Officer concerned with his report under Sub-section (4) of Section 12.(4)Where an employer or a party representing workmen applies to the State Government for reference of an industrial dispute to a Labour Court or Tribunal, such application shall be accompanied by a statement of the demands or points in dispute, with as many spare copies thereof as there are opposite parties.(5)The statement referred to in Sub-rules (1), (2) and (4) and every copy thereof required under the said sub-rules to accompany the said statement shall be duly signed on behalf of the party, by the person making it.

## **10B. [ Proceedings before Labour Court or Tribunal. [Substituted vide Notification No.11688/6.6.1986.]**

(1)While referring an industrial dispute for adjudication to a Labour Court or Tribunal the State Government shall direct the party raising the dispute to file a statement of claim complete with relevant documents, list of reliance and witnesses with the Labour Court or Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute.](2)The Labour Court or Tribunal, after ascertaining that copies of statement of claims are furnished to the other side by party raising the dispute, shall fix the first hearing on a date not beyond one month from the date of receipt of the order of reference and the opposite party or parties shall file their written statement together with documents, list of reliance and witnesses within a period of 15 days from the date of first hearing and simultaneously forward a copy thereof to the other party.(3)Where the Labour Court or Tribunal finds that the party raising the dispute though directed did not forward the copy of the statement of claim to the opposite party or parties, it shall give direction to the concerned party to furnish the copy of the statement to the opposite party or parties and for the said purpose or for any other sufficient cause extend the time-limit to filing the statement under Sub-rule (1) or written statement under Sub-rule (2) by an additional period of fifteen days.(4)The party raising a dispute may submit a rejoinder if it chooses to do so, to the written statements by the appropriate party or parties within a period of fifteen days from the filing of written statement by the latter.(5)The Labour Court or Tribunal shall fix a date for evidence within one month from the date of receipt of the statements, documents, list of witnesses, etc., which shall be ordinarily within sixty days from the date on which the dispute was referred for adjudication.(6)Evidence shall be recorded either in Court or by an affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. As the oral examination of each witness

proceeds, the Labour Court or Tribunal shall make a memorandum of the substance of what is being deposed. While recording the evidence, the Labour Court or Tribunal shall follow the procedure laid down in Rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908.(7)On completion of evidence arguments shall either be heard immediately or a date shall be fixed for arguments/oral hearing which shall not be beyond a period of fifteen days from the close of evidence.(8)The Labour Court or Tribunal shall not ordinarily grant an adjournment for a period exceeding a week at a time but in any case not more than three adjournments in all at the instance of the parties to the dispute :Provided that the Labour Court or Tribunal for reasons to be recorded in writing grant an adjournment exceeding a week at a time but in any case not more than three adjournments in all at the instance of any one of the parties to the dispute.(9)In case any party defaults or fails to appear at any stage, the Labour Court or Tribunal may proceed with the reference ex parte and decide the reference/application in the absence of the defaulting party :Provided that the Labour Court or Tribunal may, on the application of either party filed before the submission of the award, revoke the order that the case shall proceed ex parte, if it is satisfied that the absence of the party was on justifiable grounds.(10)The Labour Court or Tribunal shall submit its award to the State Government within one month from the date of oral hearing/arguments or within the period mentioned in the order of reference, whichever is earlier.(11)In respect of reference under Section 2-A, the Labour Court or Tribunal shall ordinarily submit its award within a period of three months:Provided that the Labour Court or Tribunal may as and when necessary, extend the period of three months and shall record its reasons in writing to extend the time for submission of the award for another specified period.

## **11.**

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

## **12.**

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

## **13.**

The Conciliation Officer shall serve notice of conciliation proceeding in Form 'D'.

## **14. Place and time of hearing.**

- Subject to the provisions contained in Rules 10-A and 10-B, the sitting of a Board, Court, Labour Court, Tribunal or an Arbitrator shall be held at such times and places as the Chairman or the Presiding Officer or Arbitrator, as the case may be, may fix and the Chairman, Presiding Officer or the Arbitrator, as the case may be, shall inform the parties of the same in such a manner as he thinks fit.

## **15. Quorum for the Boards and Courts.**

- The quorum necessary to constitute a sitting of a Board or Court shall be as follows :

(i) in the case of a Board -	Quorum
where the number of members is 3	2
where the number of members is 5	3
(ii) in the case of a Court-	
where the number of members is not more than 2	1
where the number of members is more than 2 but less than 5	2
where the number of members is 5 or more	3

## **16. Evidence.**

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

## **17. Administration of oath.**

- Any member of a Board or Court or Presiding Officer of a Labour Court, Tribunal or an Arbitrator may administer an oath.

## **18. Summons.**

- A summon issued by a Board, Court, Labour Court, or Tribunal shall be in Form 'E' and may require any person to produce before it any papers, books or other documents and things in the possession or under the control of such person in any way relating to the matter under investigation or adjudication by the Board, Court, Labour Court or Tribunal which the Board, Court, Labour Court or Tribunal thinks necessary for the purposes of such investigation or adjudication.

## **19. Service of summons or notice.**

- Subject to the provisions contained in Rule 21, any notice, summons, process or order issued by a Board, Court, Labour Court, Tribunal or Arbitrator, empowered to issue such notice, summons, process or order may be served either personally or by registered post. Refusal by the person to whom any notice, summons, process or order is tendered shall be deemed to be sufficient service.

## **20. Description of parties in certain cases.**

- Where in any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator there are numerous persons arrayed on any side, such persons shall be described as follows :(i)all such persons as are members of any trade union or association shall be described by the name of such trade union or association; and(ii)all such persons, as are not members of any trade union or

association shall be described in such manner as the Board, Court, Labour Court, Tribunal or an Arbitrator, as the case may be, may determine.

## **21. Manner of service in the case of numerous persons as parties to a dispute.**

(1)Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator and such persons are members of any trade union or association, the service of notice on the Secretary, or where there is no Secretary or the Principal officer of the trade union or association shall be deemed to be service on such persons.(2)Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator and such persons are not members of any trade union or association, the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may be, shall, where personal service is not practicable, cause the service of any notice to be made by affixing-the same at or near the main entrance of the establishment concerned.(3)A notice exhibited as mentioned in Sub-rule (2) shall also be considered as sufficient in the case of such workmen as cannot be ascertained and found.

## **22. Procedure at the first sitting.**

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

## **23. Board, Court, Labour Court, Tribunal or Arbitrator may proceed ex parte.**

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

## **24. Power of entry and inspection.**

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

## **25. Power of Boards, Courts, Labour Courts and Tribunals.**

- In addition to the powers conferred by the Act, Boards, Courts, Labour Courts and Tribunals shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit, in respect of the following matters, namely : (a) discovery and inspection; (b) granting adjournment; (c) reception of evidence taken on affidavit; and the Board, Court, Labour Court or Tribunal may summon and examine any person whose evidence appears to it to be material and shall be deemed to be Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898.

## **26. Assessors.**

- Where assessors are appointed to advise a Tribunal under Sub-section (4) of Section 7-A or by the Court, Labour Court or Tribunal under Sub section (5) of Section 11, the Court, Labour Court or Tribunal, shall, in relation to proceeding before it, obtain the advice of such assessors, but such advice shall not be binding on it.

## **27. Fees for copies of awards or other documents of Labour Court or Tribunal.**

(1) Fees for making a copy of an award of a Labour Court or Tribunal or any document filed in any proceedings before a Labour Court or Tribunal shall be charged as follows : (a) for the first 200 words or less - 12 annas; (b) for every additional 100 words or fraction thereof - 6 annas : Provided that where an award or a document exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words, to the nearest hundred, for the purpose of assessing the copying fee. (2) For certifying a copy of any such award or document, fee of one rupee shall be payable. (3) Copying and certifying fees shall be payable in cash in advance. (4) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable. (5) [ The Presiding officer, Industrial Tribunal/Labour Court shall receive the fees and supply the copies.] [Inserted vide Notification No. 20382/17.11.1986.]

## **28. Decision by majority.**

- All questions arising for decision at any meeting of a Board, or Court, save where the Court consists of one person, shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

## **29. Correction of errors.**

- The Labour Court, Tribunal or Arbitrator may correct any clerical mistake or error arising from an accidental slip or omission in any award it/he issues.



### **30. Rights of representatives.**

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

### **31. Proceedings before a Board, Court, Labour Court or Tribunal.**

- The proceeding before a Board, Court, Labour Court or Tribunal shall be held in public :Provided that the Board, Court, Labour Court or Tribunal may, at any stage, direct that any witness shall be examined or its proceedings shall be held in camera. Part-IV Remuneration of Chairman and Members of Courts, Presiding Officers of Labour Courts, Tribunals, Assessors, witnesses and staff

### **32. [ Travelling allowance. [Substituted vide Orissa Gazette Extraordinary No. 700/11.11.1960.]**

(1)The Chairman or member of a Board or Court or the Presiding Officer of a Labour Court or Tribunal shall, for any journey performed by him in connection with the performance of his duties, be entitled to travelling and daily allowance at the following rates:(a)if such officer is a Government employee the rate shall be as admissible under the rules applicable to him;(b)in any other case the rate shall be as admissible to an employee of the State Government belonging to the first grade; provided that the daily allowance shall be Rs. 10 (Rupees Ten);(c)an assessor of a Labour Court or Tribunal shall be entitled to draw the same rate of travelling allowance as is allowed to the Assessors of Law Court in the notification of the Government of Orissa in the Law Department No. 9380-Judl., dated the 27th November, 1953. For the journey performed by him in connection with his duties under the rules.]

