

**THE WEST BENGAL  
INDUSTRIAL DISPUTES  
RULES, 1958**

*(Amended up to 1st January, 1960)*

# The West Bengal Industrial Disputes Rules, 1955\*

## **H. 1. Short title and commencement.**

These rules may be called the West Bengal Industrial Disputes Rules, 1955.

## **H. 2. Definitions.**

In these rules, unless there is anything repugnant to the subject or context,—

- (a) "the Act" means the Industrial Disputes Act, 1947 (25) of 1947;
- (b) "Chairman" means the Chairman of a Board of Conciliation of the Government or any person who, with previous and exclusive sanction of the Government, is appointed as a Labour Court or a Tribunal;
- (c) "Committee" means a Work Committee constituted under sub-section (2) of section 3 of the Act;
- (d) "Term" means a Term as the Schedule to these rules;
- (e) "Labour Commissioner" means the Officer designated and appointed as such by the State Government and includes an Assistant, in charge of a District Labour Commissioner's Office;
- (f) "Section" means a section of the Act;
- (g) words and expressions used but not defined in these rules, but defined in the Industrial Disputes Act, 1947, shall have the meanings respectively assigned to them in that Act.

## **GENERAL**

### **H. 2A. Employees.**

For the purposes of the Act and these rules, "employee" in relation to an industry, defined as by or under the authority of a department of the State Government shall be the effect (in change of that industry)

*Provided that reference to employees in Boards of Conciliation,  
Courts of Enquiry, Labour Courts and Industrial Tribunals*

### **H. 3. Application.**

(1) An application under sub-section (2) of section 10 for the settlement of an industrial dispute in a Board of Conciliation, Labour Court or Tribunal shall be made in Form A and shall be delivered personally or forwarded by registered post to the Chairman in the Labour Commissioner's office or the Conciliation Officer concerned. The application shall be accompanied by a statement setting forth—

\*Repealed by Industrial Disputes (Amendment) Act, 1960 (Part V, Page No. 207) w.e.f. 1-1-1960.  
Substituted by 1977 Industrial Disputes (Amendment) Act, 1977.

See the Government of West Bengal Act No. 12 of 1955.  
Act No. 25 of 1947, Government of India Act, 1947 (25) of 1947.

- (a) the parties to the dispute;
- (b) the specific issues in dispute;
- (c) the total number of workmen employed in the establishment affected;
- (d) an estimate of the number of workmen affected or likely to be affected by the dispute; and
- (e) the office name for the parties themselves to report the dispute.

(2) When the application is submitted on behalf of both the workmen and the employer, either jointly or separately, it shall state whether the employees and the majority of the workmen involved in the dispute are represented by the applicants and the applicants shall produce such evidence in support of the claims of the Labour Commissioner under the Constitution Office concerned as will be, in the view of the Labour Commissioner and the Constitution Office concerned or consulted with regard to the representative character of the applicants, by itself immediately forwarded to the Secretary to the Government of West Bengal in the Department of Labour for reference of the dispute to a Board, Court, Labour Court or Tribunal, as the case may be.

(3) When the application has been submitted on behalf of one party only to the Labour Commissioner under the Constitution Office concerned, after such evidence as may be deemed necessary by him, shall forward it to the Secretary to the Government of West Bengal in the Department of Labour together with his recommendations whether the dispute should be referred to a Board, Court, Labour Court or Tribunal, whether the applicant in the case of workmen represents the majority of the workmen in the dispute, he claims to represent, whether the opposite party has consented or assents to the decision of a Board or Court, and in the case of a recommendation for reference to a Board, Court, Labour Court or a Tribunal whether the continuance of a strike or lock-out of any kind is necessary or consistent with the dispute, should be prohibited.

#### **E. 6. Intimation of Application.**

The application and the documents accompanying it shall be signed—

- (a) in the case of an applicant by the applicant himself or his authorized agent;
- (b) in the case of workmen, either by the President, Secretary or other officers of a registered Trade Union of the workmen concerned with the establishment or by the representatives of the workmen duly authorized in writing to that behalf by a majority of the workmen in the establishment present at a meeting held for the purpose.

Provided that where five representatives of workmen are so authorized to sign an application, a copy of the proceedings of the said meeting shall be attached with the said application.

### **H. 2. Notification of appointment of Board, Court, Labour Court or Tribunal.**

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

### **H. 3. Notice to parties to nominate representatives.**

(1) If the State Government proposes to appoint a Board, it shall send a notice in Form B to the parties requesting them to nominate within a reasonable time, persons to represent them on the Board.

(2) The copies of the request shall be sent to the employer named in the petition filed.

(3) The notice to be sent 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 workman who has attended the application made under rule 3, and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof at some board in a conspicuous manner at the main entrance to the premises of the establishment.

### **H. 4. Arbitration Agreement.**

(1) An arbitration agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in Form C and shall be deemed conclusively to be made if registered and is applicable to the Government of West Bengal to the Department of Labour and the Labour Commissioner and of the Conciliation Officer concerned. The agreement shall be accompanied by the consent in writing of the arbitrator or arbitrators.

(2) Where an arbitration agreement provides for an even number of arbitrators a person shall be separately appointed as umpire who shall vote upon the reference. If the arbitrators are equally divided in their opinion, the agreement appointing an umpire shall be accompanied by the consent in writing of the employer.

