

ANDHRA PRADESH INDUSTRIAL DISPUTES

RULES, 1958

[G.O.Ms.No.2883, Home (Labour-tV), dt. 16-12-1 958]

In exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) the Governor of Andhra Pradesh hereby makes the following Rules, the same having been previously published as required by sub-section (1) of the said section, namely :-

Preliminary

211. Short **title and extent** :- (1) These rules may be called the Andhra Pradesh Industrial Disputes Rules, 1958.

(2) They shall extend to and be in force in the whole of the State of Andhra Pradesh.]

2. Definitions: - in these rules, unless there is anything repugnant in the subject or context :-

(a) "Act" means the Industrial Disputes Act, 1947 (Central Act 14 of 1947);

(b) "Chairman" means the Chairman of a Board or Court or, if the Court consists of one person only, such person

(c) "Committee" means a Works Committee constituted under sub-section (1) of Section 3 of the Act;

(d) "Form" means a form in the Schedule to these rules;

(e) "Section" means a section of the Act

(f) "Government" means Government of Andhra Pradesh

(g) 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 of the Government, the officer in charge of the industrial establishment shall be the 'employer' in respect of that establishment.

PART I

Procedure for Reference of Industrial Dispute to Boards of conciliation,

Courts of enquiry, Labour Courts or Industrial Tribunals

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 '[to the

1. R.S. to Part A.P. Gazette, dated 29-1-1959 page 45.
2. Subs. by G.O.Ms.No. 2383, dated 2-12-1961. Vide R.S. to Part I, A.P. *Gazette*, dated 21-12-1960 page 632.
3. Subs. by G.O.Ms.No. 881, dt. 22-4-1960. Vide R.S. to Part I, *A.P. (Jazerte)*, dated 25-5-1960 page 190.

Secretary to the Government in charge of Labour (in triplicate), the Commissioner of Labour and the Conciliation Officer of the area concerned]. 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 or other principal officer of the Corporation;
- [(b) (i) in the case of workmen, by the President and the Secretary of a Registered Trade Union of workmen or if both or either of them is not available by 5 representatives duly authorised by the Executive of the Union
- (ii) where there is no registered trade union, by 5 representatives of the workmen duly authonsed in the General Body meeting by the majority of the workmen, held for this purpose;
- (c) in case of an individual workman by the workman himself or by any officer of the trade union of which he is a member or by another workman in the same establishment duly authonsed by him in this behalf.

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 the Board, Court, Labour Court or Tribunal shall be notified in the Official Gazette.

6. Notice to parties to nominate representatives: - (1) If the 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 him personally or if the employer is an incorporated company or body corporate, to the agent, manager or other principal officer of such company or body.

(3) The notice to the workmen shall be sent :-

- (a) in the case of workmen who are members of a trade union, to the President or Secretary of the trade union ; and
- (b) in the case of workmen who are not members of a trade union to any one of the five representatives of the workmen who have attested the application made under Rule 3 ; and this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice board in a conspicuous manner at the main entrance to the premises of the establishment.

1. G.O.Ms.No. 1245, dated 31-8-1971 (Vide R.S. to Part II, A.P. Gazette, dated 23-9-1971 page 309).

PART 11

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 shall be delivered personally or forwarded by registered post (to the Secretary to Government in charge of Labour (in triplicate), the Commissioner of Labour and the Conciliation Officer concerned. The agreement shall be accompanied by the consent, in writing, of the arbitrator or arbitrators.

17-A. Notification regarding arbitration agreement by majority of **each party**:-Where an industrial dispute has been referred to arbitration and the Government are satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Andhra Pradesh 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 employer himself, or when the employer is an incorporated Company or other body corporate by the agent, manager, or other principal officer of the Corporation;
- (b) in the case of workmen
 - (i) by the president and the Secretary of a Registered Trade Union of workmen, or if both or either of them is not available by 5 representatives duly authorised by the Executive of the Union
 - (ii) where there is no registered Trade Union, by 5~ representatives of the workmen duly authorised in the General Body Meeting by the majority of the workmen held for this purpose.
- (c) in the case of an individual workman by the workman himself or by any officer of a Trade Union of which he is a member or by another workman in the same establishment duly authorised by him in this behalf;

Provided that such workman is not a member of a different trade union.

PART 111

Powers, procedures and duties of Conciliation Officers, Boards Courts Labour Courts, Tribunal Arbitrators

9. Conciliation proceedings in public utility service :- (1) The Conciliation Officer, on receipt of a notice of a strike or lock-out given under Rule 73 or Rule 74 shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavor to bring about a settlement of the dispute in question.

(2) Where the Conciliation Officer receives no notice of a strike or lock-out under Rule 73 or Rule 74 but he considers it necessary to intervene in the dispute he may give formal intimation in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

1. G.O.Ms.No. 881, dt. 22-4-1960 R.S. to Part I, A.P. Gazette, dt. 26-5-1963, Page 190.
2. G.O.Ms.No. 178, dt. 7-2-1966 R.S. to Part I, A.P. Gazette, dt. 10-3-1966 Page 120.

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 with effect from such date as may be specified therein.

11. Parties to submit statement:- (1) The party representing workmen involved in an industrial dispute in a public utility service shall forward a statement of its demands along with a copy of the notice prescribed under Rule 73 to the Conciliation Officer concerned. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

(2) The party representing workman involved in a dispute in a non-public utility service or in a dispute in a public utility service, where no notice of strike is given under sub-rule (1) of Rule 73 or the case of an individual workman, who is himself involved in an industrial dispute shall forward a statement of its or his demands to the 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 individual workman or by the party representing the workmen under sub-rule (1) or sub-rule (2) shall be transmitted to the State Government by the Conciliation Officer concerned with his report under sub-section (4) of Section 12.

(4) Where an employer, or an individual workman 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 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.

“(6) The workmen discharged, dismissed, retrenched or otherwise terminated from service and who desires to represent his dispute to the Labour Court directly for adjudication, shall submit an application in Form K-4 duly signed by him to the said Court with as many spare copies thereof as there are opposite parties”.I

12. Proceedings before the Labour Court or Tribunal :- (1) Where the State Government refers any industrial dispute for adjudication to a Labour Court or Industrial Tribunal, within two weeks of the date of receipt of order of reference, the party representing workmen and the employer involved in the dispute shall file with Labour Court or Industrial Tribunal, as the case may be, a statement of the demands relating to the issues only as are included in the order of reference and shall also forward a copy of such statement to each one of the opposite parties involved in the said dispute.

Provided that where the Labour Court or Industrial Tribunal, as the case may be, considers it necessary, it may :-

(a) extend the time limit for filing of such statement ; or

i. Added by G.O.Ms. No. 9 (Lab-I), dt. 3-1-1989.

- (b) reduce the time limit for filing of such statement to one week in emergent cases for reasons to be recorded in writing; or
- (c) where both the parties agree, reduce the time limit for filing of such statement as per such agreement; or
- (d) where both the parties agree, dispense with the requirement of filing of such statement altogether
- [(c) allow at any stage of the proceedings amendments to such statement to the extent as may be necessary for the purpose of determining the real issue included in the order of reference].

(2) Within two weeks of the receipt of the statement referred to in sub-rule (1), the opposite party shall file its rejoinder with the Labour Court or Tribunal, as the case may be, and simultaneously forward a copy thereof to the other party

Provided that such rejoinder shall relate only to such of the issues as are included in the order of reference;

Provided further that where the Labour Court or Industrial Tribunal, as the case may be, considers it necessary, may

- (a) extend the time limits for filing of such rejoinder; or
- (b) reduce the time limit for filing of such rejoinder to one week in emergent cases for reasons to be recorded in writing ; or
- (c) where both the parties agree, reduce the time limit for filing of such rejoinder as per such agreement ; or
- (d) where both the parties agree, dispense with the requirement of filing of such rejoinder altogether.
- ²(e) allow at any stage of the proceedings, amendments to such rejoinder to the extent as may be necessary for the purpose of determining the real issues included in the order of reference.]

(3) The Labour Court or Tribunal as the case may be, shall ordinarily fix the date for the first hearing of the dispute within six weeks of the date on which it was referred for adjudication:

Provided that the Labour Court, or Tribunal, as the case may be, may for reasons to be recorded in writing, fix a later date for the first hearing of the dispute.

(4) The hearing shall ordinarily be continued from day to day arguments shall follow immediately after the closing of evidence.

(5) The Labour Court or Tribunal as the case may be, shall not ordinarily grant an adjournment for a period exceeding a week at a time, not more than three adjournments in all at the instance of any one of the parties to the dispute.

Provided that the Labour Court or Tribunal as the case may, for reasons to be recorded in writing grant an adjournment exceeding a week or more than three adjournments at the instance of any one of the parties to the dispute:

(6) The Labour Court or Tribunal as the case may be, shall, as the examination of each witness proceeds, make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the presiding officer:

Added by G.O.Ms. No. 151 (Lab-I). dt 12-5-1983. R.S. to Part-I. fix 14 A.P.