### **33. Fees.**

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

### **34. Expenses of witnesses.**

- Every person who is summoned and duly attends or otherwise appears as a witness before a Board, Court, Labour Court, Tribunal or an Arbitrator shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts.

### **35. Staff.**

- The State Government may appoint such person or persons to be the Secretary and other staff of the Board, Court, Labour Court or Tribunal as they may think necessary and may fix salaries and

allowances payable to them. Part-V Notice of change

### **36. Notice of change.**

- Any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule shall give notice of such intention in Form 'F'.

### **37. Manner of service of notice of change.**

(1) Where the number of workmen affected by a notice of change is one hundred or less, the notice is to be served on every individual workman. (2) Where the number of workmen affected by a notice of change exceeds one hundred and the majority of such workers are members to any trade union or association the service of notice by registered post on the Secretary or where there is no Secretary, on the Principal Officer of the trade union or association shall be deemed to be service on such workmen. (3) Where the number of workmen effected by the notice of change exceeds 100 and the majority of such workmen are not members of any trade union or association, the employer shall, where personal service is not practicable, cause the service of any such notice to be made 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 twenty-one days. The notice shall be in English, in Oriya and in the language understood by the majority of the workmen in the establishment concerned. (4) A copy of the notice shall simultaneously be forwarded by the Secretary to the Government of Orissa in the Labour Department, the Labour Commissioner, Orissa and the local Conciliation Officer concerned. Part-VI Representation of parties

### **38. Authority for representation.**

- The authority in favour of a person or persons to represent a workman or a group of workmen or any employer in any proceeding under the Act shall be in Form 'G'.

### **39. Parties bound by acts of representatives.**

- A party appearing by a representative shall be bound by the acts of the representatives. Part-VII Works Committee

### **40. Constitution.**

- Any employer to whom an order made under Subsection (1) of Section 3 of the Act relates shall forthwith proceed to constitute a Works Committee in the manner hereinafter prescribed.

## **41. Number of members.**

- The number of members constituting the committee shall be fixed by the Labour Commissioner or an officer authorised by him so as to afford representation to the various categories, groups and classes of workmen engaged in, and to the sections, shops or departments of the establishments :Provided that the number of representatives of workmen shall not be less than the number of representatives of the employer and the total number of members shall not exceed twenty.

### **41A. [ Consultation with Trade Unions. [Inserted vide Orissa Gazette Extraordinary No. 1186/30.8.1993-Notification SRO No. 830/93/ 21.8.1993.]**

(1)Where any workmen of an establishment are members of a Trade Union, the employer shall require the Union to inform him in writing as to-(a)how many of the workmen are members of the Union ; and(b)how their membership is distributed among the sections, shops or departments of the establishment.(2)Where an employer has reason to believe that the information furnished to him under Sub-rule (1) by and Trade Union is false, he may, after informing the Union, refer the matter to the Assistant Labour Commissioner concerned for his decision; and the Assistant Labour Commissioner, shall, after hearing the parties, decide the matter and his decision shall be final.

## **41B. Group of workmen's representatives.**

- On receipt of the information called for under Rule 41-A, the employer shall arrange for the election of workmen's representatives on the Committee in two groups-(i)those to be elected by the workmen of the establishment who are members of the Trade Union or Trade Unions ; and(ii)those to be elected by the workmen of the establishment who are not members of the Trade Union or Trade Unions bearing as nearly as may be, the same proportion to each other as the Union members in the establishment bear to the non-members :Provided that-(a)where more than half of the workmen are members of the Union or any one of the Unions, no such division shall be made;(b)in the event of a Trade Union failing to furnish the information called for under Sub-rule (1) of Rule 41-A within one month from the date of notice requiring it to furnish such information the employer shall bring this to the notice of the Assistant Labour Commissioner concerned who in turn shall give notice to the Trade Union concerned to furnish the information so required by the employer, within fifteen days from the date of issue of the notice by the Assistant Labour Commissioner and in case of failure to furnish the information in response to the notice of the Assistant Labour Commissioner, such Union shall be deemed as if it did not exist, for the purposes of this Rule ; and(c)where any reference has been made by the employer under Sub-rule (2) or (3) of Rule 41-A, the election shall be held on receipt on the decision of the Assistant Labour Commissioner.]

## **42. Qualification.**

- Any workman of not less than nineteen years of age and with a continuous service of not less than one year in the establishment may, if nominated as provided in these rules, be a candidate for election as a representative of the workmen on the Committee :Provided that the service

qualification shall not apply to the first election in an establishment which has been in existence for less than a year. Explanation - A workman who has put in a continuous service of not less than one year in two or more establishments belonging to the same employer shall be deemed to have satisfied the service qualification prescribed under this rule.

#### **43. Qualification for votes.**

- All workmen [\* \* \*] [Omitted vide Notification No. 14393/29.12.1964-Orissa Gazette Part-III/1965.] who are not less than eighteen years of age and who have put in not less than six months' continuous service in the establishment, shall be entitled to vote in the election of the representatives of workmen. [Explanation - A workman who has put in a continuous service of not less than six months in two or more establishments belonging to the same employer shall be deemed to have satisfied the service qualification prescribed under this rule.] [Inserted vide Notification No. 14393/29.12.1964-Orissa Gazette Part-III/1965.]

#### **44. Voters' list.**

- The voters' list shall be prepared by the employer alphabetically or serially according to consecutive token or ticket numbers of the workmen in Form 'H' or in any other manner approved by the Labour Commissioner and exhibited in conspicuous places at least six weeks before the date fixed for elections calling for suggestions and objections regarding inclusion or exclusion of voters within a specified date. Such suggestions to and objections to the voters' list shall be made in Form 'I', copies of which shall be supplied by the employer to the workmen requiring them. The Labour Commissioner or an officer appointed by him shall consider these suggestions and objections and his decision shall be final. The final voters' list shall be exhibited in conspicuous places at least two weeks before the date fixed for election.

#### **45. Returning Officer.**

(a) The Labour Commissioner may appoint an officer of a competent non-official to act as the Returning Officer for the purpose of the election. (b) The Returning Officer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives in the Committee. (c) For holding the election, the Returning Officer shall also fix a date which shall not be earlier than three days and later than [fifteen] [Substituted vide Notification No. 14393/29.12.1964-Orissa Gazette Part-III/1965.] days after the closing date for receiving nominations. (d) The dates so fixed shall be notified at least seven days in advance to the workmen. Such notice shall be affixed on the notice board or given adequate publicity in such manner as it is deemed suitable amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments.

#### **46. Nomination paper.**

(a) Every nomination shall be made on a nomination paper in Form 'J'. copies of which shall be

supplied by the employer to the workmen requiring them.(b)Each nomination paper shall be signed by the candidate and attested by at least two other voters all belonging to the electoral constituency from which the seat is contested and shall be delivered to the Returning Officer. If the candidate be a member of a registered trade union, his nomination shall be attested by voters who are members of such union.

#### **47. Scrutiny of nomination papers.**

(a)Within three days following the last day fixed for filing the nomination papers, the nomination papers shall be scrutinised by the Returning Officer in the presence of the candidates and the attesting persons and a representative of the trade union, if any, who is also a voter, and those nomination papers which are not valid shall be rejected :Provided that where a candidate or an attesting person is unable to be present at the time of scrutiny he may send a duly authorised nominee for the purpose.(b)For the purpose of Sub-rule (a), a nomination paper shall not be held to be valid if (i) the candidate nominated is ineligible for membership under Rule 42, or (ii) the requirements of Rule 45 have not been complied with.(c)A candidate desirous of withdrawing from the election may withdraw the nomination paper by giving written information of his intention to do so within two days after the scrutiny of the nomination papers.

#### **47A. [ Withdrawal of candidates validly nominated. [Added vide Notification No. 14393/9-12-1964-Orissa Gazette Part-III/1965.]**

- Any candidate whose nomination for election has been accepted may withdraw his candidature within forty-eight hours of the completion of scrutiny of nomination papers.]

#### **48. Voting in election.**

(a)If the number of candidates who have been validly nominated be equal to the number of seats the candidates shall be forthwith declared duly elected by the Returning Officer.(b)If in the constituency the. number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.(c)The election shall be held by secret ballot under the supervision of the Returning Officer.(d)In the event of two or more candidates getting an equal number of votes, the candidates having the longest period of service shall be declared duly elected.

#### **49. Arrangement for election.**

- The employer shall be responsible for such arrangements in connection with the election as the Returning Officer may direct and he shall comply with such directions.

#### **50. Works Committee.**

- Within a week of the election of the workmen's representatives the employer shall nominate his own representatives from amongst the officials of the establishment whose number shall not be

more than the number of representatives of workmen. The two groups of representatives shall form the Works Committee.