### **H. 5. Attestation of Arbitration Agreement.**

The arbitration agreement shall be signed—

- (a) in the case of an employer by the employer himself or his authorized agent present at the meeting;
- (b) in the case of workmen either by the President and Secretary of a Trade Union of the workmen concerned with the establishment or by the

representations of the workmen duly authorized in writing to the extent  
to the majority of the workmen at the establishment ground at a meeting  
held for the purpose.

**H. 18A. Notification regarding arbitration agreement by majority of  
each party.**

When an industrial dispute has been referred to arbitration and the State  
Government is satisfied that the persons making the reference represent  
majority of each party it shall publish a notification in this behalf in the "Official  
Gazette" within one month from the date of receipt of the arbitration agreement  
by the Government for the information of the employers and the workmen who  
are not parties to the arbitration agreement but are concerned in the dispute.

*Power, procedure and duties of Conciliation Officer Board,  
States, Union-States, Pithavada and Jammu.*

**H. 18. Conciliating proceedings in public utility service.**

(1) The Conciliation Officer concerned in a case of strike or lock-out given  
in the specified manner shall forthwith arrange to interview or contact both  
representatives of 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 any information about an  
existing or apprehended industrial dispute not arising out of strike or lock-out  
he may intervene in the dispute and may if he deems it necessary  
commence conciliating proceedings.

**H. 19. Conciliating 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 a public utility service  
and he considers it necessary to intervene in the dispute, he shall commence  
conciliating proceedings.

**H. 20. Meeting of representative of parties.**

The Conciliation Officer may hold a meeting of the representatives of both  
parties jointly or of each party separately at such places and such times as he  
may deem fit.

**H. 21. Conduct of proceedings and venue for production of documents.**

(1) The Conciliation Officer shall conduct the proceedings expeditiously  
and at such times as he may deem fit.

(2) Matters for production of documents (and enforcement attendance)  
before the Conciliation Officer shall be in Form 12. Such matters shall be served  
either personally or by registered post.

"(H12A)

<sup>1</sup> See the Schedule to the Constitution Act, 1952 (Act 30).

<sup>2</sup> See the Schedule to the State Reorganisation Act, 1956 (Act 50).

<sup>3</sup> See the Schedule to the State Reorganisation Act, 1956 (Act 50). The text is identical to the Appendix.

### **H. 13. Place and time of hearing.**

The sittings of a Board, Court, Labour Court or Tribunal or of an Arbitrator shall be held at such times and at such places as the Chairman or the Presiding Officer or the Arbitrator, as the case may be, may decide. The Chairman, Presiding Officer or the Arbitrator, as the case may be, shall inform the parties of the time at such intervals as he thinks fit.

### **H. 14. Quorums for Boards and Courts.**

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

- (1) In the case of a Court where the number of members is not more than 3-4,  
where the number of members is more than 3 but less than 5-6,  
where the number of members is 5 or more-6
- (2) In the case of a Board where the number of members is 3-4,  
where the number of members is 5-6.

### **H. 15. Evidence.**

A Board, Court, Labour Court or Tribunal or an Arbitrator may accept, admit or take for evidence at any stage of the proceedings before it such evidence as it may think fit.

### **H. 16. Administration of Oaths.**

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

### **H. 16A. Authorising Head Clerk or other clerk to administer Oath.**

The Presiding Officer of an Industrial Tribunal or Labour Court, as the case may be, may authorise Head Clerk (or where there is no Head Clerk, his most senior clerk) to administer oaths for the purpose of making affidavits.

### **H. 17. Summoning by a Board or Court.**

A summons issued by a Board of Conciliation or Court of Enquiry shall be in Form D-1 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 case relating to the matter under investigation by the Board or Court, which the Board or Court thinks necessary for the purposes of such investigation.

### **H. 18. Service of Summons or Notice.**

Subject to the provisions contained in rule 19 any notice, summons, process or order issued by a Board, Court, Labour Court, Tribunal or an Arbitrator

<sup>1</sup> See the Amendment No. 10000000000000000000, dated 1999, December, 1999.

<sup>2</sup> See the Amendment No. 10000000000000000000, dated 1999, March, 1999.

<sup>3</sup> See the Amendment No. 10000000000000000000, dated 1999, March, 1999.

approved to issue such orders, including provision to enable such the national office personnel of the registered party or its any other member as provided under the Code of Civil Procedure, 1908.

**H. 19. Hearing of parties in the case of trademark persons as parties to a dispute.**

(1) Where there are trademark persons as parties to any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator and such persons are residents of any State within its jurisdiction, the services of notice to the Secretary or where there is no Secretary, to the principal office of the trade union or association shall be deemed to be service on such persons.

(2) Where there are trademark persons as parties to any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator and such persons are not residents of any State within its jurisdiction, 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 (1) shall also be considered as sufficient in the case of such persons as cannot be served and filed.

**H. 20. Procedure at the first sitting.**

At the first sitting of a Board of Conciliation or Court of Enquiry, the Chairman or the Presiding Officer, as the case may be, shall call upon the parties or each side as he may think fit to state their case.<sup>1</sup>

**H. 20A. Notice to the parties.**

Upon receipt of a reference from the Government under section 19, the Industrial Tribunal/Labour Court concerned shall serve notice in Form D-2 upon the parties to the dispute as mentioned in the order of reference, requiring them to appear before it on a specified date either by themselves or through their authorized representatives for summary discussion.