Gazette. dt. 30-8-1983.

2. Rule 12 (A) inserted by G.O.Ms.No. 9 (Lab-I). dt. 3-1-1989.

Provided that the Labour Court or Tribunal, as the case may be, may follow the procedure laid down in Rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908, (Central Act 5 of 1908) if it considers necessary so to do. in view of the nature of the particular industrial dispute pending before it.

:- (1) Where the workman discharged, dismissed, retrenched or otherwise terminated from service makes an application in the prescribed manner, direct to the Labour Court for adjudication of the dispute, within one week of the date of receipt of such an application, the Labour Court shall cause service of a copy of the said application on the employer. The employer shall file within seven days from the date of receipt of the said application, his counter in the Labour Court under copy of the workman. The workman if he desires to file any rejoinder he may file it within seven days from the date of receipt of the counter, in the Labour Court provided that where the Labour Court considers is necessary

(a) It may extend or reduce the period of limitation for filing the counter/rejoinder for a maximum of thirty-days.

(b) Allow at any stage of the proceedings, amendments to such application/counter to the extent as may be necessary for the purpose of determining the real issue include in the application.

(2) The Labour Court shall ordinarily fix the date for the first hearing of the dispute within five weeks from the date on which the application is received by it:

Provided that the Labour Court for reasons to be recorded in writing, fix a later date than five weeks for the first hearing of the dispute which may extend to ninety days from the date of receipt of the application.

(3) The hearing shall ordinarily be continued from day to day, the arguments shall follow immediately after the close of evidence and proceedings of the reference of the dispute in any case shall be closed and decision shall be given within 180 days from the date of the application.

(4) The Labour Court shall as the examination of each witness proceeds, make a memorandum of substance of what he disposes, and such memorandum shall be written and signed by the Presiding Officer:

Provided that the Labour Court may follow the procedure laid down in Rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908) if it considers necessary so to do in view of the nature of the particular industrial dispute pending before it .

13. Conciliation offer to hold meeting:- The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately.

14. Conduct of Proceedings :- The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.

15. Place and time of hearing:- Subject to the provisions contained in Rules 11 and 12 the sittings of Board, Court, Labour Court or Tribunal or of an Arbitrator shall be held at such times and places as the Chairman or the Presiding Officer or the Arbitrator, as the case may be, may fix and the Chairman, Presiding Officer, or Arbitrator, as the case may be, shall inform the parties of the same in such manner as he thinks fit.

16. Quorum for Boards and Courts :- The quorum necessary to constitute a sitting of a Board or Court shall be as follows :-

Quorum

| | |
|--|---|
| (i) in the case of a Board | |
| 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 | |
| where the number of members is | |
| more than 2 but less than 5 | 2 |
| where the number of members is 5 or more | 3 |

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

18. 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.

19. Summons:- A summons issued by a Board, Court, Labour Court or Tribunal shall be in Form-D and may require any person to produce before it any books, papers or other documents and things in the possession of 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.

20. Service of summons or notice: - Subject to the provisions contained in rule 22, any notice, summons, process or order issued by a Board, Court, Labour Court, Tribunal, National Tribunal or an Arbitrator empowered to issue such notice, summons, process or order may be served either personally or by registered post and in the event of refusal by the party concerned to accept the said notice, summons, process or order the same shall be sent again under certificate of posting].

21. Description of parties in certain cases:- Where in any proceeding before Board, Court, Labour Court, Tribunal or an arbitrator, there are numerous persons arrayed on any said, such persons shall be described as follows :-

(1) 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

(2) 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 Arbitrator, as the case be, may determine.

22. Manner of service in the case of numerous persons as parties to a dispute:

(1) Where there are numerous persons as parties to any proceedings before 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, on 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 proceedings 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 served in the manner specified in sub-rule (2) shall also be considered as sufficient in the case of such workman as cannot be ascertained and found.

23. 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.

24. (Power of the Board, Court, Labour Court, Tribunal or Arbitrator to proceed ex-parte etc) :- If without sufficient cause being shown any party to the proceeding before a Board, Court, Labour Court, Tribunal or Arbitrator fails to file the statement of demands/rejoinder and, or to attend or to be represented the Board, Court, Labour Court, Tribunal or Arbitrator may proceed as if the party has nothing to file the statement of demands/rejoinder and as if the party had duly attended or had been represented.

Provided that in case where one of the parties fails to file statement of demands rejoinder and, or to attend or to be represented, the Board, Court, Labour Court, Tribunal or Arbitrator may proceed *ex-parte*.

Provided further in case both the parties fails to file statement of demands rejoinder and, or to attend or to be represented the Board, Court, Labour Court, Tribunal or Arbitrator may close the proceedings as having not been pressed by the parties.]\

25. Power of entry and inspection:- A Board, or Court, or any Member thereof, or a Conciliation Officer, a Labour Court, or Tribunal or any person authorised in writing by the Board, Court, Labour Court, or Tribunal in this behalf may, for the purposes 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 the hours of sunrise and sunset and in the case of 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.

²[Provided that, where the cause of dispute relates to work in a night shift inspection may also be made after sunset after giving notice to the parties concerned].

26. Power of Boards, Courts, Labour Courts and Tribunals:- In addition to the powers conferred by the Act, Boards, Courts, Labour Courts or Tribunals shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 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;

I. Substituted by G.O.Ms.No. 150 (Lab-I). dated 12-5-1982 (Vide R.S. to Part I. A.P. Gazette, dated 11-8-1983).

2. Vide G.O.Ms.No. 121, dated 24-1-1964.

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 a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Central Act V of 1898).

26-A. Principles for determining cost :- In determining the costs of, and incidental to, any proceeding before a Labour Court or Tribunal, the Court or Tribunal, as the case may be, shall have regard to :-

- (a) the travelling and other expenses incurred by a party, its representatives and witnesses for the purpose of attending the Court or Tribunal
- (b) the loss of wages suffered by a party, its representatives or witnesses during the period of absence for the purpose of attending the Court or Tribunal.

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

28. Fees for copies of awards or other documents of Labour Court or Tribunal:

(I) Fees for marking a copy of an award or an order of a Labour Court or Tribunal or any document filed in any proceedings before a Labour Court or Tribunal be charged as follows:

- (a) for the first 200 words or less. 75 Ps.
- (b) for every additional 100 words or fraction thereof 35 Ps.

Provided that where an award or order or 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 order or document, a fee of Rs. 1 shall be payable.
- (3) Copying and certifying fee shall be payable in cash in advance.

(4) Where a party applies for immediate delivery of a copy of any such award or order or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.

29. 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.

(30. Correction of Errors: - The Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may at any time correct any clerical mistake or error arising from an accidental slip or Commission in any proceedings, report, award or decision either of its or his own motion or on the application of any of the parties].

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

32. Proceedings before a Board, Court, Labour Court, or Tribunal:- The proceedings 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.

(32-A. Every award of Labour Court, Industrial Tribunal shall be published together with the order of the Government on the notice board of the Labour Court, Industrial Tribunal on the date specified by the Government in their orders.

(32-B. Every award received from the arbitrator shall be published together with the order of the Government on the notice board of the office of the Deputy Commissioner of Labour on the date specified by the Government in their order in whose jurisdiction the award is enforceable.]

PART 1V

Remuneration of Chairman and Members of Courts, Presiding Officers of Labour Courts, and Tribunals, Assessors and Witnesses

33. Travelling allowance:- The Chairman or Member of Board Court or Presiding Officer of a Labour Court, or Tribunal or an Assessor if a non-official shall be entitled to draw travelling allowance and daily allowance for any journey performed by him in connection with performance of his duties, at the rates admissible to a non-official member of First Class Government committee under the Andhra Pradesh Travelling Allowance Rules.

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

35. 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 in the State of Andhra Pradesh.

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 [to the Act] shall give notice of such intention in Form-F. The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in Manager's Office Provided that where any registered trade union exists, a copy of the notice shall also be served on the Secretary of the Union.

37. Manner of Service of notice of change :- (1) Where there are numerous workmen affected by a notice of change and the majority of such workmen are members of any trade union, the service of notice, by registered post, on the secretary, or where there is no secretary, on the principal officer of the trade union shall be deemed to be service on all such workmen. The employer shall, at the same time, arrange to exhibit the notice by affixing it to a notice board in the manner specified in sub-rule (2):

I. Rules 32-A and 32-B added by G.O.Ms.No. 11 6(Lab-I), dated 9-5-84 R.S. to Part I (Ext.) A.P.Gazette,dated I 1-5-1984.

Provided that if the Secretary or the Principal Officer refuses to receive the notice or that for any other reason the notice cannot be served on the Secretary or the Principal Officer in the ordinary way the exhibition of the notice in the manner specified in sub-rule (2) shall be deemed to be service on all such workmen.

(2) Where there are numerous workmen affected by a notice of change 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 entrance of the establishment concerned and the notice shall remain so affixed for a period of twenty-one days. The notice shall be in English, the regional language and the language understood by the majority of the workmen in the establishment concerned.

