

The U.P. Factories Welfare Officers Rules, 1955

UTTAR PRADESH

India

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Rule THE-U-P-FACTORIES-WELFARE-OFFICERS-RULES-1955 of 1955

- Published on 1 January 1996
- Commenced on 1 January 1996
- [This is the version of this document from 1 January 1996.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Factories Welfare Officers Rules, 1955Published vide U.P. Gazette vide Notification No. 1916 (LL) 36-B-400(LL)-50, dated April 20, 1955In exercise of the powers conferred by Sections 49, 50 and 112 of the Factories Act, 1948 (63 of 1948), and in supersession of the Factories Welfare Officers' Rules, 1949, the Governor is pleased to make the following rules, the same having been previously published, under Section 115 of the said Act, with Government Notification No. 3439(LL)/XXXVI-B-400(LL)-50, dated March 26, 1954.

1. Short title.

- These rules may be called the [Uttar Pradesh] [Substituted by Notification No. 2228 (SM) XXXVI-A-1228 (SM), 57, dated February 13, 1964, published in the U.P. Gazette, Part 1-A, dated February 22, 1964.] Factories Welfare Officers' Rules, 1955.

2. Commencement.

- These Rules shall come into force from the date of publication in the Official Gazette.

2A. [Definitions. [Added by Notification No. 2228 (SM) XXXVI-A-1228 (SM), 57, dated February 13, 1964, published in the U.P. Gazette, Part 1-A, dated February 22, 1964.]

- In these Rules unless there is anything repugnant in the subject or context-(a)"Citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the Constitution;(b)"State Government" means the Government of Uttar Pradesh;(c)"Labour Commissioner" means the Labour Commissioner of Uttar Pradesh; and(d)"Welfare Officer" means a Factory Welfare Officer appointed under these Rules.]

3. [Grades and emoluments of Welfare Officers. [Substituted by Notification No. 1833/XXXVI-3-2000-11 (ADHI.)-99, dated 30th June 2000, published in U.P. Gazette, Part 4, Section (kha), dated 30th June 2000, (w.e.f. 30.6.2000).]

- The grade and scales of pay of a Welfare Officer, shall be such as may be determined by general or special order, by the State Government from time to time. The grades and scales of pay of the Welfare Officer with effect from 1st January, 1996 on the basis of the Fifth Pay Commission Report are shown as below:

Sl. No.	Class	Scale of Pay
1	2	3
	From January 1st, 1996	
1	Welfare Officer, Grade-I (for factories ordinarily employing 2500 or more workers per day.)	10,000-325-15,200
2	Welfare Officer, Grade-II (for factories ordinarily employing 1000 or more workers per day but not exceeding 2499 workers per day.)	8000-275-13,500
3	Welfare Officer, Grade-III (For Factories ordinarily employing 500 or more workers per day but not exceeding 999 workers per day.)	6500-200-10,500]

3A. [Fixation of initial pay in the revised scale of pay. [Inserted by Notification No. 1165 (V)/XXXVI-3-200 (25)-WO-77-CA-63-1948-Rule 1955 AM (6)-78, dated 21.9.1979, published in U.P. Gazette, Part 4, Section (kha) Extraordinary, dated 21.9.1979, pp. 4-6.]

- For purposes of fixation of initial pay of a Welfare Officer in the scale of pay prescribed for his respective grade, he shall be allowed one advance increment over the minimum thereof for every three years of continuous services subject to a maximum of five such increments: Provided that fraction of service not less than twenty months but below three years shall also entitle a Welfare Officer for an advance increment: Provided further that if in the case of any Welfare Officer the fixation of pay in the revised scale of pay applicable to his grade, or the principle laid down above is not beneficial to him, his pay shall be fixed in that scale of pay at the stage next above the pay drawn by him immediately before revision of the scale of pay.]

4.

The occupier of a factory, in which 2500 or more workers are employed, shall, in addition to the Welfare Officer provided in Rule 3, appoint an additional Welfare Officer of Grade III.