**H. 20B. Statement of case or written statements.**

(1) The Industrial Tribunal/Labour Court shall on the date fixed in the summons for the appearance of the parties direct the party which appears to the Tribunal/Labour Court to be the party at whose instance the reference has been initiated or where no such party can be ascertained, the party which in the opinion of the Industrial Tribunal/Labour Court, ought to be required to state its case first (hereinafter referred to as the first party) to state its case together with the grounds upon which the claim for relief is founded, "and a list of relevant documents which are in their possession and copies which they must furnish in writing on a date fixed by the Industrial Tribunal/Labour Court which shall ordinarily be within two weeks from the date of the order.

<sup>1</sup> Form D-1 substituted by: [INDUSTRIAL DISPUTE ACT, 1947](#), section 20B.

<sup>2</sup> Form D-2 substituted by: [INDUSTRIAL DISPUTE ACT, 1947](#), section 20B.

<sup>3</sup> Form D-3 substituted by: [INDUSTRIAL DISPUTE ACT, 1947](#), section 20B.

(2) After the first party has complied with the order passed under subrule (1), the other party (hereinafter referred to as the second party) shall be asked to file written statements (and a list of relevant documents which are in their possession and upon which they want to rely) on a date fixed by the Industrial Tribunal/Labour Court, which shall ordinarily be within two weeks from the date of the order.

(3) Every statement of case and every written statement shall be served and verified in the manner prescribed by rule 49 or rule 50, as the case may be.

(4) Each party shall file along with its statement of case or the written statement, as the case may be, as many copies thereof as may be directed by the Industrial Tribunal/Labour Court.

(5) A copy of the statement of case or the written statement shall be served on the first party or the second party, as the case may be, by the Industrial Tribunal/Labour Court within seven days from the date on which copies of the statement of case or the written statement, as the case may be, are filed by making it over to the party concerned or to its authorized representative in the office of the Industrial Tribunal/Labour Court on a date and hour fixed for the purpose and allocated to the party concerned by the Industrial Tribunal/Labour Court.]

#### **E. '128'. Inspection of Documents.**

(1) Within 10 days from the date of filing of the written statement by the second party, and prior to the adjournment proceeding next made or adjournment, serving a copy of the same upon the other party, or parties, by the Tribunal/Labour Court, for inspection of original documents disclosed in the previous proceedings and all the documents on which he proposes to propose amendments of the dispute. Upon receipt of such application and the required affidavit, the Tribunal/Labour Court shall fix a date of hearing of the same and may, in its discretion, direct production of such documents or documents as may be directed by and prior to

(2) The documents not included in the list of documents filed under rule 127 or documents deemed to be produced under subrule (1) but not produced, shall be allowed to be used in evidence at the hearing without the special leave of the Industrial Tribunal/Labour Court.]

#### **F. '129'. Addition of Issues or parties to the proceedings.**

(1) After the parties have filed their statements, the Industrial Tribunal/Labour Court may, on a date for fixing, if necessary, issues relating to any undisputed fact or point in dispute, as referred, and may, on additional facts, as well as additional or subsidiary issues, not attempting to set out the scope of the points referred for adjudication on the merits, and setting forth) matters that required for dealing with additional statements filed] by the parties about the references and for the hearing.

<sup>1</sup> See the Constitution No. 200/1977 (Lk. 1977) dated 20th June 1977.

<sup>2</sup> See the Constitution No. 200/1977 (Lk. 1977) dated 20th June 1977.

<sup>3</sup> See the Constitution No. 200/1977 (Lk. 1977) dated 20th June 1977.



(D) The Industrial Tribunal/Labour Court may at any stage of the proceedings, either upon or without the application of any party and on such terms as may appear to the Industrial Tribunal/Labour Court just, order that the cause of any party who ought to have been joined in the reference or whose presence before the Industrial Tribunal/Labour Court may be necessary in order to enable the Industrial Tribunal/Labour Court effectively and completely to redress the grievance and settle all questions involved in the dispute, be brought on the record.

Provided that no such party shall be brought on the record without being given an opportunity to show cause by proper notice why he should not be brought on the record. The notice to show cause shall be as Form 11.

(E) The Industrial Tribunal/Labour Court shall have power, when circumstances so require, to bring on record in the place and instead of a party to the reference, a party or parties in which the status or interest of the former has passed in the course of the proceedings before it.

#### **R. 30F. Summoning and attendance of witnesses.**

The Industrial Tribunal/Labour Court may at any stage of the proceedings, either upon or without an application by any party and on such terms as may appear to the Industrial Tribunal/Labour Court just, issue summonses to any person in Form 12 if either to give evidence or to produce documents of the kind specified in a specified date, time and place.

#### **R. 30G. Fixation of date and place of final hearing.**

(1) After all interlocutory proceedings have been finalised, the Industrial Tribunal/Labour Court shall fix a date for fixing a date of final hearing.

(2) At the end of the day on which dates are fixed for final hearing of the cause the Industrial Tribunal/Labour Court shall exhibit a list showing therein the date or dates.