(3) A copy of the notice shall simultaneously be forwarded by the employer to the conciliation officer, the Commissioner of Labour and the union concerned.

PART VI

Representation of Parties

38. Form of authority under Section 36 :- The authority in ,favour of a person or persons to represent a workman or group of workmen or an employer in any proceeding under the Act shall be in Form-F.

39. Parties bound by acts of representative:- A party appearing by representative shall be bound by the acts of that representative.

PART VII

Works Committee

40. Constitution:- Any employer to whom an order made under sub-section (1) of Section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this part.

41. Number of members:- The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in, and to sections, shops or departments of the establishment

Provided that the total number of members shall not exceed twenty:

Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

42. Representative of employer:- Subject to the provisions of these rules, the representative of the employer shall be nominated by the employer and shall as far as possible, be officials in direct touch with or associated with the working of the establishment.

43. Consultation with trade unions:- (1) Where any workmen of an establishment are members of a registered trade union the employer shall ask the union to inform him in writing

(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) When an employer has reason to believe that the information furnished to him under sub-rule (1) by any trade union is false, he may, after informing the union, refer the matter to the Conciliation Officer concerned for his decision; and the said officer, after hearing the parties, shall decide the matter and his decision shall be final.

44. Groups of workmen's representatives: - On receipt of the information called for under Rule 43, the employer shall provide for the election of workmen's representatives on the Committee in two groups

(1) those to be elected by the workmen of the establishment who are members of the registered trade union or unions, and

(2) those to be elected by the workmen of the establishment who are not members of the registered trade union, or unions bearing the same proportion to each other as the union members in the establishment bear to the non-members:

Provided that where more than half the workmen are members of the union or any one of the unions, no such division shall be made:

Provided further that where a registered trade union neglects or fails to furnish the information called for under sub-rule (1) of Rule 43 within one month of the date of notice requiring it to furnish such information such union shall for the purpose of this rule be treated as if it did not exist:

Provided further that where any reference has been made by the employer under sub-rule (2) of Rule 43, the election shall be held on receipt of the Conciliation Officer.

45. Electoral Constituencies: - Where under Rule 44 the workmen's representatives are elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of registered trade union and the other of those who are not:

Provided that the employer may, if he thinks fit, sub-divide the '[electoral constituency or constituencies, as the case may be] and direct that workmen shall vote in either by groups, sections, shops or departments.

46. Qualifications of candidates for election:- Any workman of not less than 19 years of age and with a 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.

47. Qualifications for votes : All workmen ²[x x x] ylio are not less than 18 years of age and who have put in not less than 6 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 6 months in two or more establishments belonging to the same employer shall be deemed to have satisfied the service qualification prescribed under this rule.

1. G.O.Ms.No. 252, dated 9-2-1967.

2. Certain words omitted by G.O.Ms.No. 1466, dated 6-8-1963.

48. Procedure for election:- (1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives on the Committee.

(2) For holding election, the employer shall also fix a date which shall not be earlier than three days and later than fifteen days after the closing date for receiving nominations.

(3) The dates so fixed shall be notified at least seven days in advance to workmen and the registered trade union or unions concerned. Such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the group, sections, shops or departments and the number to be elected by members of the registered trade union or unions and by the non-members.

(4) A copy of such notice shall be sent to the registered trade union or unions concerned.

49. Nomination of candidates for election :- (1) Every nomination shall be made on a nomination paper, in Form 'C' copies of which shall be supplied by the employer to the workmen requiring them.

(2) Each nomination shall be signed by the candidate to whom it relates and attested by at least two other voters belonging to the group, section, shop or department the candidates seeking election will represent, and shall be delivered to the employer.

50. Scrutiny of nomination papers :- (1) On the day following the last day fixed for filling nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if .

(a) The candidate nominated is ineligible for membership under Rule 46 ; or

(b) the requirements of Rule 49 have not been complied with

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.

50-A. Withdrawal of candidates validly nominated: - Any candidate whose nomination for election has been accepted may withdraw his candidature within 48 hours of the completion of scrutiny of nomination papers.

51. Voting in election:- (1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.

(2) If in any 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.

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer, and if any of the candidates belonging to a union such of them as the union may nominate shall be associated with the election.

(5) Every workman entitled to vote at an electoral constituency shall have as many votes as there are seats to be filled in the constituency:

Provided that each voter shall be entitled to cast only one vote in favour of any one candidate.

52. Arrangement for election:- The employer shall be responsible for all arrangements in connection with election.

53. Officers of the Committee:- (1) The Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint Secretary. The Secretary shall be elected every year.

(2) 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.

(2-A) The Vice-Chairman shall be elected by the members on the committee representing the workers, from amongst themselves

Provided in the event of equality of votes in the election of the Vice-Chairman, the matter shall be decided by draw of a lot.

(3) The Committee shall elect the Secretary and Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers; the Joint Secretary shall be elected from amongst the representatives of the workmen and *vice versa*.

Provided further that the post of the Secretary or the Joint Secretary as the case may be, shall not be held by a representative of the employer or the workmen for two consecutive years.

54. Term of office :-(1) The term of office of the representatives on the committee other than a member chosen to fill a casual vacancy, shall be two years.

(2) A member chosen to fill a vacancy shall hold office for the unexpired term of his predecessor.

(3) A member, who without obtaining leave from the Committee fails to attend three consecutive meetings of the Committee shall forfeit his membership.

(55. Vacancies:- In the event of workmen's representative ceasing to be a member under sub-rule (3) of Rule 54 or ceasing to be employed in the establishment or in the event of his ceasing to represent the trade or vocation he was representing on resignation or death his successor shall be elected in accordance with the provisions of this part from the same category, group, class, section, shop or department to which the member vacating the seat belonged.]

56. Power to co-opt:- The committee shall have the right to co-opt. in a consultative capacity persons employed in the establishment having particular or special knowledge of a matter under discussion. Such co-opter member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

57. Meetings :-(1) The Committee may meet as often as necessary but not less often than once a month

1. Substituted by G.O.Ms.No. 151 (Lab-I). dated 12-5-1983.

Provided that in case of seasonal establishment which works only for a part of the year the committee shall meet only during the season when the establishment works.

(2) The committee shall at its first meeting regulate its own procedure and make bye-laws subject to the approval of the committee of labour.

58. Facilities for meeting, etc.:- (1) The employer shall provide accommodation for holding meeting 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. The Committee shall ordinarily meet during working hours of the establishment concerned on any working day and the representative of the workman shall be deemed to be on duty while attending the meeting.

(2) 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.

58-A. Submission of returns:- The employer shall submit half-yearly returns as in Form G-I in triplicate to the Conciliation Officer concerned, not later than the 20th of the month following the half year.

59. Dissolution of Committee :- The Government, or where the power under Section 2 has been delegated to any officer or authority under Sec.39, such officer or authority may, after making such inquiry as it or he may deem fit, dissolve any committee at any time, by an order in writing, if it or he is satisfied that the committee has been constituted in accordance with these rules or that not less than two thirds of the number of representatives of the workmen have, without any reasonable justification failed to attend three consecutive meetings of the committee or that committee has, for any other reason, ceased to function:

Provided that where a committee is dissolved under this rule, the employer may, and if so required by the Government or as the case may be, such officer or authority shall, take steps to re-constitute the committee in accordance with these rules.

PART VIII

Miscellaneous

60. Memorandum of settlement :- (I) A settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form 'H'.

(2) The settlement shall be signed by .

- (a) in the case of an employer by the employer, himself, or by his authorised agent or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the corporation.
- (b) in the case of workman
 - (i) by the President and the Secretary of a registered trade union of the workmen or if both or either of them is not available by 5 representatives duly authorised by the executive of that union
 - (ii) where there is no registered trade union, by 5 representatives of the workmen duly authorised in the General Body meeting by the majority of the workmen, held for this purpose.
- (c) in the case of an individual workman, by himself.

(3) Where a settlement is arrived at in the course of conciliation proceeding, the Conciliation Officer shall send a report to the Government together with a copy of the memorandum of settlement signed by the parties to the dispute.

(4) Where a settlement is arrived at between an employer and his workmen otherwise than in the course of conciliation proceeding before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the Government, the Commissioner of Labour and to the Conciliation Officer concerned

61. 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 'I' 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 reference to the numbered paragraphs to the complaint, 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 person making it and shall state the date on which and the place at which it was signed.

62. 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) and sub-section (3) of Section 33 shall present an application in Form-i in triplicate to such Conciliation Officer, Board. Labour Court or Tribunal and shall file along with 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 (b) of sub-section- (2) of Section 33 shall present an application in Form-K in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file along with the application as many copies thereof as 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 the 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.

63. Protected Workmen :- (1) Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer before the 30th April every year, the names and addresses of such the officers of the union who are employed in that establishment and who, in the opinion of the union should 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 period of 12 months from the date of such communication for the purpose of sub-section (3) of the said Section and communicate to the union, in writing fifteen days the receipt of the names and addresses under sub-rule (1), the list of workmen recognised as protected workmen.