## **51. Publication of the names of the members of Works Committee.**

- Within a week of the formation of the Works Committee the names of the representatives of the employer and the workmen in the Committee shall be reported by the Returning Officer to the Labour Commissioner who shall cause these names to be entered in the appropriate register as constituting the Works Committee of the establishment. The names of the members of the Works Committee shall also be published in the Orissa Gazette as soon as possible.

## **52. Officers of the Works Committee.**

(a)The Committee shall have office-bearers including one Chairman, one Vice-Chairman and two Joint Secretaries.(b)[ The Chairman shall be nominated by the employer from amongst the employer's representatives on the Committee and he shall as far as possible, be the head of the establishment.] [Substituted vide Notification No. 14393/29.12.1964 Orissa Gazette Part-III/1965.](c)The Vice-Chairman shall be elected by the members of the Committee representing the workers, from amongst themselves :Provided that in the event of votes in the election of the Vice-Chairman, the matter shall be decided by draw of a lot.(d)[ Of the two Joint Secretaries one shall be elected by the employer's representatives in the Committee and the other by the workmen's representatives from amongst themselves.] [Re-lettered vide Notification No. 14393/29.12.1964 Orissa Gazette Part-III/1965.]

## **53. The term of office.**

(a)The term of office of the representatives of the Committee other than a member chosen to fill a casual vacancy shall be two years :Provided that it shall be competent for the Labour Commissioner to dissolve a Works Committee if he is satisfied, after hearing employers or their representatives and workmen or their representatives, if necessary, that Works Committee has ceased to represent the workmen or for any other adequate reasons.(b)The term of two years referred to in Sub-rule (a) shall be held to include any period which may elapse between the expiry of the said two years and the date on which the names of the representatives of workmen are published in the Orissa Gazette after next election.

## **54. Vacancies.**

(1)In the event of workmen's representative ceasing to be employed in the establishment or resigning the membership in the Committee his successor shall be elected from the constituency to which such representative belongs.(2)The existing voters' list (that is to say, the voters' list prepared at the time of the last general election of the Works Committee) for the relevant constituency shall be published at least two weeks before the date fixed for a bye-election. A week's time shall be allowed for hearing claims and objections which shall be decided summarily by the Returning

Officer and the list made final.

## **55. Power to co-opt.**

- The Committee may decide to ask any person having particular or special knowledge of a matter under discussion to take part in the discussion in a consultative capacity. Such a person shall be allowed to be present at the meeting or meetings only for the period during which the particular question is before the Committee.

## **56. Meetings.**

(a)The employer shall, after giving not less than three days' notice, convene the first meeting of the Works Committee for selection of the office-bearers under Sub-rule (a) of Rule 52.(b)The Joint Secretaries acting jointly shall convene meetings of the Committee at least once in a month or as often as they consider it necessary. Not less than three days' notice shall be given of any such meeting.(c)Copies of the proceedings of the meetings referred to in Clauses (a) and (b) shall be sent by the Joint Secretaries to the Labour Commissioner and by the Chairman of the Committee, to the Board of Directors or the management for implementation of the unanimous decision of the Committee.(d)A member of the Works Committee who fails to attend three consecutive meetings without assigning sufficient reasons, shall cease to be a member of the Committee.

## **57. Special meeting.**

- Special meetings of the Works Committee may be called even at a shorter notice in an emergency by the Chairman if fifty per cent of the representatives of workmen on the Committee request such a meeting.

## **58. Facilities for meetings.**

(a)The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee.(b)The employer shall provide the articles of stationery for recording of the minutes and postage and any other incidental expense for despatch of the proceedings of the meeting to the persons to whom these are to be sent according to the provisions of these rules.(c)No deduction from the wages of the workers' representatives and average earnings in the case of workmen who are piece-workers shall be made for the time spent by them during working hours in attending meetings of the Works Committee.(d)[ The Secretary of the Committee may, with the prior concurrence of the Chairman, put up notice regarding the work of the Committee on the notice-board of the establishment.] [Inserted vide Notification No. 14393/29.12.1964-Orissa Gazette Part III/1965.]

**58A. [ Quorum. [Inserted vide Notification No. 12222-L.I./12.11.1963-Orissa Gazette Part-III/1963.]**

- No business shall be transacted at an ordinary or special meeting of the Works Committee one-third of the members subject to the minimum of three are present :Provided that if in any meeting less than the above number of members are present, the Chairman or Vice-Chairman of the Works Committee, as the case may be, adjourn the meeting to a date not less than seven days later, informing the members present and sending notice to other members that he proposes to dispose of the business at the adjourned meeting, whether there is quorum or not, and he may thereupon dispose of the business at such adjourned meeting.]

**58B. [ Submission of returns. [Inserted vide Notification No. 12222-L.I./12.11.1963-Orissa Gazette Part-III/1963.]**

- The employer shall submit half-yearly returns as in Form J-1 in triplicate to the Conciliation Officer concerned not later than the twenty days of the month following the half-year.]

**59. Function of the Works Committee.**

- The Works Committee shall be competent to discuss any matter that affects the relations between the employer and the workmen, and may whenever necessary and expedient, consider and suggest solutions of difficulties that may arise in the working of the establishment.

**60. Limitations.**

- The Works Committee shall not have any power to come to an agreement inconsistent with an order based on an award which is in force.

**61. Decision pending on parties.**

- Decisions shall be arrived at only by agreement between the representatives of the workmen and the employer and these shall be binding on both the parties.

**62. Proceedings.**

- The proceedings shall be recorded in adequate details in duplicate by the Joint Secretaries in any language or languages that Committee may decide. Both copies shall be signed by the Joint Secretaries and one copy shall be kept in the custody of each Joint Secretary. At every meeting of the Works Committee except the first one, the Joint Secretaries shall report to the Committee the action taken or proposed to be taken on such decisions of the previous meeting.



### **63. Maintenance of duplicate copies.**

- Duplicate books of minutes shall be kept, one by the Joint Secretary of each side. Part-VIII  
Miscellaneous

### **64. Memorandum of settlement.**

(1) A settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form 'K'. (2) Where a settlement is arrived at otherwise than in the conciliation proceedings, the settlement shall be signed-(a) in the case of an employer, by the employer himself or by his authorised agents, or when the employer is an incorporated company or other body corporate, by the agent, manager, secretary or other principal officer of the Corporation; (b) in the case of workmen, either by the President and Secretary of a trade union of workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose. (3) Where a settlement is arrived in the course of the conciliation proceedings, the memorandum of settlement shall be signed by the persons who legally represent the parties to the dispute in the conciliation proceedings. (4) Where a settlement is arrived at in the course of conciliation proceedings, the Conciliation Officer shall send a report of the same to the State Government together with a copy of the memorandum of settlement signed by the parties to the dispute. (5) Where a settlement is arrived at between an employer and his workmen otherwise than in the course of conciliation proceedings before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the State Government, the Labour Commissioner, and the local Conciliation Officer having jurisdiction.

### **65. Register of settlement.**

- The Conciliation Officers shall file all settlements effected under this Act in respect of disputes in the area within his jurisdiction in a register maintained for the purpose as in Form 'L' [and retained permanently] [Inserted vide Notification No. 5535/2.4.1973.],

### **66. Complaints regarding change of conditions of service, etc.**

(1) Every complaint under Section 33-A of the Act shall be presented in triplicate in Form 'M' and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint. (2) Every complaint under Sub-rule (1) shall be verified at the foot by the workmen making it or by some other person proved to the satisfaction of the Labour Court or Tribunal to be acquainted with the facts of the case. (3) The person verifying shall specify, by references to the numbered paragraphs of the complaints, 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.

## **67. Application under Section 33.**

(1)An employer intending to obtain the express permission in writing of the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be, under Sub-section (1) or Section 33 shall present an application in Form 'N' in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file alongwith 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 33, shall present an application in Form 'O' in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file alongwith the application as many copies thereof as there are opposite parties.(3)Every application under Sub-rule (1) or Sub rule (2) shall be verified at the foot by the employer making it or by some other person proved to the satisfaction of the Conciliation Officer Board, Labour Court or Tribunal to be acquainted with the facts of the case.(4)The person verifying shall specify by reference to numbered paragraphs of the application what he verifies of his own knowledge and what he verifies upon information received and believed to be true.(5)The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified.

## **68. Protected workman.**

(1)Every registered trade union connected with an industrial establishment to which the Act applies shall communicate to the employer, before the 30th September every year the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the union, shall be recognised as 'protected workmen'. Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.(2)The employer shall subject to Sub-section (4) of Section 33 recognise such workmen to be protected workmen, for the purpose of Sub-section (3) of the said section and communicate to the union, in writing within fifteen days of the receipt of the names and addresses under Sub-rule (1), the list of workmen recognised as protected, workmen.(3)The trade union as well as the employer shall furnish a copy of the communication referred to under Sub-rules (1) and (2) to the Labour Commissioner.(4)Where the total number of names received by the employer under Sub-rule (1) exceeds the maximum number of protected workmen admissible for the establishment under Sub-section (4) of Section 33, the employer shall recognise as protected workmen only such maximum number of workmen:Provided that where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the union that the numbers of recognised protected workmen in individual unions-bear roughly the same proportion to one another as the membership figures of the unions. The employer shall in that case intimate in writing to the President or the Secretary of the union the number of protected workmen allotted to it :Provided further that where the number of protected workmen allotted to a union under this sub-rule falls short of the member of officers of the union seeking protection, the union shall be entitled to select the officers to be recognised as protected workmen. Such selection shall be made by the union and communicated to the employer within five days of the receipt of the employer's letter.(5)When a dispute arises between an employer and any registered trade union whether a particular workman should be recognised as "protected workman" or not the dispute shall

be referred to the Conciliation Officer concerned, whose decision thereon shall be final and binding.