#### **R. 30H. Alteration of date or enlargement of time.**

(1) Where any date is fixed for a particular purpose or any period is fixed or granted for the doing of any act prescribed by the rules, the Industrial Tribunal/Labour Court may on its discretion after the date or period so fixed or granted, on the application of any party, from time to time and under such order as it thinks fit with respect to the cause concerned fix such alteration of date or enlargement of time.

(2) All notices to the Industrial Tribunal/Labour Court shall be filed by 12 noon of the latest or any working day after the service of the notice on the other party and shall be moved before the Industrial Tribunal/Labour Court in due season. In default, the Industrial Tribunal/Labour Court shall be empowered to reject the same summarily without assigning any reason.

#### **R. 30I. Procedure at the final hearing.**

(1) When a case is taken up for hearing the Industrial Tribunal/Labour Court shall then proceed, having regard to the nature of the dispute and the

<sup>1</sup> See the provisions for *interim award* and *award after interim award*.

<sup>2</sup> Inserted by Notification No. 1013 (M.L.)/1975, dated 10.12.1975.

issue requiring adjudication, which party shall be called upon to open its case and lead evidence. The party called upon by the Industrial Tribunal/Labour Court to open its case and lead evidence, shall comply with the order of the Industrial Tribunal/Labour Court. Thereafter, the other party to the dispute shall open its case and lead evidence.

(1) After the evidence of both parties is concluded, the party tendering evidence last shall first address the Industrial Tribunal/Labour Court generally and thereafter the other party shall do the same.

Provided that the Industrial Tribunal/Labour Court may directly and preliminarily issue orders on the eve of the final hearing, if not ordered by any party to the proceedings and record such evidence as about such documents to be allowed to and prepare for the purpose and give its order on the issue upon consideration of all the relevant materials as placed before it and submissions of the contending parties.

Provided further that the Industrial Tribunal/Labour Court may in its discretion at the time of passing the order on the preliminary issue grant such and according law limited appeal against any party which in the opinion of the Industrial Tribunal/Labour Court, issued such preliminary issue. It is hereby declared that such preliminary issue is issued for its proper purpose.

#### **B. 21. Board, Court, Labour Court, Tribunal or Arbitrator may proceed in spite.**

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

#### **B. 22. Proceedings when both parties fail to appear.**

If without sufficient cause being shown both the parties fail to appear before a Board, Court, Labour Court, Tribunal or Arbitrator, the Board, Court, Labour Court, Tribunal or Arbitrator may, subject to a suitable report to the State Government, and the Labour Court, Tribunal or an Arbitrator may submit a report to the State Government or the District Magistrate the Industrial Dispute under reference to be taken in reference.

#### **B. 23. Power of entry and inspection.**

A Board or Court or any member thereof or a Conciliation Officer or Labour Court or Tribunal under the Act, or any law relating to any of work, after he has given reasonable notice, may, without a warrant, enter any building, factory, workshop or other place or premises whatsoever, and inspect the same or any work machinery apparatus or such fittings or instruments any person therein in respect of anything related thereto or any matter relevant to the subject matter of the investigation, inquiry or adjudication.

<sup>1</sup> Industrial Disputes Act, 1947 (23 of 1947), Sec. 27B, added by Act 19 of 1976.

## B. 24. Power of Sheriff, Clerks, Labour Courts and Tribunals

In addition to the powers conferred by the Act, Sheriffs, Clerks, Labour Courts, and Tribunals shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:—

- (a) discovery and inspection;
- (b) granting adjournments;
- (c) reception of evidence before an affidavit;
- (d) "Dropping of additional or subsidiary issues;
- (e) addition of parties;

and the Sheriff, Clerk, Labour Court or Tribunal may summon and examine any person whose evidence appears to him to be material and shall be deemed to be a Civil Court within the meaning of sections 297 and 298 of the Code of Criminal Procedure, 1908.

## B. 24A. Determination of Costs.

In determining the costs of and incidental to, any proceeding before a Labour Court or an Industrial Tribunal, such Labour Court or Industrial Tribunal—

- (a) shall have regard, in addition to the travelling and other expenses, allowed and paid to the witnesses of a party for attending such Industrial Tribunal or Labour Court, the compensation, if any, allowed by the Industrial Tribunal or Labour Court and paid to the party's witnesses for the loss suffered by them by reason of having to attend such Industrial Tribunal or Labour Court and compensation, if any, allowed and paid in respect witnesses as well as such allowances and, if considered proper, such compensation, for a party himself when he was called as a witness or required to produce a document by the other party, unless the same has already been paid to such party; and
- (b) may have regard to the travelling and other expenses of a party who gives evidence on his own behalf, to the extent admissible to other witnesses of a similar standing.

Provided that the costs referred to in clause (a) shall be assessed only in respect of such persons whose presence is considered essential for the hearing of the case and who were actually present before the Industrial Tribunal/Labour Court.]

## B. 25. Assessors.

Where assessors are appointed to advise a Tribunal under sub-section (4) of section 1A or by the Court, Labour Court or Tribunal under sub-section (5) of section 11, the Court, Labour Court or Tribunal, as the case may be, shall, in relation to the proceedings before it, obtain the advice of such assessors, but such advice shall not be binding on it.