(3) 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 unions that the number 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 number of officers of the union seeking protection, the union shall be entitled to select the officer 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.

(4) When a dispute arises between an employer and any registered trade union in any matter connected with the recognition of 'protected workmen' under this rule, dispute shall be referred to the Labour Court whose decision thereon shall be final.

64. Application for recovery of dues :- (1) Where any money is due from an employer to a workman or a group of workmen under sub-section (1) or sub-section (5) of Section 33-C of the Act the workman or the group of workmen, as the case may be, may apply in Form K-1 for the recovery of the money due

Provided that in the case of a person authorised in writing by the workman, or in the case of the death of the workman, the assignee or heir of the deceased workman, the application shall be made in Form K-2.

(2) Where any workman is entitled to receive from the employer any money, or any benefit which is capable of being computed in terms of money the workman or group of workmen, as the case may be, may apply to the Labour Court in Form K-3 for the determination of the amount due or, as the case may be, the amount at which such benefit should be computed.

65. 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 Civil Court, or as a Stipendiary Magistrate or as a Registrar or Secretary of Labour Court, or Tribunal.

66. 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 and parties, and

in such proportion as it may consider fit. The commission shall not be issued until satisfactory evidence of the deposit of the amount is produced

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 installments and on such dates as it may consider fit.

(4) The undisbursed balance, if any, of the sum deposited shall be returned to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

67. Time for submission of report:- (I) 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 submission of his report is likely to be exceeded, he shall apply, before 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 application for such extension has been received from the Commissioner within the prescribed time limit.

68. 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 65 directing him to make such investigation and to report thereon to it.

69. 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 and the evidence taken by him (but not evidence without the report) shall be evidence in the industrial dispute and shall form part of the record 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.

70. 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 witnesses 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 inquiry
- (c) at any reasonable time enter upon or into any premises mentioned in the order.

71. Summoning of witnesses etc. :- (1) The provisions of the Code of Civil **Procedure, 1908** (Central Act V of 1908) relating to 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 of the sum deposited under Rule 66, of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance appearing in the Civil Court.

72. Representation of parties before Commissioner: - The parties to the industrial dispute shall appear before the Commissioner, either in person or by other person who is competent to represent them in the proceeding before the Labour Court.

73. Notice of strike :- (1) The notice of strike to be given by workmen in a public utility service shall be in Form-L.

(2) On receipt of a notice of a strike under sub-rule (1), the employer shall forthwith intimate the fact to the Conciliation Officer having jurisdiction in that matter.

74. Notice of lock-out: - The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form-M. 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 be served on the Secretary of the Union.

75. Intimation Report of lock-out or strike: - The intimation of lock-out or strike in a public utility service to be sent by the employer under sub-section (3) of Section 22, shall be Form-N.

76. 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 shall be sent by registered post or given personally to the Conciliation Officer appointed for the local area concerned, with copy by registered post to :-

- (1) Secretary to Government in charge of Labour.
- (2) The Commissioner of Labour, Andhra Pradesh.
- (3) The District Magistrate concerned.

77. Register of Settlements:- The Conciliation Officer shall file all settlements effected under the Act in respect of disputes in the area within his jurisdiction in a register maintained for the purpose as in Form-O.

77-A. Notice of lay-off :-(1) If any workman employed in an industrial establishment as defined in the explanation below Sec. 25-A not being an industrial establishment referred to in sub-section (1) of that Section is laid-off then the employer concerned shall give notices of commencement and termination of such lay-off in Forms-O- 1 and 0-2 respectively within three days of such commencement or termination, as the case may be.

(2) Such notice shall be given by an employer in every case irrespective of whether, in his opinion, the workman laid off is or is not entitled to compensation under Section 25-C.

(77-B. Application for permission to lay-off under Section 25-M

- (1) The application for permission to lay-off any workman under sub-section (1) of Section 25-M shall be made in triplicate, in Form 0-3 and delivered to the Authority specified under sub-section (1) of the said Section either personally or by registered post with acknowledgement due and where the application is sent by the Registered post the date on which the same was delivered to the Authority shall be deemed to be the date on which the application was made for the purpose of sub-section (5) of that Section.
- (2) A copy of the application referred to in sub-rule (1) shall be served by the employer simultaneously on the concerned workmen registered trade union as may be required under sub-section (2) of Section 25-M.
- (3) The employer concerned shall, furnish the Authority to whom the application for permission has been made, such further information as the Authority considers necessary for their information, 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) Where the permission to lay-off has been granted by the said Authority, the employer concerned shall give to the Commissioner of Labour, Andhra Pradesh, Hyderabad, Deputy Commissioner of Labour of the area concerned, a notice of commencement and termination of such lay-off in Forms-O- 1 and 0-2 respectively within a period of three days.
- (5) The employer or the workmen as the case may be if so desirous to seek review of the orders of the specified authority, under sub-section 7 of Section 25-M shall make an application to the specified authority in duplicate and simultaneously serve a copy of such application on the other party concerned.

78. Notice of Retrenchment :- 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 79 and 80), he shall give notice of such retrenchment as in Form 'P' to the Government, the Commissioner of Labour, the Regional Assistant Commissioner of Labour and the Employment Exchange concerned and such notice shall be served on the Government, the Commissioner of Labour, and the Employment Exchange concerned by registered post in the following manner :-

- I. Ins, by G.O.Ms.No. 524,dated 27-5-1976, A.P. Gaz., R.S. to Part) (Ext.),dated 28-5-1 976.
and substituted by GO. Ms.No. 9 (Lab-I), dated 3-1-1989.

- (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; and
- (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 Government, the Commissioner of Labour, the Regional Assistant Commissioner of Labour, the Labour Officer, the Employment Exchange concerned 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 Government, the Commissioner of Labour, the Regional Assistant Commissioner of Labour, the Labour Officer, the Employment Exchange concerned within three days of the agreement.

'(78-A. Notice of, and application for permission for retrenchment :- (I) Application under Clause (b) of sub-section (1) of the Sec.25-N for retrenchment shall be made in Form P-A in triplicate and served on the authority specified by the Government under the said clause, either personally or by Registered Post with acknowledgement due and where the application is served by registered post, the date on which the same was delivered to the Authority, shall be deemed to be the date of service of the application for the purpose of sub-section (4) of the said Section.

(2) A copy of the application referred to in sub-rule (1) shall be served by the employer, simultaneously on the concerned workmen/registered trade union as required under sub-section (2) of Section 25-N.

(3) The employer concerned shall furnish to the authority to whom the application for retrenchment has been made, under Clause (b) of sub-section (1) of Section 25-N such further information as the authority may consider necessary for arriving at a decision on the application called for by such authority, so as to enable the authority to communicate its permission or as the case may be its refusal to grant permission within the period specified in sub-section (4) of Section 25-N.

(4) The employer or the workmen as the case may be if so desired to seek the review of an order of the specified authority under sub-section (6) of Section 25-N of the Act, shall make an application to the specified authority in duplicate and simultaneously serve a copy of such application on the other party concerned.

(5) The Government or the authority to whom the application for permission was made as the case may be, may if the parties so desire give an opportunity of personal hearing before taking a final decision.

78-B. Notice of Closure :- If an employer intends to close down an undertaking he shall give notice of such closure in Form 'Q' to the Government, the Commissioner of Labour, Andhra Pradesh, Hyderabad, the Regional Assistant Commissioner of Labour, the Labour Officer and the Employment Exchange concerned by registered post.

1. Ins. by G.O.Ms.No. 524, dt. 27-5-76, A.P. Gaz., R:S. to Pt. I (Ext.), dt. 28-5-1976 and substituted by G.O.Ms.No. 9 (Lab-I), dt. 3-1-1989.

‘(78-C. Notice of, and application for permission for closure :- (1) The application under sub-section (1) of Section 25-0 for closure shall be made in Form QA in triplicate to the Government either personally or by Registered Post acknowledgement due and where the application is sent by registered post the date on which the same was delivered on the Government shall be deemed to be the date on which the application was made for the purpose of sub-section (3) of Section 25-0.

(2) The employer concerned shall furnish to the Government to whom the application for permission to close down has been made, such further information, as the government considers necessary, for arriving at a decision on the application and calls for, from such employer.

(3) The employer or the workmen as the case may be, if so desirous to seek review of the orders of the Government, under sub-section (5) of Section 25-0 of the said Act, shall make an application, to the Government in duplicate and simultaneously serve a copy of such application, on the other party concerned”.

79. 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 that category and cause a copy thereof to be posted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

80. Re-employment of retrenched workmen:- (1) At least ten days before the date on which vacancies are 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 by registered post to every one of all the retrenched workmen eligible to be considered therefore to the address given by him at the time of retrenchment 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 b) i the employer’~ individually to the senior most retrenched workman in the list referred to in Rule 79 the number of such senior most workmen being double number of such vacancies

Provided further that where the vacancy is of duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen.

Provided also 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.

