

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Labour, Factories, Boilers & Insurance Medical Services Department –
Amendment to the Andhra Pradesh Shops & Establishments Rules, 1990 –
Preliminary Notification – Orders – Issued.

LABOUR FACTORIES BOILERS & INSURANCE MEDICAL SERVICES (Labour.I) DEPARTMENT

G.O.Ms.No.4

Dated: 04.05.2023

Read the following:

1. G.O.Ms.No.169, WD,CW&L(Lab.II) Department, Dt.28.10.1991.
2. The Andhra Pradesh Shops & Establishment (Amendment) Act, 2022 issued vide A.P.Gazette No.16, dated:16.09.2022.
3. From the Special Commissioner of Labour, Andhra Pradesh, Vijayawada, Lr.No.I/APS&E Act/Sec-62/2021, Dt:12.09.2022.

ORDER:

Government, after careful examination of the proposal in the letter 3rd read above, the following Preliminary Notification will be published in the Andhra Pradesh Gazette.

PRELIMINARY NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 71 of the Andhra Pradesh Shops & Establishments Act, 1988 (Act No.20 of 1988), it is proposed to make the following amendment to the Andhra Pradesh Shops & Establishments Rules, 1990 issued in G.O.Ms.No.169, WD, CW&L (Labour.II) Department, Dated: 28th October,1991, is hereby published for general information.

2. Notice is hereby given that the said draft amendment will be taken into consideration by the Government on or after expiry of thirty (30) days from the date of publication of the Notification in the Andhra Pradesh Gazette and that any objections or suggestions which may be received by the Government from any person with respect thereto within the aforesaid period will be taken into considered by the Government of Andhra Pradesh.

3. The Objections and suggestions, if any should be addressed to the Commissioner of Labour, Andhra Pradesh, Vijayawada through the mail address :-

AMENDMENT

In the said rules,

- (1) after Rule 8 the following, shall be added ;

"Rule- 8-A : Appointment of Authorities and Appellate Authorities under sub- section (6) of section 61 and sub-section (2) of section 63 of the Act:

(P.T.O)

(1) The Government may notify the officers of the Labour Department not below the rank of Assistant Commissioner of Labour, as authorities to exercise power under sub-section (6) of section 61 and sub-section (2) of section 63.

(2) The Government may notify the officers of the Labour Department not below the rank of Deputy Commissioner of Labour, as authorities to exercise power under the proviso to sub-section (6) of section 61 and sub-section (2) of section 63.

Rule: 8-B: Appeal on fines (Form of appeal, mode of submission and procedure to be followed by the appellate authority):

(1) Every appeal, under section 61 (6) and section 63 (2) shall be presented to the Appellate Authority in person or sent to him by Registered Post under Acknowledgement Due.

(2) The appeal shall be in form of a memorandum and shall be accompanied by a certified copy of the order appealed against.

(3) The memorandum shall set forth the grounds of appeal.

(4) Where the memorandum of appeal in order, the Appellate Authority shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the Register of Appeals in Form VIII-A.

(5) Where the appeal is admitted, the Appellate Authority shall obtain the connected records from the Inspector concerned against whose order the appeal has been preferred.

(6) The Appellate Authority shall give an opportunity to the appellant for being heard, by fixing a date.

(7) If, on the date fixed for personal hearing, the appellant does not appear, the Appellate Authority after giving reasonable opportunity shall decide the appeal on the basis of the records made available to him and shall communicate his order to the appellant.

(8) If, the appellate is of the opinion that the quantum of penalty imposed is on the higher side or not correctly made it shall suitably modify or set aside the total penalty of compounding as the case may be.

FORM-VIIIA
(See Rule 8B (4))

Register of Appeals on compounding

Sl.No	Name and Address of the applicant	Date of appeal	Date of presentation of appeal	Date of hearing	Whether allowed or rejected	Date of Final order
1	2	3	4	5	6	7

(2) In Rule 34, the following, shall be substituted;

"Rule 34: Penalty for violation of Rules:

(1) Any employer who contravenes any of the provisions of these Rules shall be imposed for a first contravention with fine which may extend to Rs 10,000/- and for a second or subsequent contravention with fine which may extend to Rs 20,000/-.

(2) The provisions of Appeal, Appointment of Authorities and the Appellate Authorities, the procedure before the Authority and the Appellate Authority shall be the same as prescribed in sub-section (6) of section 61 and sub- section (2) of section 63 of the Act and Rules 8A and 8B supra."

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. M.HARI JAWAHARLAL
SECRETARY TO GOVERNMENT

To

The Director of Printing Stationery & Stores Purchase, Vijayawada.

(with a request to publish the said Notification and supply 100 copies to the Commissioner of Labour, AP, Vijayawada).

Copy to:

PS to Secretary to Chief Minister.

PS to Hon'ble Minister (LFB&IMS).

P.S. to Secretary to Government, LFB&IMS Department.

Law (B) Department.

Sf/Sc.

//FORWARDED :: BY ORDER//


SECTION OFFICER