5. [[Substituted by Notification No. 226/XXXVI-3-200(16). (W.O.) - 82, dated 27th February, 1990, published in U.P. Gazette, (Extraordinary), Part 4, Section (kha), dated 27th February, 1990.]

When in any factory any post of Welfare Officer falls vacant, the vacancy shall be intimated to the Chief Inspector of Factories and the Inspector of Factories of the areas within 7 days from the date the vacancy occurs. In order to get a suitable candidate for appointment, the occupier shall advertise the vacancy at least in two leading daily newspapers. The appointment, when made, shall be intimated by the occupier to the Labour Commissioner, the Chief Inspector of Factories and Inspector of Factories of the Area, giving full particulars about the officer appointed including his qualifications and grade.]

6.

Notwithstanding anything contained in Rule 3, the grade of a Welfare Officer may be revised and his pay re-fixed in the appropriate grade by the State Government wherever there is such increase or decrease in the number of workers of the factory as to justify a revision of the grade.

7. Subordination.

[* * *] [Deleted by Notification No. 226/XXXVI-3-200(16). (W.O.) - 82, dated 27th February, 1990, published in U.P. Gazette, (Extraordinary), Part 4, Section (kha), dated 27th February, 1990.]

8. [Status. [Substituted by Notification No. 226/XXXVI-3-200(16). (W.O.) - 82, dated 27th February, 1990, published in U.P. Gazette, (Extraordinary), Part 4, Section (kha), dated 27th February, 1990.]

- The Welfare Officers shall have the status of the senior executive of the factory and shall be governed by the same rules in regard to dearness allowance, bonus, provident fund, leave, housing, medical and other facilities as are applicable to the senior executive in the factory. Explanation. - In this rule the expression "senior executive" shall mean the other departmental heads serving under the Chief Executive Head of the Factory, other than the officers of the Government serving on deputation.]

8A. [Gratuity. [Inserted by Notification No. 2228 (SM)/XXXVI-A-1228 (SM), 57, dated February 13, 1964, published in the U.P. Gazette, Part 1-A, dated February 22, 1964, and substituted by Notification No. 1165 (V)/XXXVI-3-200 (25)-WO-77-CA-63-1948-Rule 1955 AM (6)-78, dated 21.9.1979, published in U.P. Gazette, Part 4, Section (kha) Extraordinary, dated 21.9.1979, pp. 4-6.]

(1) Gratuity shall be payable to a Welfare Officer on the termination of his employment after he has rendered continuous service for not less than five years, - (a) on his superannuation, or (b) on his

retirement or resignation, or(c)on his death or disablement due to accident or disease:Provided that the completion of continuous service of five years shall not be necessary where the termination of the employment of any Welfare Officer is due to death or disablement:Provided further that in the case of death of the Welfare Officer gratuity payable to him shall be paid to his nominee or, if no nomination has been made, to his heirs.Explanation. - For the purposes of this rule, disablement means such disablement as incapacitates a Welfare Officer for the work which he was capable of performing before the accident or disease resulting in such disablement.(2)For every completed year of service or part thereof in excess of six months the employer shall pay gratuity to a Welfare Officer at the rate of fifteen days' pay based on the rate of pay last drawn by concerned officer.(3)The amount or gratuity payable to Welfare Officer shall not exceed twenty months' pay.(4)Nothing in this rule shall affect the right of a Welfare Officer to receive better terms of gratuity under any award or agreement or contract with the employer.(5)Notwithstanding anything contained in sub-rule (1)-(a)the gratuity of a Welfare Officer, whose services have been terminated for any act, wilful omission or negligence causing any damage or loss to, or destruction of, property belonging to employer, shall be forfeited to the extent of the damage or loss so caused;(b)the gratuity payable to a Welfare Officer shall be wholly forfeited-(i)if the services of such Welfare Officer have been terminated for his riotous or disorderly conduct or any other act of violence on his part, or(ii)if the services of such Welfare Officer have been terminated for any act which constitutes an offence involving moral turpitude, provided that such offence is committed by him in the course of his employment.]