2[(2) Immediately after complying to the provisions of sub-rule (1) the employer shall also inform the trade unions connected with the industrial establishment and Employment Exchange concerned, of the number of vacancies to be filled and the names of the retrenched workmen to whom intimations have been sent under that sub-rule.

Provided that compliance with the provisions of this sub-rule is not obligatory for the employer to intimate the trade unions concerned, if the intimation is sent to every one of the workmen mentioned in the list prepared under Rule 79.]

1. Substituted by G.O.Ms.No. 9 (Lab-I). dated 3-1.1989.

2. Substituted by G.O.Ms.No. 249, (Lab-I), dated 25-8.1984 R.S. to Part I A.P. Gazette. dated 27-12-1984.

81. Penalties: -Breach of any of these rules shall be punishable with fine not exceeding fifty rupees.

82.Repeal :- The Hyderabad Industrial Disputes Rules, 1950, the Madras Industrial Disputes Rules, 1958 as in force in the territories specified in the First Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959(Central Act 56 of 1959) and the Madras Industrial Disputes Rules, 1948 as adopted by Government of Andhra Pradesh 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.

PART IX

Rules for the preservation and destruction of records

83. Index: -An index in the form prescribed in appendix 'A' shall be put up with the record of every dispute when it is first referred to the Labour Court or Industrial Tribunal as the case may be.

84. Filing of papers: - Each paper, as it is filed in the record shall be numbered and entered in the index under the appropriate part of file to which it belongs. The part of file to which a particular paper belongs shall be determined with relevance to the Table in Appendix 'B'.

85. Categorisation of record:- Every record, book and paper, shall after completion, be deposited in the room. Once so deposited every record shall be divided into parts, File-A and File-B, each paper in the record being placed in its appropriate part with reference to the Table in Appendix 'B'.

86. Final stage of record:- A record shall be taken to have reached completion on the date of the final order of the Labour Court or Industrial Tribunal, as the case may be, or in the event of any proceeding in the High Court, or the Supreme Court on the date of the final order of the High Court or the Supreme Court, as the case may be.

87.Destruction of records :-All records, books registers and papers shall be retained in the record room for the periods prescribed for each in Appendices 'C' and 'D' counting from the date of completion. On the expiry of such periods, they shall be destroyed, subject to the provisions of Rules 88 and 89; for the purposes of these rules, any record or paper of the proceedings under Sections 10-A, 33 and 34-A and of matters incidental to disputes referred to under Section 10 shall be deemed to be record or paper.

88. Indestructible records: -The following shall on no account be destroyed:

- (1)Records connected with expenditure which is within the period of limitation.
- (2)Records connected with expenditure on project schemes or works not completed, although beyond the period of limitation.
- (3)Records connected with claims to service and personal matters affecting persons in the service.
- (4)Orders and sanctions of a permanent character, until revised.

89. Evidence in suits:- Where any document of which the destruction is ordered by these rules is, before it has been destroyed, made evidence in any other suit or proceedings, the rules regulating its destruction will be the rule applicable to evidence filed in such suit or proceeding where the period prescribed by such last mentioned rule is in excess of the period prescribed by the rules which originally governed its destruction.

90. Notification for destruction :- In January of each year, notice shall be published in the Andhra Pradesh Gazette and shall also be affixed to the Court's notice board, specifying the documents filed by parties, which will be destroyed during the ensuing year, the cases to which such documents appertain if any, and the dates on which such documents shall be destroyed, and giving warning that unless previously reclaimed by parties duly entitled if any, before the said dates, destruction shall without fail, ensue. All documents reclaimed by parties duly entitled shall be returned to such parties under orders of the Presiding Officers of the Labour Court or Industrial Tribunal, as the case may be.

91. Mode of destruction :- When the dates fixed for destruction have arrived, the Presiding Officers of the Labour Court or the Industrial Tribunal, as the case may be, shall direct that the records, books and papers liable to be destroyed, be destroyed in the manner specified in Rule 92:

Provided that the Presiding Officers of the Labour Court and the Industrial Tribunal, may in their discretion for reasons to be recorded in writing direct that transfer of any paper from one part to other for which a long period of retention or permanent retention is prescribed in which case the fact shall be noted in the Index and the paper dealt with as though it had belonged from the commencement to the part to which it may be' so transferred. The said Presiding Officers may similarly direct the retention for longer period or permanently of records, books and papers which he may consider likely to be useful in the future as containing the result of enquiries or other information or the opinions of experienced officers in matters connected with the general administration of justice and maintenance of peace in the industry

92. Officers to be present at the time of destruction: With the exception of Gazettes of Government and printed administration reports, awards, etc., all other records, books, registers and papers to be destroyed under Rule 87 must be burnt in the presence of the record keeper or other supervising official, provided that the Presiding Officer of the Labour Court or the Industrial Tribunal, as the case may be, may sanction their disposal in any other manner

93. Documents which cannot be destroyed:- Nothing contained in' these rules shall be deemed to authorize the destruction of any document filed by officers of Government or produced by such officer upon summons under Order XIII, Rule 10 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908). Such documents, if not previously reclaimed shall invariably be returned to the Court or office from which they were produced.

APPENDIX 'A'

Form of Index

(See Rule 83)

| Petitioners | | Case No. | /19 | Respondents | | |
|--------------------------------------|-----|-------------------------------------|--------------------------|-------------|--------|---------|
| Serial number of the paper or record | | Date of the paper or date of filing | Description of the paper | Remarks | Part I | Part II |
| (1) | (2) | (3) | (4) | | | |

APPENDIX 'B'

Table showing the Division of the Record and Description of Papers falling under each Division

PART I

File 'A'

Regular Industrial Disputes

- (1) Index
- (2) Daily proceeding sheet.
- (3) Government Order referring the dispute for adjudication.
- (4) Petition under Section 33.
- (5) Petition under Section 33-A.
- (6) Application under Section 10-A.
- (7) Petition for interim relief.
- (8) Other miscellaneous petitions under the other Sections.
- (9) Claims Statement
- (10) Counter Statement
- (11) Rejoinders.
- (12) Depositions, documents or exhibits.
- (13) All other decisions and awards (Presiding Officers autograph and office copies).
- (14) All compromise and arbitrator's awards acting under Sec.10-A.
- (15) All important papers in the opinion of the Presiding Officer of the Labour Court, Industrial Tribunal not already specified.
- (16) Judgments and orders of the High Court and the Supreme Court.

PART II
File 'B'
Regular Industrial Disputes

1. Notices calling statements of claims and counter.
2. Postal acknowledgements.
3. Notices fixing hearing; and
4. Summons calling for records.
5. Petitions .
 - (a) for adjournment.
 - (b) to call for papers.
 - (c) for admission of documents.
 - (d) for security for costs of parties.
 - (e) for payment of money, and
 - (f) for restoration or re-hearing of cases dismissed for want of prosecution or decided ex-parte.
6. Application for review.
7. Letters from other public offices, sending up records, papers or other information.
8. Application for translation.
9. Application for copies.
10. Applications for return of papers ; and
11. All papers not already specified.

APPENDIX 'C'
(See Rule 87)

Table showing the periods prescribed for the retention of the various parts of the records in the various classes of proceedings.

| Nature of proceedings | | Number of years for which records are to be retained |
|--------------------------------|--------------------|---|
| Industrial Disputes | Part I File 'A' | Part II File 'B' |
| Regular Industrial Disputes | Permanent | 5 years |
| Petition under Section 33 | do | do |
| Petition under Section 33-A | do | do |
| Application under Section 10-A | do | do |
| Other | do | 3 years |

APPENDIX 'D'
(See Rule 87)
Registers

1. Register of Industrial Disputes .Permanent.
2. Register of Petitions filed under Section 33 .Permanent.
3. Register of complaints filed under Section 33-A .Permanent.

4. Register of appeals under the Act .Permanent.
5. Register of miscellaneous petitions .Permanent.
6. Register of witness batta- Permanent.
7. Register of copy application .Permanent.
8. Any other register not already specified .Permanent.

**SCHEDULE
FORM-A
(See Rule 3)**

Form of application for the reference of an Industrial Dispute to ****[Board of Conciliation/Court of Enquiry, Labour Court/Tribunal under Section 10(2) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).**

Whereas an industrial dispute -(is apprehended/exists between and and it is expedient that the matters specified in the enclosed statement which are connected with or relevant to the dispute should be referred for

**** (the investigation and settlement of dispute/enquiry/adjudication by as(a Board of Conciliation/a Court of Enquiry/a Labour Court/a Tribunal. An application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 9 Central Act XIV of 1947), that the said matter/dispute should be referred to~~[a Board of Conciliation/a Court of Enquiry/a Labour Court/a Tribunal.. ~'[This application is made by the workman or the undersigned who has/have ****[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 held on the 19****

A statement giving the particulars required under Rule 3 of the Andhra Pradesh Industrial Disputes Rules, 1958, is attached.
Dated the

Signature of employer/agent/manager!
Principal officer of the corporation..
Signature of the workman/the President of
the trade union/ Secretary of the trade
Union/five representatives duly
Authorized (vide resolution enclosed).