<sup>1</sup> See the Schedule to the Bill (Sections 14A, 14B and 14C) and clause 14A.

**B. 29. Decisions by majority.**

All questions arising for decision at any meeting of a Board or Court, save when 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.

**B. 30. Correction of errors and review of an award.**

The Labour Court, Industrial Tribunal or Arbitrator may—

(i) correct any clerical or arithmetical mistake arising from an accidental slip or omission or any oversight made by it or him, and

(ii) review an award on the ground of some mistake or error apparent on the face of the award, either of its his own motion or on the application of any of the parties.

Provided that no application shall be made after notice to the opposite party or parties, as the case may be, the onus being on the party moved or on the finding that the industrial dispute which reference is no longer in existence either of his or own motion or on the application of any of the parties.

Provided that no correction shall be made without previous notice to the parties or opposite party, as the case may be.

Provided further that an application for review under clause (ii) shall be entertained on the expiry of the 10th day from the date of the award.]

**B. 31. Right of representation.**

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

**B. 32. Parties bound by acts of representatives.**

A party appearing by an authorized representative shall be bound by the acts of such representative.

**B. 33. 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 or Labour Court or Tribunal may at any stage direct that any witness shall be examined or its proceedings shall be held in camera.

<sup>1</sup> Amended by Amendment No. 102 of 1976 (1976-77), dated the 29th March, 1976.

<sup>2</sup> Amended by Amendment No. 102 of 1976 (1976-77), dated the 29th March, 1976.

*Remuneration of Arbitrators, Chairmen and Members of Courts,  
Presiding Officers of Labour Courts and Tribunals,  
Assessors, Officers and Staff*

**H. 11. Travelling Allowances.**

The Chairman or a member of a Board or Court or the Presiding Officer or an Assessor of a Labour Court or Tribunal or an arbitrator, if a non-official, shall be entitled to draw travelling allowances and lodging allowances for any journey performed by him in connection with the performance of his duties in the same schedule and subject to the conditions applicable to a Government servant of the first grade under the Fundamental and Subsidiary Rules.

**H. 12. Fees.**

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

**H. 13. Expenses of witnesses.**

Every person who is interviewed and duly attends or otherwise appears as a witness before a Board, Court, Labour Court, Industrial Tribunal or an arbitrator, shall be entitled to an allowance for fuel, travelling and other expenses according to the City of Calcutta, to the rates prescribed for witnesses in the High Court and elsewhere, to the rates prescribed in respect of witnesses in the District Courts by the Civil Procedure Code and the High Courts Civil Rules and Orders and to the rates in the schedule of such Board, Court, Labour Court, Industrial Tribunal or Arbitrator, who is allowed compensation for loss actually suffered by reason of his attendance, and in the case of witnesses before the Civil Courts, a person examined as an expert may be allowed, in addition to travelling and other expenses, reasonable remuneration for the time occupied both in giving evidence and in performing any work of an expert character necessary for the case. Where he is a Government servant, the rules contained in the High Court's Civil Rules and Orders shall apply.

*Notice of Change*

**H. 14. Notice of change.**

Any employee intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule shall give written notice of such intention in Form B.

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<sup>1</sup> Issued by Government of India, G.O. 20222, 2001, dated 10th March, 1999.

### **B. 10. 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 or association, the notice in Form E shall be served on the Secretary or Principal Officer of the trade union or association and copies of such notice shall be affixed on Notice Boards at or near the entrance or entrances of the establishment concerned and notice shall remain so affixed for a period of twenty-one days. The notice shall be in English, Hindi and in the language understood by the majority of the workmen in the establishment concerned. The copies 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 all such workmen.

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 on the Notice Boards in the manner specified in sub-rule (1) 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 notice of any such notice to be made by affixing the same to a Notice Board, or at near the entrance or entrances of the establishment concerned and the notice shall remain so affixed for a period of twenty-one days. The notice shall be in English, Hindi, and in the language understood by the majority of the workmen in the establishment concerned.

(3) Two copies of such notice shall simultaneously be forwarded by the employer to the Labour Commissioner.

### **Rule Continues**

## **B. 11. (10). Constitution:**

(1) Any employee in respect of whom an order under sub-section (1) of section 17 has been made shall forthwith proceed to constitute a work-committee in the manner hereinafter provided.

(2) Any employee, in respect of whom an order under sub-section (1) of section 17 has been made, may, if subsequently so all days during any period of twelve months, the number of workmen employed by him be less than one hundred, apply to the Labour Commissioner for revocation of the said order. On receipt of such application the Labour Commissioner shall make an enquiry and pass a certificate as to the results of his application, transmitted to the State Government. He may, if satisfied as to the results of his application, recommend to the State Government the revocation of the said order. The State Government may thereupon revoke the said order, if it appears necessary so to do in the public interest.

#### **K. 47. 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 the various 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.

#### **K. 48. Representatives of employer.**

Subject to the provisions of these rules the representatives of the employer shall be nominated by the employer and shall, so far as possible, be officials or direct touch with or associated with the working of the establishment.

#### **K. 49. 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 various shops or departments of the establishment.

(2) Where an employer has reason to believe that the information furnished in his answer to sub-rule (1) by any trade union is false, he may after informing the union in the manner as the Labour Commissioner may direct for the purpose and the Labour Commissioner after hearing the parties shall decide the matter and his decision shall be final.