## **69. Application for recovery of dues.**

(1)Where any money is due to a workman from an employer under a settlement or an award or under the provisions of Chapter V-A, the workman may apply in Form T-1 for the amount due to him.(2)Where any workman is entitled to receive from the employer any benefit which is capable of being computed in terms of money, the workman concerned may apply to the specified Labour Court (s) in Form T-2 for the determination of the amount at which such benefit should be computed.(3)Where the Labour Court has determined the amount of the benefit under Sub-rule (2), the workman concerned may apply in Form T-3 for recovery of the money due to him.

## **70. Appointment of Commissioner.**

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

## **71. Fees for the Commissioner, etc.**

(1)The Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioner's fees and other incidental expenses and direct the payment thereof, into the nearest treasury, within a specified time, by such party or parties and in such proportion as it may consider fit. The commission shall not issue until a satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:Provided that the Labour Court may from time to time direct that any further sum or sums be deposited into the treasury within such time and by such parties as it may consider fit :Provided further that the Labour Court may in its discretion, extend the time for depositing the sum into the treasury.(2)The Labour Court may, at any time, for reasons to be recorded in writing vary the amount of the Commissioner's fees in consultation with the parties.(3)The Labour Court may direct that the fees shall be disbursed to the Commissioner in such instalments and on such dates as it may consider fit.(4)The undisbursed balance, if any, of the sum deposited shall be refunded to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

## **72. Time for submission of report.**

(1)Every order for the issue of a commission shall appoint a date, allowing sufficient time, for the Commissioner to submit his report.(2)If for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply, before the expiry of the said date, for extension of time setting, forth grounds thereof and the Labour Court shall take such

grounds into consideration in passing orders on the application :Provided that the Labour Court may grant extension of time notwithstanding that no application for such extension has been received from the Commissioner within the prescribed time-limit.

### **73. Local investigation.**

- In any industrial dispute in which the Labour Court deems a local investigation to be requisite or proper for the purpose of computing the money value of a benefit, the Labour Court may issue a commission to a person referred to in Rule 69 directing him to make such investigation and report thereon to it.

### **74. 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 together with the evidence taken by him shall be evidence in the industrial dispute and shall form part 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 the manner in which he has made the investigation.(3)Where the Labour Court is for any reason dissatisfied with the proceedings of the Commissioner it may direct such further enquiry to be made as it shall think fit.

### **75. 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 witness 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.

### **76. Summoning of witnesses, etc.**

(1)The provisions of the Code of Civil Procedure, 1908 (Act V of 1908), relating to the summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses shall apply to persons required to give evidence or to produce documents before the Commissioner under these rules.(2)Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited under Rule 70 of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in the Civil Court.

## **77. Representation of parties before the Commissioner.**

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

## **78. Notice of strike.**

(1)The notice of strike to be given by workmen in a public utility service shall be in Form 'P'.(2)On receipt of a notice of a strike under Sub-rule (1) the employer shall forthwith intimate the fact to the Labour Commissioner and the Conciliation Officer having jurisdiction in the matter.

## **79. Notice of lock-out.**

- The notice of lock-out to be given by and employer carrying on a public utility service shall be in Form O' The notice shall be displayed conspicuously by the employer on a notice-board at the main entrance to the establishment and in the manager's office -[Provided that where a registered trade union exists a copy of the notice shall also be served on the Secretary of the union.] [Substituted vide Notification No. 11680-L.E./6.6.1986.]

## **80. Report of lock-out or strike.**

- The notice of lock-out or strike in a public utility service to be submitted by the employer under Sub-section, (3) of Section 22 of the Act shall be in Form 'FT'.

## **81. Report of notice of strike or lock-out.**

- The report of notice of a strike or lock-out to be submitted by the employer under Sub-section (6) of Section 22 of the Act shall be sent by registered post or given personally to the Conciliation Officer appointed for the local area concerned, with a copy by registered post to-(1)Labour Commissioner, Orissa, Bhubaneswar.(2)Secretary to the Government of Orissa, Labour, Employment and Housing Department, New Capital, Bhubaneswar.(3)Administrative Department concerned of the State Government.(4)District Magistrate having jurisdiction.

## **81A. [ Application for permission for lay-off under Section 25-M. [Inserted vide Notification No. 7326/14.4.1976.]**

- [(1) Application for permission to lay-off any workman under Section (1) or for permission to continue the lay-off under Sub-section (3) of Section 25-M shall be made in Form U-1 and delivered to the authority specified under Sub-section (1) (hereinafter referred to as the authority) either personally or by registered post with acknowledgement due and where the application is sent by registered post, the date on which the same is delivered to the said authority shall be deemed to be the date on which the application is made for the purpose of Sub-section (5) of the said section. Where permission is sought under Sub-section (1) of Section 25-M a copy of such application shall

be served by the employer simultaneously either personally or by registered post with acknowledgement due on the workman concerned.](2)The application for permission shall be made in triplicate.](3)The employer concerned shall furnish to the authority to whom the application for permission has been made such further information as the authority considers necessary for arriving at a decision on the application, as and when called for by such authority, so as to enable the authority to communicate the permission or refusal to grant permission within the period specified in Sub-section (5) of Section 25-M.(4)[ The order of the authority under Sub-section (4) of Section 25-M either granting or refusing permission to lay-off/continue the lay-off for reasons to be recorded in writing in the said order, shall be communicated to the employer and the workmen concerned by registered post with acknowledgement due in Form U-2 with copy to the Secretary to the Government of Orissa, Labour and Employment Department, Bhubaneswar, Deputy/Assistant Labour Commissioner of the concerned zone and the Local Conciliation Officer.] [Substituted vide Notification No. 11688/6.6.1986.](5)Where the permission to lay-off/continue the lay-off has been granted by the said authority, the employer concerned, shall send by registered post or give personally to the Conciliation Officer appointed by the State Government for the local area concerned, a notice of commencement and termination of such lay-off in Forms U-3 and U-4 respectively, immediately before commencement of the layoff or immediately after termination of the lay-off, with a copy by registered post to-

**1. [ Secretary to the Government of Orissa, Labour and Employment Department, Bhubaneswar; [Substituted vide Notification No. 11688/6.6.1986.]**

**2. Labour Commissioner, Orissa, Bhubaneswar ; and**

**3. Deputy/Assistant Labour Commissioner of the concerned zone/ Local Conciliation Officer.]**

**82. [ [Substituted vide Notification No. 7326/14.4.1976.]**

(1)In an industrial establishment to which Chapter V-B of the Act does not apply if any employer desires to retrench any workman employed in his industrial establishment who has been in continuous service for not less than one year under him (hereinafter referred to as 'workman' in this rule and in Rules 83 and 84) he shall give notice of such retrenchment as in Form 'S' to the State Government, the Labour Commissioner, Local Conciliation Officer, Local Employment Exchange and Director of Employment, Orissa and such notice shall be served on that Government, the Labour Commissioner, Local Conciliation Officer, Local Employment Exchange and Director of Employment, Orissa by registered post in the following manner :](a)where notice is given to the workman notice of retrenchment shall be sent within three days from the date on which notice is given to the workman;(b)where no notice is given to the workman and he is paid one month's wages in lieu thereof notice of retrenchment shall be sent within three days from the date on which such wages are paid;(c)where retrenchment is carried out under an agreement which specifies a date for the termination of service notice of retrenchment shall be sent so as to reach the State Government,

Labour Commissioner, Local Conciliation Officer, Local Employment Exchange and Director of Employment, Orissa at least one month before such date ;Provided that if the date of termination of service agreed upon is within thirty days of the agreement the notice of retrenchment shall be sent to the State Government, the Labour Commissioner, Local Conciliation Officer, Local Employment Exchange and Director of Employment, Orissa within three days of the agreement.(2)[ In an industrial establishment to which Chapter V-B of the Act applies and in respect of which the Central Government is not the appropriate Government-(i)application under Sub-section (1) of Section 25-N for retrenchment shall be made by the employer in Form S-1 and be filed before the State Government or such authority as may be specified by the State Government, in triplicate and copy of the same shall also be served simultaneously on the workmen concerned either personally or by registered post with acknowledgement due with copy to the Labour Commissioner, Orissa and the Local Conciliation Officer. The date on which the application is filed before the State Government or the authority shall be deemed to be the date on which the application is made for the purpose of Subsection (4);(ii)the employer concerned shall furnish to the State Government or the authority before whom the application for permission for retrenchment has been made under Sub-section (1) of Section 25-N such further information as it considers necessary for arriving at a decision on the application and to communicate its permission or refusal to grant permission within the period specified in Subsection (4) of Section 25-N;(iii)the State Government or as the case may be, the authority specified by the State Government under Sub-section (1) of Section 25-N, after making such enquiry as it thinks fit in accordance with the provisions of Sub-section (3) of Section 25-N, shall issue an order either granting or refusing to grant permission for retrenchment for the reasons to be recorded in the said order to the employer and the workmen concerned by registered post with acknowledgement due in Form S-2 with copy to Secretary to Government, Labour and Employment Department, Bhubaneswar, Deputy/Assistant Labour Commissioner of the concerned zone, Local Conciliation Officer and Director of Employment, Orissa, Bhubaneswar.]