9. [Age and qualifications. [Substituted by Notification No. 226/XXXVI-3-200(16), (W.O.) - 82, dated 27th February, 1990, published in U.P. Gazette, (Extraordinary), Part 4, Section (kha), dated 27th February, 1990.]

- No person may be appointed as a Welfare Officer, unless-(a)he is a citizen of India or a subject of Sikkim;(b)(i)he is not less than 21 years of age on the date of appointment in the case of Grade-I and II:(ii)he is not less than 21 years of age and not more than 30 years of age on the date of appointment in the case of Grade-III:Provided that the upper age limit shall be higher by five years in the case of members of Scheduled Castes/Scheduled Tribes, injured persons of the Armed Forces and dependants and members of the families of fighters of freedom:(c)he has a thorough knowledge of Hindi in Devanagari Script;(d)he possesses a degree of a University established by law;(e)he possesses-(i)a degree from any University established by law in Social Sciences or Labour Welfare or Industrial Relations and Personnel Management;(ii)a diploma in Social Sciences or Labour Welfare or Industrial Relations and Personnel Management from any University or Institutions specified in the Schedule or Two years experience of working in Labour Welfare of any factory:Provided that for appointment to Grade-I a candidate should have experience of ten years working in Grade-II, and for appointment to Grade-II a candidate should have experience of five years working in Grade-III.]

10. [Probation. [Substituted by Notification No. 2228 (SM)/XXXVI-A-1228 (SM), 57, dated February 13, 1964, published in the U.P. Gazette, Part 1-A, dated February 22, 1964.]

(1) All appointments shall be made on permanent basis, but candidates will initially be placed on one year's probation, which may, in special cases and for reasons to be recorded in writing, be extended for a period not exceeding one year. (2) A Welfare Officer will earn his first increment on completion of his period of probation on the condition that his work has been found to be satisfactory. If the period of probation is extended on account of failure to give satisfaction, such extension shall not count for increment unless directed otherwise. (3) If it appears at any time during or at the end of the period of probation or the extended period of probation that a Welfare Officer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, the occupier may dispense with his services after giving one month's notice or one month's pay in lieu thereof or in case he previously held a post under the factory, revert him to that post: Provided, firstly, that the services of a Welfare Officer shall not be dispensed with, nor shall he be reverted as aforesaid, without the written concurrence of the Labour Commissioner, who shall also record his reasons therefor: Provided, secondly, that the period of probation shall not be extended without the written concurrence of the Labour Commissioner, who shall also record his reasons therefor. The order sanctioning extension of probation shall specify the exact date up to which extension is granted.]

11.

[* * *] [Deleted by Notification No. 2228 (SM)/XXXVI-A-1228 (SM), 57, dated February 13, 1964, published in the U.P. Gazette, Part 1-A, dated February 22, 1964.]

12. Confirmation.

- A probationer shall be confirmed in his appointment at the end of his period of probation, or at the end of the extended period of probation-(a) if the occupier is satisfied that he is fit for confirmation; or (b) if the Labour Commissioner refuses to concur in the proposal of the employer to dispense with the services of the Welfare Officer, or revert him to his original post, as the case may be, under Rule [10] [Substituted by Notification No. 2228 (SM)/XXXVI-A-1228 (SM), 57, dated February 13, 1964 and re-substituted by Notification 1446 (V)/XXXVI-5-2080 (TD)-70 dated April 24, 1975, published in the U.P. Gazette Extraordinary, dated June 24, 1975, pp. 5-7.].

13. [Exemption. [Substituted by Notification No. 1446 (V)/XXXVI-5-2080 (TD)-70, dated 24.6.1975, (was omitted by Notification No. 226/XXXVI-3-200 (16) (WO)-82, dated 27.2.1990, but restored by Notification No. 961/XXXVI-3-200 (16) (WO)-82, dated 12.4.1990.]