#### **K. 50. Groups of workmen's representatives.**

On receipt of the information called for under rule 49, 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, having 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 requests or fails to furnish the information called for under sub-rule (1) of rule 49 within one month of the date of the notice requiring it to furnish such information such notice 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 49, the election shall be held on receipt of the decision of the Labour Commissioner.

#### **R. 41. Electoral Constituencies.**

Where under the rule 33, the workmen's representatives are to be 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 a registered trade union and the other of those who are not.

Provided that the employer may, if he desires to, sub-divide the two electoral constituencies and direct that the workmen shall vote in either by groups, sections, shops or departments.

#### **R. 42. Qualifications of candidates for election.**

Any workman of not less than 18 years of age and with a service of not less than one year in the establishment shall 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.

#### **R. 43. Qualification for voters.**

All workmen, other than casual employees, who are not less than 18 years of age and who have put in not less than six months' continuous service in the establishment shall be entitled to vote in the election of the representatives of workmen.

#### **R. 44. Procedure for election.**

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

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

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

#### **R. 45. Nominations of candidates for election.**

(1) Every nomination shall be made on a nomination paper in Form F copies of which shall be supplied by the employer to the workmen requiring them.

(2) Each nomination paper 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 candidate seeking election or if registered, and shall be delivered to the employer.



#### **B. 46. Mailing of nomination papers.**

(1) On the day following the last day fixed for filing nomination papers, the nomination papers shall be reviewed by the employer in the presence of the candidate and the attending persons and those which are not valid shall be rejected.

(2) For the purpose of such rule (1), a nomination paper shall be held to be not valid if (a) the candidate mentioned is ineligible for membership under rule 42 or (b) the requirements of rule 43 have not been complied with.

Provided that where a candidate or the person attending is unable to be present at the time of the meeting he may send a duly authorized person for the purpose.

#### **B. 47. 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 it is not constituting 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 determined by such electoral committee.

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

(5) Every workman entitled to vote in an electoral constituency shall have an equal vote as there are seats to be filled in the constituency.

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

#### **B. 48. Arrangements for election.**

The employer shall be responsible for all arrangements in connection with the election.

Provided that where there is a dispute or an apprehended dispute or where either the employer or the workmen make a specific request to the Labour Commissioner, the Labour Commissioner shall dispute an officer to superintend the election.

#### **B. 49. Officers of the Committee.**

(1) The Committee shall have sitting the following officers, a Chairman, a Vice-Chairman, a Secretary and a Joint Secretary. The Secretary and the Joint Secretary shall be elected every year.

(2) The Chairman shall be nominated by the employer from amongst the employer's representatives in the Committee and he shall continue for the

<sup>1</sup> Same as sub-rule 46, substituted text used for first time in 1962.

<sup>2</sup> Same as rule 42.

level of the employer's establishment. The Vice Chairman shall be elected by the employer's representatives on the Committee from amongst themselves. In the absence of the Chairman, the Vice Chairman shall preside over the Committee meetings.

Provided that the position may be reviewed by the State Government after three years from 1967 or from the date of formation of the Works Committee for the first time, whichever is later, and the post of Chairman may thereafter be held by an employer's representative elected by such representatives on the Committee from amongst themselves if Government so directs.

Provided further that if an employer's representative is elected to the post of Chairman, the Vice Chairman shall be nominated by the employer from amongst the employer's representatives on the Committee and he shall ordinarily be the head of the employer's establishment.]

(2) The Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employees, the Joint Secretary shall be elected from amongst the representatives of the workers and not 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 employee in the workshop for five consecutive years.

#### **H. 10. Term of Office.**

(1) The term of office of a worker's representative on the Committee other than a member chosen to fill a casual vacancy shall be one year<sup>1</sup> and shall further extend in case of a member chosen to fill a casual vacancy from the expiry of the said one year and the date on which the vacancy is filled.]

(2) A member chosen to fill a casual 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.

#### **H. 11. Vacancies.**

In the event of the worker's representative ceasing to be a worker under sub-rule (2) of rule 10 or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be elected in accordance with the provisions of these rules from the same group, section, shop or department to which the member vacating the seat belonged.

#### **H. 12. Power to exempt.**

The Committee shall have the right to exempt in a consultative capacity persons employed in the establishment having particular or special knowledge of a matter under discussion. Such exempted member shall not be entitled to

<sup>1</sup> Under the Industrial Disputes Act, 1947, the term was one year.

rule and shall be present at meetings only for the period during which the particular question is before the committee.

#### **H. 33. Meetings.**

(1) The Committee may meet as often as necessary but not less often than once in three months in question.

(2) The employer shall, after giving not less than three days notice, convene the first meeting of the Works Committee for selection of the office-bearers under rule 40.

#### **H. 34. Facilities for meeting etc.**

(1) The employer shall provide accommodation for holding meetings of the committee. He shall also provide all necessary facilities to the committee and to the members named for carrying out the work of the committee. The Committee shall ordinarily meet during the working hours of the establishment concerned on any working day and the representatives of the workmen shall be deemed to be on duty while attending the meeting.]