## **82A. [ Notice of and application for permission for closure. [Inserted vide Notification No. 7326/14.4.1976.]**

(1)In an Industrial establishment to which Chapter V-B of the Act does not apply if an employer intends to close down an undertaking, he shall give notice of such closure in Form 'U' to the State Government, the Labour Commissioner, Local Conciliation Officer, the local Employment Exchange and Director of Employment, Orissa by registered post.] [Substituted vide Notification No. 11688/6.6.1986.](2)[ In an industrial establishment to which Chapter V-B of the Act applies, and in respect of which the Central Government is not the appropriate Government-(i)[ an application for prior permission of intended closure of an undertaking under Sub-section (1) of Section 25-O shall be made in triplicate in Form V-1 by the employer to the State Government either personally or by registered post with acknowledgement due with copy to the Labour Commissioner, Orissa, Local Conciliation Officer, Deputy/Assistant Labour Commissioner of the concerned zone and representatives of the workmen. The date on which the application for prior permission to close down the undertaking is received by the State Government or 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 is made for the purpose of Sub-section (1) and Sub-section (3) of Section 25-O];A copy of such application shall also be served by a notice in this regard displayed

conspicuously by the employer on a notice board at the main entrance of the establishment for the information of all the concerned workmen at the same time when application is served on the State Government;(ii)the employer concerned shall furnish to the State Government to whom the application for permission to close down has been made, such further information as the State Government consider necessary for arriving at a decision on the application and calls for from such employer.](3)[ The State Government after making such enquiry as it thinks fit after giving a reasonable opportunity of being hear to the employer, the workmen and the persons interested in such closure, shall, issue an order either granting or refusing to grant permission for closure for reasons to be recorded in the said order in Form V-B. Copy of such order shall be communicated to the employer and the workmen concerned by registered post with acknowledgement due with copy to the representatives of the workmen, Labour Commissioner, Orissa, Bhubaneswar, Deputy Labour Commissioner/Assistant Labour Commissioner of the concerned zone and the Local Conciliation Officer.] [Inserted vide Notification No. 11688/6.6.1986.]

### **83. Maintenance of seniority list of workmen.**

- The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated, arranged according to the seniority of their service in a 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 actual date of retrenchment.

### **84. Re-employment of retrenched workmen.**

(1)At least ten days before the date on which vacancies are not to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies either personally or by post under certificate of posting to every one of all the retrenched workmen eligible to be considered therefor, to the address given by him at the time of retrenchment or at any time thereafter:Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in Rule 83 the number of such senior-most workmen being double the number of such vacancies :Provided further that if a retrenched workman without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion :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.(2)Immediately after complying with the provisions of Sub-rule (1), the employer shall also inform the trade unions whether registered or not connected with the industrial establishment of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule :Provided that the provision of this-rule need not be complied with by the employer in any case where intimation is sent to every one of the workmen mentioned in the list prepared under Rule 83.



## **85. Representation of a party by a legal practitioner.**

- In any proceedings before a Court, Labour Court or Tribunal a party to a dispute may be represented by a legal practitioner with the consent of other party or parties to the proceedings and with the permission of the Court, Labour Court or the Tribunal subject to such conditions or restrictions as the Court, Labour Court or the Tribunal may impose.

## **86. Penalties.**

- Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

## **87. Repeal.**

- The Orissa Industrial Disputes Rules, 1948, are hereby repealed :Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

## **Schedule**

Form 'A'[See Rule 3]Form of application under Sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, for the reference of an industrial dispute to a Board of Conciliation/Court of Enquiry/a Labour Court/an Industrial TribunalWhereas an industrial dispute is apprehended/exists between.....and it is expedient that the matters specified in the enclosed statement which are connected with or relevant to the dispute/the dispute should be referred for investigation and settlement/enquiry/adjudication by a Board of Conciliation/a Court of Enquiry/a Labour Court/an Industrial Tribunal an application is hereby made under Sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 that the said matters/said dispute should be referred to a Board of Conciliation/a Court of Enquiry/a Labour Court/an Industrial Tribunal;This application is made by the undersigned who have/has been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the.....20.....A statement giving the particulars required under Rule 3 of the Orissa Industrial Disputes Rules, 1959 is attached.Dated the.....Signature of the applicant (a)ToThe Secretary to the Government of OrissaLabour, Employment and Housing DepartmentNew Capital, BhubaneswarStatement required under Rule 3 of the Orissa Industrial Disputes Rules, 1959 to accompany the form of application prescribed under Subsection (2) of Section 10 of the Industrial Disputes Act, 1947 :(a)Parties to the dispute including the name and address of the establishment or undertaking involved.(b)Specific matters in dispute.(c)Total number of workmen employed in the undertaking affected.(d)Estimated number of workmen affected or likely to be themselves to adjust the affected by the dispute.(e)Effort made by the parties dispute.

Form 'B'[See Rule 6]Whereas an industrial dispute has arisen/is apprehended between.....and and it is expedient to refer the said dispute under Section 10 of the Industrial Disputes Act, 1947 to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the..... the name(s) and addresse(s) of one (two)

person(s) whom you wish to recommend for appointment as your representatives on the said Board. If you fail to make the recommendation by the date specified above, the State Government will select and appoint such person(s) as it thinks fit to represent you. Secretary to the Government of Orissa Labour, Employment and Housing Department Form 'C' [See Rule 7] Agreement (Under Section 10-A of the Industrial Disputes Act, 1947) Between Names of parties - Representing employers : Representing workmen : It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of..... [Here specify the name(s) and addresse(s) of the arbitrator(s)] (i) Specific matters in dispute (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved. (iii) Name of the union, if any, representing the workmen in question. (iv) Total number of workmen employed in the undertaking affected. (v) Estimated number of workmen affected or likely to be affected by dispute. Signature of parties Witnesses : Representing Employers (1) (2) Representing Workmen Copy to - (i) The Conciliation Officer (here enter office address of the Conciliation Officer in local area concerned). (ii) The Labour Commissioner, Orissa. (iii) The Secretary to Government of Orissa, Labour, Employment and Housing Department, New Capital, Bhubaneswar. Form 'D' [See Rule 13] Whereas an industrial dispute exists/apprehends between...../employer.....and his/their workmen and it is expedient to hold conciliation proceedings under Section 12 of the Industrial Disputes Act, 1947, for the purpose of investigating the same and for promoting a settlement thereof; you are required to meet the undersigned in person or through an authorised person prescribed under Rule..... of the Orissa Industrial Disputes Rules, 1959 on the.....day of.....at.....O'clock.

## 2. The items of the dispute are appended hereto.

Dated..... Conciliation Officer To Form 'E' [See Rule 18] Whereas an industrial dispute between.....and.....has been referred to this..... Board of Conciliation for investigation and settlement/Court of Enquiry for investigation ; Labour Court/Tribunal for adjudication.....under Section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board/Court/Labour Court/Tribunal in person on the.....day of.....at.....O'clock in the.....noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Board/Court/Labour Court/Tribunal. Dated.....Chairman/Secretary, Board of Conciliation/Court of Enquiry Presiding Officer or Secretary Labour Court/Tribunal Form 'F' [See Rule 36] Notice of change to be given by an employer Name of employer.....address.....Dated the.....day of.....20.... To The Secretary/Principal Officer of the.....Union/Association/The workman/workmen affected. Dear Sir/Madam, In accordance with Section 9-A of the Industrial Disputes Act, 1947, I/ we beg to inform you that it is my/our intention to effect the change/changes specified in the annexure to this letter, with effect from..... Yours faithfully, Signature.....Name.....Designation.....Annexure [Here specify the change/changes intended to be effected] Form 'G' [See Rule 38] Before (here mention the authority concerned) Reference No.....of.....Workmen Versus Employer In the matter of I/we hereby authorise Shri/Sarvashri..... to represent me/us in the above matter. Dated this.....day of.....20.... Signature of person(s) Nominating the

representative(s)AddressAcceptedSignature of representative(s)Form 'H'[See Rule 44]Name of establishment.....Name and number of constituency.....Number of seats allotted.....

Serial No.	Name of voter	Ticket No. or Token No.	Age whether 18 years or more	Service whether six months or more
1	2	3	4	5

Form 'T'[See Rule 44]Dated.....20.....ToThe Returning Officer(1)Name of the mill(2)Name of the constituency(3)No. of the constituency(4)Name of the objector(5)Father's name(6)No. in the voters' list(7)Name of the claimant(8)Grounds of objection or claimI do hereby declare that the above statements are true to my knowledge.(Signature of applicant)Form 'J'[See Rule 46]Form of nomination paperName of Industrial Establishment Group/Section/Shop/DepartmentI nominate..... (Here enter the name of the workman's representative eligible for election) as candidate for election to the Works Committee. He is eligible as a voter in the constituency for which he is nominated.