To

The Secretary of Government of Andhra Pradesh, in-charge of Labour
Copy to .

- (i) The Conciliation Officer (here enter office address of the Conciliation Officer of area concerned).
- (ii) The Commissioner of Labour, Andhra Pradesh, Hyderabad.

Statement required under Rule 3 of Andhra Pradesh Industrial Disputes Rules, 1958 to accompany the form of application prescribed under sub-section (2) of Section 10 of. the Industrial Disputes Act, 1947 (Central Act 14 of 1947):-

- Where applicable.
- Delete whichever is not applicable.

- (a) Parties to the disputes 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 affected by the dispute.
- (e) Effort made by the parties themselves to adjust the dispute.

FORM-B
[See Rule 6(1)]

Whereas an industrial dispute has arisen/is apprehended between and it is.....expedient to refer the said dispute under Section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 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 address(es) of one (two) person(s) on the said Board.

If you fail to make the recommendation by the date specified above the Government will select and appoint such person(s) as it thinks fit to represent you.

Secretary to Government in-charge of Labour,
Andhra Pradesh, Hyderabad.

FORM-C
(See Rule 7)
Agreement
(Under Section 10-A of the Industrial Disputes Act, 1947)
(Central Act 14 of 1947)

Between

Name of parties:

Representing employer(s):

Representing workman/workmen

It is hereby agreed between the parties **to refer** the following industrial dispute to the arbitration of **.(here specif~' the name(s) and address (es) 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 employee in case he himself is involved in the dispute or the name of the union, if any representing the workman/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 the dispute.

We further agree that the majority decision of the arbitrators shall be binding on us ; in case the arbitrators are equally divided in their opinion time as is extended by mutual agreement by us in writing, will be binding on us.

The arbitrator(s) shall make his/their award within a period of.... (here specify the period agreed upon by the parties from the **date** of publication of this agreement in the Official Gazette the appropriate Government) or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of parties:
Representing the employer
Representing the workman/workmen.

Witnesses

- 1.
 - 2.
- Copy to ; (i) Conciliation Officer (here enter office address of Conciliation Officer in local area concerned).
(ii) The ~Commissioner of Labour, Andhra Pradesh, Hyderabad.
(iii) The Secretary to Government in-charge of Labour, Andhra Pradesh, Hyderabad.

FORM - D
(See Rule 19)

Whereas an industrial dispute between _____ and _____ has been referred _____ Board of Conciliation for investigation and _____ to this Court of Enquiry for investigation.

Labour Court/Tribunal for adjudication

under Section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) you are hereby summoned to appear before the Board/Court/Labour Court/Tribunal in person on the _____ day of _____ at _____ 0 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.

Chairman, Board of Conciliation
Secretary, Court of Enquiry
Presiding Officer, Labour Court

Dated: _____ Secretary, Tribunal

FORM - E
(See Rule 36)

Notice of change of service conditions proposed by an employer

Name of the employer

Address

Dated the _____ day of _____ 19 _____

I. Subs. by G.O.Ms.No. 353 (Lab-I), di. I 2-5-3983.

In accordance with Section 9-A of the Industrial Disputes Act, 1947 (**Central Act XIV of 1947**) I/we hereby give notice to all **concerned that** it is my/our intention to effect the change/changes specified in the annexure, with effect from _____ in the conditions of service applicable to workmen in respect of the matters specified in the Fourth Schedule to the said Act.

Signature

Designation

ANNEXURE

(Here specif~' the change/changes intended to be effected)

Copy forwarded to:

FORM-F
(See Rule 38)

Before

(Here mention the authority concerned)

Reference No. _____ of _____

(1) _____ workmen

versus

(2) _____ employer.

In the matter of _____ I/we hereby authorise
Shri/Sarvashree _____ to represent
me/us in the above matter.

Dated this _____ day of _____ 19 _____

Signature of person(s) nominating
the representative(s),
Address _____

Accepted

Signature of representative(s)

Address.

FORM-G
Form of Nomination paper

Name of Industrial _____ Group/Section/Shop/
Establishment _____ DepartmentI nominate (here enter the name of the workmen's representative eligible for
election), _____ as a candidate for election to the
Works Committee. He is eligible as a voter in the constituency for which he is nominated.

Signature of the proposer.

Date:

I agree to the proposed nomination.

Signature of candidate.

Date

Attested by (1)

(2)

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

FORMG-I

(See Rule 58-A)

**Progress Report on constitution and functioning of Works Committee for
the half year ending the 30th June, 31st December**

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 Organisation of workers.
4. If the Works Committee has been functioning :-
(a) Date of its constitution.
(b) Number of workmen's representatives (elected 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 had not been functioning the difficulties encountered in its constitution functioning
6. General remarks, if any.

Dated :
Place

Signature of employer or
his representatives

· Strike out the portion not applicable.

Note:- The return prescribed in this Form has to be submitted in triplicate by the employer as specified in Rule 58-A.

FORM-H

(See Rule 60)

Form for Memorandum of Settlement

Names of Parties:-

Representing employer(s):

Representing workmen:

Short recital of the case

Terms **of settlement**

Signature of the parties

Witnesses:

(1)

(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) Commissioner of Labour, Andhra Pradesh.

(3) The Secretary to the Government in-charge of Labour, Andhra Pradesh, Hyderabad.

•In case of settlements effected by Conciliation Officer/Board of Conciliation.

*In case where settlements are arrived at between the employer and his workmen otherwise than in the course of conciliation proceeding.

FORM-I

[See Rule 61 (1)]

Before the Labour Court/Tribunal

complaint under Section 33-A of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

A Complainant(s)

Address(es)

Versus

B

Opposite Party(Parties)

Address (es)

In the matter of reference No.

The petitioner(s) begs/beg to complain that the Opposite Party (Parties) has/have contravened the provisions of Section 33 of the Industrial Disputes Act, 1947 (Central Act 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 annexure required under Rule 61 of the Andhra Pradesh Industrial Disputes Rules, 1958, are submitted herewith.

Signature of the complainant (s)

Dated

day of

19

Verification

I do solemnly declare that what is started 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

19.

Signature or Thumb Impression of
the person verifying

FORM-J

[See Rule 62(1)]

Before (here mention the Conciliation Officer, Board, Labour Court or Tribunal).

Application for permission under sub-section (1)/sub-section (3) of Section 33 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), in the matter of Reference No.

Delete, if not applicable.

FORM-K-1
[See Rule 64(1)]
Application under sub-section (1) of Section 33-C of
the Industrial Disputes Act, 1947

To

- (1) The Second Secretary to the Government of Andhra Pradesh, Home (Labour), Department, Hyderabad.
 (2) The Commissioner of Labour, Andhra Pradesh, Hyderabad.

Sir,

I/We have to state that I am /we are entitled to receive from M/s. _____
 _____ a sum of Rs. _____

account of _____ under the provisions to Chapter V-A of
 the Industrial Disputes Act, 1947/in terms of the award dated the _____

_____ given by _____ un terms of
 the settlement dated the _____ arrived at between the said
 M/s _____ and their workmen through

_____ the duly elected representatives.

I/We further state that I/we served the management with 6. demand notice by registered post on for the said amount which the management has neither paid nor offered to pay me/us even though a fortnight has since elapsed. The details of the amount have been mentioned in the statement hereto annexed.

I/we 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/us as early as possible.

Signature(s) of the applicant(s)

Address(es)

- 1.
- 2.
- 3.
- 4.

Station

Date

ANNEXURE

(Here indicate the details of the amount(s) claimed)

FORM-K-2

[See Rule 64(1)]
Application by a person authorised by a workman or by the assignee or heir
of a deceased workman under sub-section (1) of Sec. 33-C of the Industrial
Disputes Act, 1947.

To

(I)The Secretary to the Government of Andhra Pradesh, Home(Labour) Department, Hyderabad.

(2) The Commissioner of Labour, Andhra Pradesh, Hyderabad.

Sir,

I*Shri/Shrimathi/Kumari have to state that "Shri/
Shrimathi/Kumari xis was entitled to receive from M/s
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
given by /in terms of the settlement, dated the
arrived at between the said MIs. and their workmen
through the 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 me even though a fortnight has since elapsed. The details of the amount have been mentioned in the 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.

I have been duly authorised. in writing by

(here insert the name of the workman) to make this application and to receive the payment of the aforesaid amount due to him.

x, am the assignee/heir of the deceased workman and am entitled to receive the payment of the aforesaid amount due to him.

Station : Signature of the applicant

Date : Address

ANNEXURE

[Here indicate the details of the amount claimed]

‘(FORM-K-3)

(See sub-rule (2) of Rule 64)

Application under sub-section (2) of Section 33-C of
the Industrial Disputes Act, 1947

Before the Labour Court at:

‘Between

(I) (a) Name(s) of the applicant(s) Legal Heir (s)

(b) Nature of relationship with the worker in case of legal heirs.