- The State Government may, if it is satisfied that it is expedient so to do, exempt any person from all or any of the qualifications or age restriction prescribed in Rule 9 if such person-(i) is a graduate from a University established by law, and (ii) has had three years in the case of Grade I, two years in the case of Grade II, and one year in the case of Grade III, practical experience of work concerning or relating to the welfare of labour: Provided that no application for exemption under this rule shall be entertained after the person concerned has already been appointed.]

14.

[* * *] [Deleted by Notification No. 226/XXXVI-3-200(16)-(W.O.)-82, dated 27th February, 1990, published in U.P. Gazette, (Extraordinary), Part 4, Section (kha), dated 27th February, 1990.]

15. Punishments.

(1) The management may impose any one or more of the following punishments on a Welfare Officer-(i) Censure, (ii) Withholding of increments, including stoppage at any efficiency bar, (iii) Reduction to lower stage in the timescale, (iv) Suspension, and (v) Dismissal, or termination of service in any other manner: Provided that no punishment shall be inflicted unless the Welfare Officer has first been informed of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself: Provided further that the management shall not impose any punishment other than censure except with the previous concurrence of the Labour Commissioner. (2) The Labour Commissioner shall give the Welfare Officer an opportunity to explain the circumstances appearing against him and, if necessary, of being heard in person, when a reference is made under sub-rule (1).

16.

(1) A Welfare Officer, who is subjected to punishment under clause (v) of sub-rule (1) of Rule 15, may appeal to the State Government against the order of punishment made by the management with the concurrence of the Labour Commissioner, within 30 days from the receipt of the order by him. The decision of the State Government shall be final and binding. (2) The State Government may pass such interim orders as may be necessary, pending the decision of an appeal filed under sub-rule (1).

17. [Duties. [Substituted by Notification No. 2223 (V)/XXXVI-5-2080-(TD)-70, dated June 13, 1973, published in U.P. Gazette, Part I, Section (ka), dated June 30, 1973.]

- The duties of a Welfare Officer shall be (a) to promote harmonious relations and to do liaison work between the workers and the management; (b) to get the grievances and complaints of workers with regard to their service conditions redressed as expeditiously as possible; (c) to bring the breaches of labour laws and orders and statutory obligations to the notice of the management or occupier of the factory and to advise and assist the factory management in the fulfilment of obligations, statutory or otherwise, concerning the application of the provisions of the Factories Act, 1948, Payment of Wages Act, 1936, Employment of Children Act, 1938 and other labour laws applicable to factories and the rules made thereunder and to establish liaison with the Chief Inspector of Factories, Labour Commissioner and the Medical Service, concerning medical examination of workers, health records, supervision of hazardous jobs, sick-visiting and convalescence, accidents prevention, safety supervision, systematic plant inspection, safety education, investigation of accidents, maternity benefits, workman compensation; (d) to act as Secretary of the Industrial Panchayat as and when constituted; (e) to organise and supervise labour welfare work; (f) to advise the management in

matters requiring special knowledge of labour conditions and labour welfare and to take suitable steps to improve the living condition of workers;(g)to exercise restraining influence over the workers in apprehended illegal strikes and over the management in declaring illegal lockouts;(h)to help in preventing sabotage and other illegal activities of workers and the management, as the case may be;(i)to detect and check bribery and corruption and to bring such cases to the notice of the management of the factory;(j)to make representations to the authorities concerned in regard to the condition of houses, roads, bridges etc. used by labour in the factory premises and outside;(k)to look after the enforcement of the provisions of all the labour laws and schemes as may be in force including the following:(1)The Employees' State Insurance Act, 1948;(2)The Employees' Provident Fund Act, 1952; and the Schemes framed thereunder;(3)The U.P. Industrial Housing Act, 1956;(4)The National Small Saving Scheme;(5)The Workers Education Scheme framed by the Central Board of Workers' Education;(6)The Industrial Disputes Act, 1947 (14 of 1947);(7)The U.P. Industrial Disputes Act, 1947 (U.P. Act 28 of 1947);(8)The Factories Act, 1948;(9)The Payment of Wages Act, 1936;(10)The Employment of Children Act, 1938;(11)The Maternity Benefit Act, 1938;(12)The Trade Unions' Act, 1926;(13)The Industrial Employment (Standing Orders) Act, 1946;(14)Dookan and Vanijya Adhishthan, Adhiniyam, 1962;(15)The National Integration Scheme;(16)Family Planning amongst workers;(17)Consumers Cooperative Societies and Cooperative Credit Societies for workmen;(18)Removal of untouchability amongst workers.]