Dated..... Signature of proposer

I agree to the proposed nomination

Dated..... Signature of candidate

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

(1).....(2).....Form 'J-1'[See Rule 58-B]Progress report on constitution and functioning of Works Committee for the half-year ending the 30th June/ \*the 31st December, 20...

## 1. Name and address of the establishment

## 2. Name of the employer

## 3. (a) Number of workmen employed

(b)Names of unions, if any(c)Affiliation of the union(s) to the Central Organisations of workers

## 4. (a) If the Works Committee has been functioning

(b)Number of workmen's representatives (selected members)(c)Number of employer's representatives (nominated members)(d)Number of meetings held during the half-year (with dates)

## 5. If the Works Committee has not been functioning the difficulties encountered in its constitution/functioning

## 6. General remarks, if any

Signature of employeror his representativeDate.....Place.....\*. Strike out the portion not applicable.Form 'K'[See Rule 64]Form for memorandum of settlementNames of

parties-Representing employer(s)Representing workmenShort Recital of the caseTerms of SettlementWitnesses :

(1)..... Signature of the parties.....

(2).....

\* Signature of Conciliation Officer/Board of Conciliation.Copy to\*\* (1) Conciliation Officer.(Here enter the office address of the Conciliation Officer in the local area concerned).(2)Labour Commissioner (Orissa).(3)The Secretary to Government of Orissa, Labour, Employment and Housing Department, Bhubaneswar.\*. In cases of settlements affected by Conciliation Officer/Board of Conciliation.\*\*. In cases where settlements are arrived at between the employer and his workmen otherwise than in the course of conciliation.

Form 'L'[See Rule 65]RegisterPart-I {||-| Serial No.| Industry| Parties to the settlement| Day of settlement| Remarks\*|-|||||}\* Whether the settlement was effected at the intervention of the conciliation machinery or by mutual negotiations between the parties, may be indicated here.

Part-II(Should contain one copy each of the settlements in the serial order indicated in Part I).Form 'M'[See Rule 66]Before the Labour Court/Tribunal.....Complaint under Section 33-A of the Industrial Disputes Act, 1947.

A.....Complainant (s)Address :VersusB.....Opposite-Party(ies)Address(es) :In the matter of Reference No.....The petitioners begs/beg to complain that the opposite party(ies) has/have been guilty of a contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947 (XIV 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.The number of copies of the complaint and its annexures required under Rule 66 of the Orissa Industrial Disputes Rules, 1959, are submitted herewith.

Signature of the complainantsDated day of.....20....VerificationI do solemnly declare that what is stated in paragraphs.....above is true to my knowledge and that what is stated in paragraphs above is stated upon information received and believed by me to be true. This verification is signed by me at on.....day of.....20....Signature orThumb impression of the person verifyingForm 'N'[See Rule 67 (1)]Application for permission under Sub-section (1)/Sub-section (3) of Section 33 of the Industrial Disputes Act, 1947 (XIV of 1947), in the matter of Reference No.....Before (here mention the Conciliation Officer, Board, Labour Court or Tribunal).

A.....ApplicantAddress :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 32],Signature of the applicantDated 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 'O'[See Rule 67 (2)]Application under Sub-section (2) of Section 33 of the Industrial Disputes Act, 1947 (XIV of 1947), in the matter of Reference No.....Before (here mention the Conciliation Officer, Board, Labour Court or Tribunal).

A.....ApplicantAddress :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 33 has/have been paid wages for one month. The applicant prays that the Conciliation Officer/Board/Labour Court/ Tribunal may be pleased to approve of the action taken, namely :[Here mention the action taken under Clause (a) or Clause (b) of Sub-section (2) of Section 23]. Signature of the applicant Dated this day of 20..... Verification I do solemnly declare that what is stated in paragraphs.....above is true to my knowledge and that what is stated in paragraphs.....above is stated upon information received and believed by me to be true. The verification is signed by me at on day of 20..... Signature or Thumb impression of the person verifying Date (on which the verification was signed)..... Place (at which the verification was signed)..... \* Delete, if not applicable. Form 'P'[See Rule 78] Form of notices of strike to be given by workman in a public utility service Name of Union /Name of five elected representatives of workmen Address : Dated the.....day of.....20.... To (The name of the employer) Dear Sir/Sirs, In accordance with the provisions contained in Sub-section (1) of Section 22 of the Industrial Disputes Act, 1947 I/we hereby give you notice that-I propose to call a strike/We propose to go no strike on 20 for the reasons explained in the annexe. Yours faithfully Secretary of the Union/Five representatives of the workmen duly elected at a meeting held on.....date, vide resolution attached. Annexe Statement of the case..... Copy to : (1) Conciliation Officer. (Here enter office address of the Conciliation Officer in the local area concerned). (2) Labour Commissioner, Orissa, Bhubaneswar. (3) Secretary to the Government of Orissa, Labour, Employment and Housing Department, New Capital, Bhubaneswar. Form 'Q'[See Rule 79] Form of notice of lock-out to be given by an employer carrying on a public utility service Name of employer..... Address : Dated the.....day of.....20.... In accordance with the provisions of Sub-section (2) of Section 22 of the Industrial Disputes Act, 1947, I/we hereby give notice to all concerned that it is my/our intention to effect a lock-out in.....department(s)/section(s) of my/our establishment with effect from.....for the reasons explained in the annexe. Signature Designation Annexe Statement of reasons..... Copy forwarded to-(1) The Secretary of Registered Union, if any. (2) Conciliation Officer (here enter office address of the Conciliation Officer in the local area concerned). (3) Labour Commissioner, Orissa, Bhubaneswar. (4) Secretary to the Government of Orissa, Labour, Employment and Housing Department, New Capital, Bhubaneswar. Form 'R'[See Rule 80] Form of report of strike or lock-out in a public utility service Information to be supplied in this form immediately on the occurrence of a strike or lock-out in a public utility service to the Conciliation Officer for the local area concerned and to the Labour Commissioner, Orissa.

Name of undertaking	Station and district	Normal working strength	Number of workers involved	Strike or lock-out	
Directly	Indirectly				
1	2	3	4	5	6
Date of commencement of strike or lock-out	Cause	Was notice of strike or lock-out given? If so, on what date and for what period	Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employer and workmen? If any exist, particulars thereof	Any other information	
7	8	9	10	11	

Note. - Column (3) : Give the average number of workmen employed during the month previous to the day on which the strike or lock-out occurred. While reckoning the average, omit the days on which the attendance was not normal for reasons other than individual reasons of particular workmen. Thus days on which strike or lock-out occurs or communal holiday is enjoyed by a large section of workers, should be omitted. Column (4): If say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers has to be closed then 200 should be shown under "directly" and the remaining under "indirectly". If the strike of 200 workers does not affect the working of the departments of the factory, the number of workers involved would only be 200, which figures should appear under "directly" and column "indirectly" would be blank. Column (8) : Give the main causes for the dispute as the immediate cause that led to the strike or lock-out. Form 'S'[See Rule 82]Form of notice of retrenchment to be given by an employer under Clause (c) of Section 25-F of the Industrial Disputes Act, 1947Name of employer.....Address.....Dated the day of 20.....ToThe Secretary to the Government of Orissa, Labour, Employment and Housing Department, New Capital, Bhubaneswar Sir, Under Clause (c) of Section 25-F, of the Industrial Disputes Act, 1947 (14 of 1947), I/We hereby inform you that I/We have decided to retrench\* .....workmen, with effect from.....for the reasons explained in the annexe.

**2. The workmen concerned were given on the\* 20 one month's notice in writing as required under Clause (a) of Section 25-F, of that Act/Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed. The workmen were given on the 20 one month's pay in lieu of notice, as required under Clause (a) of Section 25-F, of that Act.**

**3. The total number of workmen employed in the industrial establishment is @ and the total number of those who will be affected by the retrenchment is given below :**

\*. Here insert the number of workmen.\*\*. Here insert the date.\*\*\*. Delete the portion which is not applicable.@. Here insert the total number of workmen employed in the industrial establishment.

Category of designation of workmen to be retrenched	Number of workmen
Employed	To be retrenched
(1)	(2) (3)

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

Yours faithfullyAnnexeStatement of reasonsCopy to-

**1. Conciliation Officer.**

[Here enter office address of the Conciliation Officer in local area concerned],

**2. Labour Commissioner, Orissa.**

**3. Director of Employment, Orissa.**

**4. The Employment Exchange of the area.**

[Form S-1] [Substituted vide Notification No. 11688/6.6.1986.][See Rule 82 (2) (i)](To be made in triplicate)Form of notice/application for permission for retrenchment of workmen to be given by an employer under Clause (b) of Sub-section (1) of Section 25-N of Industrial Disputes Act, 1947 (14 of 1947)Date.....To(The authority specified under Clause (b) of Sub-section (1) of Section 25-N of the Act).Sir,Under Clause (b) of Sub-section (1) of Section 25-N of the Industrial Disputes Act, 1947. I/We hereby apply that I/we propose to retrench.....workmen (being workmen to whom Sub-section (1) of Section 25-N applies) with effect from for the reasons set out in the Annexure.