(2) The Secretary of the Works Committee may, with the prior consent of the Chairman, put up notices regarding the work of the Committee on the notice-board of the establishment.]

#### **H. 35A. Functions of the Works Committee.**

The functions of the Works Committee shall (where assigned) refer to the following matters, namely:—

- (a) conditions of work, such as ventilation, lighting, temperature and sanitation including latrines and urinals;
- (b) sanitation, such as drinking water, canteens, dining rooms, creches, rest rooms, medical and health services;
- (c) safety and accident prevention, occupational diseases and protective equipment;
- (d) adjustment of hours and national holidays;
- (e) administration of welfare and loan funds;
- (f) recreational and educational activities, such as libraries, reading rooms, cinema shows, sports, games, picnics, parties, community welfare and celebrations;
- (g) promotion of birth and savings;
- (h) implementation and review of decisions arrived at at the meetings of the Works Committee.]

<sup>1</sup> Rule 34 renumbered as sub-rule (1) by Notification No. 2000/10/1998 dated the 20th September, 1998.

<sup>2</sup> Added by Notification No. 2000/10/1998 dated the 20th September, 1998.

#### **M. 14. Dissolution of Works Committee.**

The State Government or where that power under section 1 is delegated under section 20 to the Labour Commissioner, the Labour Commissioner may, after making such inquiry as it or he may deem fit, dissolve any Works Committee at any time by an order in writing, if it or he is satisfied that the Committee has not been constituted in accordance with these rules or for any other adequate cause.

Provided that where a Works Committee is dissolved under this rule, the employer may take steps to reconstitute the Committee in accordance with these rules.

#### *Ministerial form for copies of proceedings and other documents*

#### **M. 15. Copies and application for copies.**

(1) Any party to an industrial dispute desiring to obtain copies of proceedings of a Board, Court, Labour Court or Tribunal shall make an application for copies to the Chairman. Copies of any number of documents on the same matter may be obtained on a single application. A stranger may obtain copies of records and, notwithstanding anything to the contrary in the rules of the Tribunal or Labour Court concerned, also copies of other proceedings on making an application for copies to the Chairman. Proceedings shall include exhibits which have been put in and formally accepted as evidence by the Board, Court, Labour Court or Tribunal but a stranger shall not be given copies of private documents except with the consent of the person by whom they were produced, or his attorney-in-fact.<sup>17</sup> The copy of award shall, however, be supplied till the Government order for its publication is issued.

(2) Every application for copy shall be presented in Form O to the Chairman between the hours of 10 a. m. to 12 noon and shall be accompanied by a fee of 10 paise only which shall be paid in cash or by cheque drawn on the applicant.

#### **M. 16. Copies to be issued on stamped paper.**

(1) All copies shall be prepared on the prescribed stamped paper (i. e. the *stika*), or on duty paper or on paper by affixing the adhesive stamp of equal value of duty.

(2) It is not possible at once to inform the applicant what exact the stamp and duty will be required in respect of the copies applied for. His complete information shall be communicated by the applicant or some person authorised and he may even not later than three days from the date on which the application is received, by writing on the prescribed portion of the application form, which will be taken delivery of by the applicant from the office of the Chairman within three days from the date of filing of the application.

<sup>17</sup> Note by Government for 1st (1955) (14) (17) number 276.

#### **H. 26. Charge to be made for copies.**

(1) The charge for copies (microforms or typewritten, certified or uncertified) shall be according to the following rates and amounts, namely:

- (a) an impression of equal paper of thirty grams (i.e., 1000) for an equal paper/stock paper by affixing the adhesive stamp of equal value of 1000 for copies of documents containing 100 words or less;
- (b) an impression of equal paper of thirty grams (i.e., 1000) for an equal paper/stock paper by affixing the adhesive stamp of equal value of 1000 with one adhesive stamp of thirty grams (affixed therein) for copies of documents containing 100 to 200 words; and
- (c) for copies of documents containing more than 200 words, besides the impression specified in clause (b), an additional impression of equal paper or paper of thirty grams with an adhesive stamp of thirty grams (affixed therein), if necessary, according to the number of words to be typed or typed first system resulting at one word at the rates above (if divisional) and (b). (The adhesive stamp for stamps required for the copies shall be affixed to the film across the perforated line with the figure inside above the perforated line in such a way that the perforation does not directly show the value of the stamp for stamps).

(2) If any copy is to be made of a book or a plan the Chairman may get the work done by technical persons capable of doing such work and the charges thereof to be assessed by the Chairman in his discretion shall be paid to such technical persons by the applicant in cash.

(3) As soon as a copy is ready, the upper half of each stamp shall be torn off each sheet along the perforated line by the corresponding clerk who shall get the serial number and the date of the copy on the back of each of the upper halves or torn off and get them destroyed in the following day in presence of the Chairman and get a certificate of destruction inserted in the "Remarks" column of the register of applications for copies.

#### **H. 27. Certification fee.**

In the case of certified copies the certificate chargeable under the Copyright Act, 1957 (VII of 1957), shall be issued by affixing the necessary stamp to the first copy of the copy or to the copy or the plan, or the map, etc., and such certificate stamp shall be cancelled with a square punch and signed across by the certifying officer.