18.

No Welfare Officer shall be allowed to perform any other duties except those mentioned in Rule 17, or to hold any other office or post without the previous written sanction of the Labour Commissioner or the State Government.

19.

If a Welfare Officer proceeds on leave for period exceeding one month, the occupier shall appoint another Welfare Officer for the period of the leave:Provided that if the vacancy is for less than three months, the occupier may with the previous approval in writing of the Labour Commissioner, appoint a person not qualified under Rule 9, to work as Welfare Officer for that period.

20.

The factories under the control of the Central Government, situated in the State of Uttar Pradesh, which are governed by the Labour Officers Central (Pool), Recruitment and Conditions of Service Rules, 1951 are exempted under Section 50(a) of the Factories Act, 1948, from compliance with the provisions of Section 49 of the Act and these Rules.

21. [Retirement. [Substituted by Notification No.

226/XXXVI-3-200(16)-(W.O.)-82, dated 27th February, 1990, published in U.P. Gazette, (Extraordinary), Part 4, Section (kha), dated 27th February, 1990.]

- The age of superannuation of a Welfare Officer shall be the same as in applicable to other Senior Executive of the factory.]

22. [Application of the Uttar Pradesh Industrial Peace (Timely Payment of Wages) Act, 1978. [Inserted by Notification No. 1165 (V)XXXVI (3)-200 (25)-WO-77-CA-63-1248-Rule 1955-Am (6)-78 dated September 21,1979, published in U.P. Gazette, Extraordinary, dated September 21, 1979, pp. 4-6.]

- The provisions of the Uttar Pradesh Industrial Peace (Timely Payment of Wages) Act, 1978, shall also apply in the case of Welfare Officers.]

23. [[Inserted by Notification No. 865/XXXVI-3-200(16)-(W.O.)-82, dated 6th April, 1995, published in U.P. Gazette, Extraordinary, Part 4, Section (kha), dated 6th April, 1995.]

Every Welfare Officer shall submit to the Chief inspector of Factories, Uttar Pradesh through his employer a monthly return by the 15th day of every month, in respect of welfare work performed by him during the previous month.][Schedule [Inserted by Notification No. 226/XXXVI-3-200(16)-(W.O.)-82, dated 27th February, 1990, published in U.P. Gazette, (Extraordinary), Part 4, Section (kha), dated 27th February, 1990.][See Rule 9(e)]List of diplomas in Social Sciences, Labour Welfare, Industrial Relations and Personnel Management approved by the State Government-(i)a Post Graduate diploma in Industrial Relations and Personnel Management of Sri Kashi Vidhyapith, Varanasi.(ii)a diploma in Social Service Administration of the Tata Institute of Social Service, Bombay.(iii)a diploma of the long-term course of the Institute of Labour Welfare Workers, Bombay.(iv)a diploma of the Institute of Labour Welfare and Workers, Bombay of two years.(v)a diploma in Industrial Relations and Welfare of Labour Relations Institute, Jamshedpur.(vi)a diploma in social service administration of School of Social Works, Madras.(vii)a diploma in Personnel Management of Lal Bahadur Shastri Institute of Management and Development, Lucknow.(viii)a post graduate diploma in Personnel Management of Institute of Engineering and Rural Technology, Allahabad.(ix)a diploma in any other institution of repute in India, approved by the State Government.]