**2. The workmen concerned have been served with the copy of the application as required under Clause (b) of Sub-section (1) of Section 25-N of the Act.**

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

Category of designation of workmen to beretrenched	Number of workmen	
Employed	To be retrenched	
(1)	(2)	(3)

**4. Permission is solicited for the proposed retrenchment under Clause (b) of Sub-section (1) of Section 25-N of the Industrial Disputes Act, 1947.**

I/We hereby declare that the workmen permitted to be retrenched will be paid compensation due to them under Sub-section (9) of Section 25-N of the Act.Yours faithfully,(Signature)(Strike out whatever is inapplicable)Copy forwarded to-

**1. Secretary, Labour and Employment Department, Bhubaneswar.**

**2. Deputy Labour Commissioner/Assistant Labour Commissioner of the concerned zone.**

**3. Local Conciliation Officer concerned.**

**4. Director of Employment, Orissa, Bhubaneswar.**

Annexure(Please give replies against each item)Item No.

**1. Name of the undertaking with complete postal address including telegraphic addresses and telephone No.....**

**2. Names and addresses of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops where they were/are working and wages drawn by them.....**

**3. Product/products of the undertaking.....**

**4. Details relating to installed capacity, licensed capacity and the utilised capacity.....**

**5. (i) Annual production, item-wise for preceding three years.....**

**(ii) Production figures month-wise for the preceding twelve months.....**

**6. Work in progress-item-wise and value-wise.....**

**7. Any arrangement regarding off-loading or sub-contracting of product or any components thereof.....**

**8. Position of the order book item-wise and value-wise for a period of six months and one year, next following and for the period after the expiry of the said one year.....**

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



**10. Balance sheet, profit and loss account and audit reports for the last three years.....**

**11. Financial position of the company.....**

**12. Names of the inter-connected companies or companies under the same management.....**

**13. (i) The total number of workmen and the number of employees other than workmen as defined in the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking-.....**

**(ii) Percentage of wages of workmen to the total cost of production.....**

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

**15. Details of retrenchment resorted to in the last three years including dates of retrenchment, the number of workmen involved in each case and the reasons therefor.....**

**16. Has any of the retrenched workmen been given re-employment and if so, when ? Give details.....**

**17. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the position of the workmen affected indicating their length of service including broken periods of service.....**

**18. Anticipated savings due to the proposed retrenchment.....**

**19. Any proposal for effecting savings on account of reduction in-**

**(i) managerial remuneration, (ii) Sales promotion cost, and (iii) general administration expenses.**

**20. Position of stock on the last day of the month in the preceding twelve months.....**

**21. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both Item-wise and, value-wise.....**

**22. Reasons for the proposed retrenchment.....**

**23. Any specific attempt made so far to avoid the proposed retrenchment.**

**24. Any other relevant factors with details thereof.....**

Form S-2[See Rule 82 (2) (iii)]Order granting permission or refusing permission for retrenchment in an industrial establishment to which provisions of Chapter V-B of the Industrial Disputes Act, 1947 (14 of 1947) applyOrder

Dated the..... day of..... 20.....

Whereas M/s.....(here insert the name and address of the employer) filed an application seeking permission of the undersigned for effecting retrenchment of..... (here insert number of workmen) in his industrial establishment with effect from..... or the reasons set out in \*his/their notice dated the received by the undersigned on..... (here insert the date of receipt of the application);And whereas, the undersigned made such inquiry as was considered necessary ;Now, therefore, in pursuance of Sub-section (3) of Section 25-N of the Industrial Disputes Act, 1947 (14 of 1947), the undersigned hereby grant/ refuse permission for the retrenchment of the workmen, applied for the following reason (s), namely :(here specify the reasons)Signature of the authority,and his designationTo..... (here specify the names and addresses of the employer/workmen concerned).Copy forwarded to-(1)The Conciliation Officer-cum.....(here insert the designation and address of the local Conciliation Officer).(2)Labour Commissioner, Orissa, Bhubaneswar.(3)Deputy Labour Commissioner/Assistant Labour Commissioner of the concerned zone.(4)Secretary to the Government of Orissa, Labour and Employment Department, Bhubaneswar.(5)Director of Employment, Orissa.)Form T-1[See Rule 69 (1)]Application under Sub-section (1) of Section 33-C of the Industrial Disputes Act, 1947To(1)The Secretary to Government of Orissa, Labour, Employment and Housing Department, Bhubaneswar.(2)Labour Commissioner, Orissa.Sir,I have to state that I am entitled to received from Messrs.....a sum of Rs.....on account of.....under the provisions of Chapter V-A of the Industrial Disputes Act, 1947/in terms of the award, dated the.....given by/in terms of settlement, dated the arrived at between the said Messrs.....and their workmen through duly elected representatives.I further state that I served the management with a demand notice by registered post on..... for the said amount which the management has neither paid nor offered to pay to me even though a fortnight has since elapsed. The details of the amount have been mentioned in statement hereto annexed.I request that the said sum may kindly be recovered from the management under Sub-section (1) of Section 33-C of the Industrial Disputes Act, 1947, and paid to me as early as possible.

Station..... Signature of the applicant

Date..... Address.....

Annexure(Here indicate the details of the amount claimed)Form T-2[See Rule 69 (2)]Application under Sub-section (2) of Section 33-C of the Industrial Disputes Act, 1947Before the Labour Court

at.....Between (1) Name of the  
applicant.....(2).....Name of the  
employer.....The petitioner.....a workman of Messrs.....of is entitled to  
receive from Messrs.....the benefits mentioned in the statement hereto annexed.It is prayed  
that the Court be pleased to determine the amount to the petitioner.

Station..... Signature or the thumb impression of the applicant

Dated..... Address.....

Form T-3[See Rule 69 (3)]Application under Sub-section (2) of Section 33-C of the Industrial  
Disputes Act, 1947To(1)The Secretary to Government of Orissa, Labour, Employment and Housing  
Department, Bhubaneswar.(2)Labour Commissioner, Orissa.Sir,I have to state that I am entitled to  
receive from 'Messrs.....P.O.....District.....(with whom I was employed) a sum of  
Rs.....under the award, dated the.....given by ".....the settlement, dated the.....under  
Chapter V-A of the Industrial Disputes Act, 1947, according to the determination of the Labour  
Court"\*.....A certified copy of the said Labour Court's finding is enclosed. I request that the  
said sum of money may kindly be recovered from Messrs®..... under Sub-section (1) of  
Section 33-C of the said Act and paid to me.

Station..... Signature of the applicant

Dated..... Address.....

\* Insert the name and address of concern.\*\* Insert the name of the Tribunal/Arbitrator.\*\*\*. Insert  
the name of the place where the headquarters to the Courts are situated.@. Insert the name of the  
employer.Form U-1[See Rule 81-A (1)]Form of application for permission to lay off/continue the lay  
off of workmen in industrial establishments to which provisions of Chapter V-B of the Industrial  
Disputes Act, 1947 (14 of 1947), applyTo(The authority specified under Sub-section (1) of Section  
25-M)Sir,Under Sub-section (1)/Sub-section (3) of Section 25-M of the Industrial Disputes Act, 1947  
(14 of 1947) read with Sub-rule (1) of Rule 81 -A of the Orissa Industrial Disputes Rules, 1959\* I/we  
hereby apply for permission to lay-off/permission to continue the lay-off.....workmen of a total of  
workmen employed in \*my/our establishment with effect from.....for the reasons set out in  
the Annexure.Permission is solicited, for the lay-off/to continue the lay-off of the said  
workmen.Such of the workmen permitted to be laid off will be paid such compensation, if any, to  
which they are entitled under Sub-section (10) of Section 25-M, read with Section 25-C of the  
Industrial Disputes Act, 1947 (14 of 1947).[Annexure] [Inserted vide Orissa Industrial Disputes  
(Second Amendment) Rules, 1976-see Notification No. 12819/13.7.1976.](Please give replies against  
each item)Item No.

**1. Name of the undertaking with complete postal address, including  
telegraphic addresses and telephone No.**

**2. [ (a) Names and addresses of the affected workmen proposed to be laid  
off/names and addresses of the workmen laid off under Sub-section (3) of  
Section 25-M of the Industrial Disputes Act, 1947 and the date from which  
each of them have been laid off.] [Substituted vide Notification No.  
11688/6.6.1986.]**

(b)The nature of the duties of the workman referred to in Sub-item(a)the units/sections/shops where they are working and the wages drawn by them.[3 Product/products of the undertaking.  
[<SPAN class=amd2><A TITLE =]

**4. Details relating to installed capacity, licensed capacity and utilised capacity.**

**5. (i) Annual production, item-wise for preceding three years,**

(ii)Production figures, month-wise, for the preceding twelve months.

**6. Work in progress, item-wise and value-wise.**

**7. Any arrangements regarding off-loading or sub-contracting of products or any components thereof.**

**8. Position of the order book, item-wise and value-wise for a period of six months and one year, next following and for the period attar the expiry of the said one year.**

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

**10. Balance-sheets, profit and loss accounts and audit reports for the last three years.**

**11. Financial position of the company.**

**12. Names of the inter-connected companies or companies under the same management.**

**13. (i) The total number of workmen and the number of employees other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.**

(ii)Percentage of wages of workmen to the total cost of production.