(c) Names of the workmen.

(2) Name of the employer.

The petitioner.....a workman of.....and legal heir to..... herein
specify the name of the workmen) who was a workman of M/s.....is entitled to receive from the said M/s.....
money benefits mentioned in the statement **hereto annexed.**

x Strike out the portions inapplicable.

I. Substituted by G.O.Ms.No. 905, dated 23-8-1978, (A.P. Gazette R.S. to Part-i), dated 14.9-78 page 402.

It is prayed that the Court be pleased to determine the amount/amounts due to the petitioner also the legal heir to Sri.....

(Signature(s) or thumb
impression(s) of the applicant(s).

Address(es)

1.
2.
3.
4.
Station
Date:

ANNEXURE

(Herein set out the details of the money due or the benefits accrued together with the case for their admissibility).

[FORM-K-4]

(See sub-rule (6) of Rule 11)

Application by a workman under sub-section (2) of Section 2-A of the Industrial
Disputes Act, 1947 (Central Act No. 14 of 1947).

BEFORE THE LABOUR COURT AT

Between:

I..... (Applicant)

And

..... (Employer)x

The applicant.....S/o.....

Aged.....years was working as.....

in M/s..... and was discharged/dismissed/retrenched/terminated from service by the said
employer on.....

The applicant was drawing a wage of Rs.....per month at the time of his discharge/dismissal/retrenchment/termination

The applicant served a deemed letter by registered post with acknowledgement due on the management on..... to re-consider
its decision of discharge/ dismissal/retrenchment/termination from service and to take him back in service, with service benefits.)

The management even after 15 days from the date of receipt of the said demand letter did not reply/re-consider his case.

The management replied to the applicant on.....to the effect that it is not in a position to re-consider the decision already
taken.

The applicant hereby declare that he did not approach any other authority or forum for getting the dispute settled/adjudicated.

The applicant prays that the Hon'ble Court may be pleased to adjudicate the dispute.

Details of the dispute are furnished in Annexure to this application.

Station

Date: Signature of the Applicant & Full Address.

I. Form K-4 inserted by G.O.Ms.No. 9, dated 3-1-1989.

ANNEXURE

(Here indicate the details of the dispute)

(Strike out portions inapplicable)

[Indicate name and address **of the employer** and also name of the Industrial Establishment/Factory in which the applicant worked].

FORM-L

[See Rule 73 (1)]

Form of notice of strike to be given by workman/workmen in a public utility service

Name of Union

Names of five elected representatives of workmen

Address

Dated the day of 19

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 (Central Act XIV of 1947), I/we hereby give you

notice that I propose **to call on a** strike/we propose to go on
strike on 19 for the reasons explained in the annexure.

Secretary of the Union.

Yours faithfully

Five representatives of the workmen duly elected at a meeting held on (date), vide resolution attached.

ANNEXURE

Statement of the case

Copy to:

(1) Conciliation Officer.

(Here enter office address of the Conciliation Officer in the local area concerned.)

(2) Commissioner of Labour, Andhra Pradesh.

(3) Secretary to Government in-charge of Labour, Andhra Pradesh, Hyderabad-Dn.

FORM-M

(See Rule 74)

Form of notice of lock-out to be given by an employer carrying on a Public utility service.

Name of employer

Address~

Dated

day of

19

In accordance with the provisions of sub-section (2) of Section 22 of the Industrial Disputes Act, 1947 (Central Act XIV of 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 annexure.

Signature
Designation

ANNEXURE

Statement of Reasons

Copy forwarded to:

- (1) The Secretary of the Registered Union if any
- (2) Conciliation Officer
(Here enter office address of the Conciliation Officer in the local area concerned).
- (3) Commissioner of Labour, Andhra Pradesh, Hyderabad.

FORM N

(See Rule 75)

Form 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

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|
|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|

Notes:- 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 workman. 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 other departments of the factory, the number of workers involved would only be 200, which figure should appear under "directly" and column "indirectly" would be blank.

Column (8):- Give the main causes of the dispute as well as the immediate cause that led to the strike or lock-out.

FORM-O
(See Rule 77)
Register-Part I

| Serial No. | Industry | Parties to the settlement | Date of settlement | Remarks* |
|------------|----------|---------------------------|--------------------|----------|
|------------|----------|---------------------------|--------------------|----------|

PART II

(Should contain one copy each of the settlements in the serial order indicated in Part I.)

*Whether the settlement was affected at the intervention of the conciliation machinery, or by mutual negotiation between the parties, may be indicated in Part I.

FORM 0-1
(See Rule 77-A)

To

The Commissioner of Labour, Andhra Pradesh, Hyderabad. Sir,

Under Rule 77-A of the Andhra Pradesh Industrial Disputes Rules 1958, I/we hereby inform you that I/we have laid off out of a total of . workmen employed in the establishment with effect from - for the reasons explained in the Annexure.

2. Such of the workmen concerned as are entitled to compensation under Section 25-C of the Industrial Disputes Act, 1947, will be paid compensation due to them.

Yours faithfully.

xxx

ANNEXURE
Statement of reasons

Copy forwarded to Conciliation Officer (here specify the address of the local area concerned)

[Here insert the number of workmen.

xx[Here insert the date.

xxx[Here insert the position which the person who signs the letter holds with the employer issuing the letter

FORM 0-2
(See Rule 77-A)

To

The Commissioner of Labour, Andhra Pradesh, Hyderabad. Sir,

As required by Rule 77-A of the A.P. Industrial Disputes Rules, 1958 and in
continuation of my/our notices dated]'
establishment has ended on]'

in Form~ 0-I I/we hereby inform you that the lay-off in my/our

Yours faithfully.

xxx,

Copy forwarded to-

Conciliation Officer, (here enter office address of the Conciliation Officer in the local area concerned).

x[Here insert the date.

xx[Here insert the position which the person who signs the letter holds with the employer issuing the letter).

[FORM 0-31]

(To be submitted in triplicate with additional number of copies for service on the workmen concerned).

[See Rule 77-B (1)]

Form of application for permission to lay-off workmen in industrial
Establishment to which provisions of Chapter V-B of the Industrial Disputes Act, 1947 (14 of 1947) apply

To

(The Authority specified under sub-section (1) of Section 25-M and Commissioner of Labour, Andhra Pradesh, Hyderabad).

Sir,

Under x[sub-section (1)/sub-section (3) of Section 25-M of the Industrial
Disputes Act, 1947 (Central Act 14 of 1947) read with sub-rule (I) of Rule 77-B of the Andhra Pradesh Industrial Disputes Rules 1958, I/we
hereby apply for *permission to lay-off/permission to continue the lay-off of workmen out 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 to 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 (1) of
Section 25-M read with Section 25-C of the Industrial Disputes Act, 1947 (Central Act No.14 of 1947).

Yours faithfully
(Signature)

I. Substituted by GO. Ms.No. 9 (Lab-I), dt. 3-1-1989.

'Strike out whatever is inapplicable.

- Copy forwarded to the workmen/Registered Trade Unions.

(here enter the names and full address of the workmen/Registered Trade Unions on whom the application has been served, as per sub-section (2) of Section 25-M).

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the undertaking with complete postal address including telegraphic address and telephone number.
2. (a) Name and address, of the affected workmen proposed to be laid-off/names and address of the workmen laid-off before the commencement of the Industrial Disputes (Amendment) Act, 1976. (Central Act 32 of 1976) and the dates from which each of them have been laid-off.
(b) The-nature of the duties of the workmen referred to in sub-section (a), the units/sections/shops where they are working and the wages drawn by them.
3. Product/Products of the undertakings.
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 thereto.
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 the number of shifts per day and the strength of workmen for each shift.
10. Balance sheets, 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 under the Industrial Disputes Act, 1947 (Central Act 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 percentage thereof to the total cost.
15. Details of lay-offs resorted to in the last three years (other than lay-off for which permission is sought), including the period of such lay-offs, the number of workmen involved in each such lay-off and the reasons thereof.
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 12 months.
 19. Annual sales figures for the last three years and month-wise sales figures for the preceding 12 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 3llereof.
- x(Stnke out whatever is inapplicable). “-i

FORM-P

(See Rule 78)

**Form of notice of retrenchment to be given by an employer under
Clause (c) of Section 24-F of the Industrial Disputes Act, 1947
(Central Act, XIV of 1947)**

Name of employer

Address

Dated the

day of

19

To,

The Secretary to the Government in-charge of Labour, Andhra Pradesh, Hyderabad.

Sir,

Under Clause (c) of Section 25-F of the Industrial Disputes Act, 1947 (Central Act, 14 of 1947), I/we hereby inform you that I/we have decided to retrench”

workmen with effect from xx for the reasons
explained in this annexure

2. xxx The workmen concerned were given on the xx 19 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 xx 19 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 xxx and the total number of those who will be effected by the retrenchment is given below:

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

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

Yours faithfully.

ANNEXURE

STATEMENT OF REASONS

Copy to:

- (1) Conciliation Officer (here enter office address of the Conciliation Officer in local area concerned).
 [(2) Regional Assistant Commissioner of Labour (here enter office address of the Regional Assistant Commissioner of Labour of the local area concerned).
 (3) Commissioner of Labour, Andhra Pradesh, Hyderabad.
 (4) Employment Officer, Employment Exchange (of the local area concerned).
 xHere insert the number of workmen.
 xx Here insert the date.
 xxx Delete the portion which is not applicable.
xxxx Here insert the total number of workmen employed in the industrial establishment.
 xx Here insert the position which the person who signs this letter holds with the employer issuing the letter.

FORM-P-AJ' (to be made in triplicate) (See Rule 78-A)

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 the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947).

To
 The Commissioner of Labour, Andhra Pradesh
 Hyderabad.
 (Authority specified under Clause (b) of sub-section (1) of Section 25-N of the Act).

Dated:

Sir,
 Under Clause (b) of sub-section (1) of Section 25-N of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), I/we hereby inform you 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 given notice in writing as required under clause (a) 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 and designation (of workmen to be retrenched) | No. of workmen (Employed) (to be retrenched) |
|---|---|
| | |

4. Permission is solicited for the proposed retrenchment, under Clause (b) of subsection (I) of Section 25-N of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947).

5. I/We hereby declare that the workmen permitted to be retrenched will be paid compensation due to them under Sub-section (9) of Sec.25-N of the Act..

Yours faithfully
(Signature)

Copy forwarded to the workmen
Registered Trade Unions.

(Here enter the name and full address of the workmen/Registered Trade Unions on which the application has been served).

ANNEXURE
(Please give replies against each item)

Item No.

1. Name of the undertaking with complete postal address including telegraphic address and telephone number.
2. Names and addresses of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops where they are working and the wages drawn by them.
3. Product/Products of the undertaking.
4. Details relating to installed capacity, licensed capacity and utilised capacity.
5. (1) Annual production, item-wise for preceding three years.
(ii) Production figures, month-wise for preceding twelve months.
6. Work-in progress, item-wise and value-wise.
7. Any arrangement regarding off-loading or sub-contracting of products or any components thereon.
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 the number of shifts per day and strength of workmen.
10. Balance sheets, profit and loss accounts and audit reports for the last three years.
11. Financial position of the company.
12. Names of 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 (Central Act 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 retrenchment resorted to in the last 3 years including dates of retrenchment, the number of workmen involved in each case and the reasons thereof.

16. Has any of the retrenched workmen been given re-employment and if so, when? Give details.
17. Any 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 saving 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) Administration expenses.
20. Position of stock on last day of the month in the preceding 12 months.
21. Annual sales figures for the last three years and month-wise sales figures for the preceding 12 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-P-B

(To be made in triplicate with additional number of copies for service on the workmen concerned.)
(See Rule 77-C)

Form of application for permission of retrenchment of workmen in cases where at the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act 32 of 1976) the period of notice given under Clause (a) of Sec. 25-F for the retrenchment has not expired.

To

Date

(The **Secretary to Government (in-charge of Labour)** Authority referred to in subsection (2) of Section 25-N of the Act).

I/We have given notice on _____ under Clause (a) of Section 25-F for the retrenchment of the workman/workmen specified below
(Attested copy/copies of the notice) is/are appended hereto:

| Names and addresses of Workmen (1) | Category and designation (2) |
|---------------------------------------|---------------------------------|
|---------------------------------------|---------------------------------|

2. The period of notice referred to above has **not expired**.

3. I/We hereby solicit permission for the retrenchment of the workmen referred to above under sub-section (4) of Section 25-N of the Industrial Disputes Act, 1947 (Central Act, 14 of 1947) for the reasons set out in the Annexure.

Yours faithfully,
(Signature)

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the undertaking with complete postal address, including telegraphic address and telephone number.
2. (a) Names of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops where they are working and the wages drawn by them. .
- (b) Date of the notice of retrenchment given to the workmen concerned under Section 25-F.
- (c) And the dates on which the said notice was served, on each workman concerned.
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 3 years.
- (ii) Production figures month-wise for the preceding 12 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 6 months, and any 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 report 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 (Central Act 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 (lie dates of retrenchment numbers of workmen involved in each and the reasons therefore.
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 costs ; and
 - (iii) general administration expenses.
20. Position of stocks on the last day of the month in the preceding 12 months.
21. Annual sales figures for the last 3 years and month-wise sales figures for the preceding 12 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-Q

**Form of notice of closure to be given by an employer
under Section 25-FFA of the Industrial Disputes Act, 1947**

Name of the employer

Date the

day of

19

To .

The Secretary to the- Government of Andhra Pradesh, Department of Labour. Hyderabad.
Sir,

Under Section 25-FFA of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), I/we hereby inform you that I/we have decided to close (name of the undertaking) with effect from for reasons explained in Annexure. The number of workmen whose services would be terminated on account of closure of the undertaking is (number of workmen).

Yours faithfully,
xx

xx(Here insert the position which the person who signs this letter holds with the employer issuing this letter).

ANNEXURE STATEMENT OF REASONS

Copy to :-

1. The Commissioner of Labour, Andhra Pradesh, Hyderabad
2. The Regional Assistant Commissioner of Labour
3. The Labour Officer/Conciliation Officer
4. The Employment Officer, Employment Exchange

(x) Here enter the local area concerned.

FORM-Q-A' (to be submitted in triplicate)

[See Rule 78-C (1)]

Form of application for permission of closure to be given by an Employer under sub-section (1) of Section 25-0 of the Industrial Disputes Act, 1947

(Central Act No. 14 of 1947).

To

The Secretary to the Government, Labour, Employment and Technical Education Department. Andhra Pradesh, Hyderabad.

Sir,

Under Section 25-0 of the industrial Disputes Act, 1947 (Central Act No. 14 of 1947), I/we hereby inform you that 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 declared that in the event of approval for the closure being granted, every workman in the undertakings will be paid compensation as specified under subsection (8) of Section 25-0 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) before effecting closure.

Yours faithfully,
(Signature)

ANNEXURE

(Here enter reasons for the proposed closure of the undertaking) Copy forwarded to the representatives of the workman.

(Here enter the name and full address of the representatives of the workmen on whom the application has been served as per sub-section (1) of Section 25-0 of the Industrial Disputes Act, 1947).

Sd/
Section Officer

[FORM Q-B]
(to be submitted in triplicate)
(See Rule 77-D (2))

Form of application for permission to close down an undertaking in cases where at the commencement of the Industrial Disputes (Amendment) Act 1976 (Act 32 of 1976), the period of notice given under sub-section 25 FFA of intention to close down an undertaking has not expired.

Date:

To

The Secretary to the Government of A.P. in charge of Labour
 Employment and Social Welfare Department, Hyderabad.

Sir,

1/We have given notice on _____ under sub-section (1) of Section 25-FFA of our intention to close down the undertaking specified below of
 (name of industrial establishment)

(Attested copy of the notice is appended hereto)
 (Give details of the undertaking)

2. The period of notice referred to above has not expired.

3. I/We hereby solicit permission to close down the said undertaking under subsection (3) of Section 25-0 of the Industrial Disputes Act, 1947 (14 of 1947) of the reasons set out in the Annexure.

4. I/We hereby declared that in the event of permission for the closure being granted, every workmen in the undertaking to whom sub-section(7) of the said Section 25-0 applied, will be given notice and paid compensation as specified in Section 25-N of the Industrial Disputes Act, 1947 (14 of 1947) as if the workman had been retrenched under that section.

Yours faithfully,
(Signature)

ANNEXURE
(Please give replies against each item)

Item No.

1. Name of the industrial establishment with complete postal address, including telegraphic address and telephone number.
2. Date of the notice under sub-section (1) of Section 25-FFA and the date on which the said notice was served on the Government.
3. The total number and categories of workmen affected by the proposed closure., along with the addresses 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.

1. Inserted by G.O. Ms.No. 524, dated 21-5-1976. A.P. Gazette R.S.to Pt. I (Ext.) dt. 28-5-76.

6. (i) Annual production item-wise or preceding 3 years.
(ii) Production figures month-wise or the preceding 12 months.
7. Work in progress item-wise and value-wise.
8. Any arrangement regarding off-loading or sub-contracting of products of any component thereof.
9. Details of persons or the organisations to whom the job(s) is (are) being entrusted relationship/interest of the persons/organisations with the director(s) or the officer(s) of the company.
10. **Position of the order book item-wise and value-wise for a period of 6 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 strength of workmen per each shift.
12. Balance sheet, Profit and Loss account and audit reports for last three years.
13. Financial position of the company.
14. (i) Names of the inter-connected company or companies under the same management.
(ii) Details about inter-corporate investments and changes during the last one year.
(iii) Interest of any of the director/officer of the undertaking producing same or 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 **arrangements** for the last three years and any change in the selling arrangement in preceding 12 months.
19. Full details of the interests of the directors and officers of the company/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 3 years and month-wise sales figures for the preceding 12 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.