**14. Administrative, general and selling cost in absolute terms per year in the last three years and percentage thereof to the total cost.**

**15. Details of lay-offs resorted to in the last three years (other than the lay-off for which permission is sought), including the period of such lay-offs, the number of workmen involved in each lay-off and the reasons therefor.**

**16. Anticipated savings due to the proposed lay-off/lay-off for the continuance of which permission is sought.**

**17. Any proposal for effecting savings on account of reduction in-**

(i) managerial remuneration, (ii) sales promotion cost, and (iii) general administration, expenses.

**18. Position of stocks on last day of the month in the preceding twelve months.**

**19. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months, both item-wise and value-wise.**

**20. Reasons for the \*proposed lay-off/lay-off for the continuance of which permission is sought.**

**21. Any specific attempts made so far to avoid the \*proposed lay-off/ lay-off for the continuance of which permission is sought.**

**22. Any other relevant factors with details thereof.**

Dated the.....Yours faithfully,(Signature)]Form U-2[See Rule 81 -A (4)]Order granting permission or refusing permission to lay-off/ continue the lay-off in an industrial establishment to whom provisions of Chapter V-B of the Industrial Disputes Act, 1947 (14 of 1947) applyOrderDated.....the.....day of.....20....Whereas.....(here insert the name and address of the employer) applied for permission of the undersigned to lay off/continue the lay off (here insert the number of workmen) with effect from for the reasons set out in \*his/their application dated the..... received by the undersigned on (here insert the date of receipt of the application);And whereas the undersigned made such enquiry as was considered necessary;Now, therefore, in pursuance of Sub-section (4) of Section 25-M of the Industrial Disputes Act, 1947 (14 of 1947), the undersigned hereby \* grant/ refuse permission to lay-off/continue to lay off of the said, workmen for the following reason(s) namely :(here specify the reasons)Signature of the authority and his designationTo(Here specify the name and address of the employer)\*. Strike out whatever is inapplicable.Copy forwarded to-

**1. The Conciliation Officer-cum.....**

(here insert the designation and address of the Local Conciliation Officer)

**2. Labour Commissioner, Orissa, Bhubaneswar.**

**3. Secretary to the Government of Orissa, Labour and Employment Department, Bhubaneswar.**

**4. Deputy Labour Commissioner, Assistant Labour Commissioner of the concerned zone.**

Form U-3[See Rule 81 -A (5)]ToThe Conciliation Officer-cum.....(here specify the designation and headquarters of the Conciliation Officer of the local area)Sir,As required by Sub-rule (5) of Rule 18-A of the Orissa Industrial Disputes Rules, 1959 I/we hereby give notice that in pursuance of the permission granted by the authority under Sub-section (3) of Section 25-M of the Industrial Disputes Act, 1947 (14 of 1947), vide its order dated.....the lay off of (here insert the number of workman in establishment) shall commence from.....(here insert the date) for the reasons explained in the Annexure.Such of the workmen concerned as are entitled to compensation under Section 25-C of the Industrial Disputes Act. 1947 (14 of 1947) will be paid compensation due to them.Date.....Yours faithfully,(Signature and designation of the employer)Copy forwarded to-

**1. The Assistant Labour Commissioner or the respective zone.**

**2. Labour Commissioner, Orissa, Bhubaneswar.**

**3. Secretary to the Government of Orissa, Labour, Employment and Housing Department, Bhubaneswar.**

AnnexureStatement of reasonForm U-4[See Rule 81-A (5)]ToThe Conciliation Officer-cum.....(here specify the designation and headquarters of the local Conciliation Officer)Sir,As required by Sub-rule (5) of Rule 81-A of the Orissa Industrial Disputes Rules, 1959, and in continuation of my/our notice dated the.....in Form V-3, I/we hereby give notice that the lay off of (here insert the number of workmen laid off) workmen in my/our establishment commenced from has been terminated with effect from.....(here insert the date).Such of the workmen concerned as were entitled to compensation under Section 25-C of the Industrial Disputes Act, 1947 have been paid compensation due to them.Yours faithfully,(Signature and designation of the employer)Dated the.....Copy forwarded to-(1)The Assistant Labour Commissioner of the concerned zone.(2)Labour Commissioner, Orissa, Bhubaneswar.(3)Secretary to the Government of Orissa, Labour, Employment and Housing Department, Bhubaneswar.[Form V-1] [Substituted vide Notification No.4102/24.3.1983.][See Rule 82-A (2) (I)](To be submitted in triplicate)Form of application for permission of intended closure to be given by an employer under Sub-section (1) of

Section 25-o of the Industrial Disputes Act, 1947 (14 of 1947) To Date..... The Secretary to Government of Orissa, Labour and Employment Department, Bhubaneswar. Sir, Under Section 25-O of the Industrial Disputes Act, 1947 (14 of 1947), I/we hereby inform you what I/we propose to close down the undertaking specified below of..... (name of the industrial establishment/ (Give details of the undertaking) with effect from..... for the reasons explained in the Annexure.

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

**3. Permission is solicited for the proposed closure.**

**4. I/We hereby declare that in the event of permission for the, closure being granted, every workman in the undertaking to whom Sub-section (8) of the said Section 25-O applies will be paid compensation as specified in the said sub-section.**

Yours faithfully, Signature's of the employer Copy forwarded to-(1) Labour Commissioner, Orissa, Bhubaneswar. (2) Local Conciliation Officer. (3) Assistant Labour Commissioner of the concerned zone. (4) Representatives of the workmen in the industry. Annexure (Please give replies against each item) Item No.

**1. Name of the industrial establishment with complete postal address, including telegraphic addresses and telephone No.**

**2. Representatives of the workmen of the industry.**

**3. The total number and categories of workmen affected by the proposed closure, alongwith the address of the workmen and the details of wages drawn by them.**

**4. Product/Products of the undertaking.**

**5. Details relating to licensed capacity, installed capacity and the utilised capacity.**

**6. (i) Annual production item-wise for preceding three years.**

(ii) Production figures, month-wise for the preceding twelve months.

- 7. Work in progress item-wise and value-wise.**
- 8. Any arrangement regarding off-loading or sub-contracting of products or any component thereof.**
- 9. Details of persons of the organisations to whom the job(s) is/ are being entrusted-relationship/interest of the officer(s) of the company.**
- 10. Position of the order book item-wise and value-wise for a period of six months and one year next following and for the period after the expiry of the said one year.**
- 11. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.**
- 12. Balance-sheet and profit and loss account and audit reports for the last three years.**
- 13. Financial position of the company.**
- 14. (i) Names of any inter-connected company or companies under the same management.**  
  
(ii)Details about inter-corporated investments and changes during the last one year.(iii)Interest of any Directors/Officers of the undertaking producing same of similar type of product.
- 15. Percentage of wages of workmen to the total cost of production.**
- 16. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.**
- 17. Inventory position item-wise and value-wise for the preceding twelve months (inventories to be shown in respect of finished products, components and raw materials to be shown separately item-wise and value-wise).**
- 18. Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months.**



**19. Full details of the interests of the Directors and officers of the company in organisation/persons involved in selling products of the undertaking.**

**20. Buying arrangements for raw materials and components.**

**21. Interest of the Directors and officers with the organisations/persons involved in buying raw materials and components for the undertaking.**

**22. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months-both item-wise and value-wise.**

**23. Reasons for the proposed closure.**

**24. Any specific attempts made so far to avoid the closure.**

**25. Any other relevant factors with details thereof.)**

Form V-2[\* \* \*] [Deleted vide Notification No. 4102/24-3-1983.][Form V-3 [Added vide Notification No. 11688/6-6-1986][See Rule 82-A (3) (i)]Order granting permission or refusing permission for closure under Sub-section (2) of Section 25-O of the Industrial Disputes Act, 1947 (14 of 1947)Order

Dated the..... day of..... 20.....

Whereas M/s..... (here insert the name and address of the employer) applied for permission of intended closure of the undersigned for effecting the closure of with effect from.....for the reasons set out in his/their application dated the received by the undersigned on..... (herein insert date of receipt of the application);And whereas, the undersigned made such enquiry as was considered necessary and gave reasonable opportunity of being heard to the employer, the workman and other persons interested in such closure;Now, therefore, in pursuance of Sub-section (2) of Section 25-O of the Industrial Disputes Act, 1947 (14 of 1947), the undersigned hereby \* grant/ refuse permission for the closure of the undertaking applied for, for the following reason(s), namely : (here specify the reasons)\*. (Strike out whatever is inapplicable)Signature of theCompetent Authority of theState Government and his designationTo(here specify the names and addresses of the employer)Copy forwarded to-(1)The Conciliation Officer-cum.....(here insert the designation and address of the Local Conciliation Officer).(2)Deputy Labour Commissioner, Orissa, Bhubaneswar.(3)Deputy Labour Commissioner/Assistant Labour Commissioner of the concerned zone.(4)Director of Employment, Orissa.][Substituted vide Industrial Disputes (Amendment) Rules, 1983.]