#### **H. 28. Procedure for supplying coast files, folios, etc., by the parties.**

(1) On receipt of the information referred to in sub-rule (2) of rule 51 the applicant shall present the requisite files, stamps, etc., to the Chairman along with the counterfoil of his original application on which receipt of the stamps, files, etc., shall be acknowledged and the date on which the copy will be made for delivery noted. The counterfoil shall then be returned to the applicant.

(2) If the requisite files, stamps, etc., are not filed within seven days from the date on which the information referred to in sub-rule (2) of rule 51 is

recommended to the applicant, the application shall be liable to be struck off. An application once struck off shall not be revived. If necessary a fresh application may be filed.

#### **H. 81. Delivery of copies**

The case shall be made for delivery to the applicant within seven days from the date of his filing the requisition in full. If this copy be not taken, delivery of within two months there its being ready for delivery the copy and the amount stamp shall be liable for destruction. When the copy together with the amount stamp etc. is delivered to the applicant the signature thereon and the date of delivery shall be taken on the back of the application. The amount shall at the same time be taken back from the applicant and kept attached to the application.

#### **H. 82. Register of applications for copies.**

All applications for copies shall be registered consecutively and entered in a register maintained for the purpose in Form B.

#### **H. 83. Register of Court fees.**

In order to maintain a proper account of all court fees received, a court fee register shall be maintained in Form C by the officer of the Court on entering thereon the court fee applications for copies. Court fees shall be accounted for according to the manner laid down in section 30 of the Court Fees Act, 1870 (13 of 1870).

#### **H. 84. Certificate on copies.**

(1) Each page of the copy shall be signed at the bottom by the person copying it. It shall also bear at the end, signature of the clerk who examined it. Every alteration or interpolation shall also be certified by him.

(2) All copies shall be carefully compared by a selected comparing clerk and if certified copies are required for, shall be certified to be true copies. Each page shall be sealed with the seal of the officer of the Labour Court or Tribunal and the copy shall be signed in full at the end by the certifying officer with the signature and date.

The Head Clerk of the office of the Tribunal shall be the public officer appointed under section 76 of the Indian Evidence Act, 1912 (1 of 1912), to certify all copies issued from the office of the Tribunal or Labour Court.

The State Government may also appoint any other clerk of the office of the Industrial Tribunal or Labour Court to be the public officer appointed under section 76 of the Indian Evidence Act, 1912 (1 of 1912), to certify all copies issued from the office of the Tribunal or Labour Court.

**Rule 4 - The Seal Book.** The seal book used and supplied by the State Government to be the public officer shall be used to seal copies, the words and figures "Industrial" under section 76 of Act I of 1912, it shall every time be used for the purpose stated for the signature book.

<sup>1</sup> See the Provisions for 1958 (S. 222, 223, 224) added on 24 December 1958.

Rule 3 - Certified copies shall not be issued for the certified copies by some other officer. The certified copies shall contain the name of him to be certified.

(1) Uncertified copies may be converted into certified copies after comparing with the original upon application of any one producing the uncertified copy and upon his filing the necessary amount for stamp required under the Court Fee Act, 1870 provided that he is not deemed under the rules from getting certified copies. Copies with notes written on them, or portions marked or underlined shall not, however, be accepted for conversion into certified copies. If the original has been amended or added to or if any note has been introduced into it after issue of the uncertified copy, the uncertified copy shall not be converted into certified copy.

(2) At the bottom of each certified copy the following particulars shall also be endorsed -

- (i) Date of application for copies;
- (ii) Date when requisites were satisfied;
- (iii) Date of supply of copies;
- (iv) Date when copy was ready for delivery;
- (v) Date of delivery of the copy;
- (vi) Cost of copy.

#### **R. 68. Urgent copies.**

Application for urgent copies may be made at any time during the office hours. Such copies shall ordinarily be ready for delivery on the day following the date of filing of the request here and other requisites. The additional fees for urgent copies shall be Rs. 1 up to copies with 500 words or less. For copies exceeding 500 words an additional fee of 20 paise for every 100 words or fraction thereof is to be paid. Such fees are to be paid by means of notes for stamp to be affixed to the application for copy or to a separate bank order of paper.

#### **R. 69. Copies required by public officers.**

Notices are to be demanded for copying or typing papers required by public officers for public purposes. In such cases the copies are to be prepared on plain paper.

#### **R. 70. No copy of confidential documents shall be given.**

No copy shall be given of any notes recorded by a Labour Court or Tribunal for its own use or of any exhibit or document which the Labour Court or Tribunal may consider to be confidential.

## B. 1974. Classification of records of Industrial Tribunals and Labour Courts.

(1) Records of all cases of reference under section 10 and of complaint under section 12A shall consist of those files to be sealed and marked respectively File A, File B and File C, as follows—

(a) File A shall contain—

- (i) Table of contents;
- (ii) Order Sheet of the whole case;
- (iii) Order of reference with schedule of correspondents therein;
- (iv) Statement of the case and the written statement of the parties involved;
- (v) Issues;
- (vi) Award or Decisions and other Orders;
- (vii) Printed extract of the Tribune/Magazine publishing the award;
- (viii) Judgment or order of any of the High Court or the Supreme Court.

(aa) File B shall contain—

- (i) Depositions of witnesses on behalf of the parties involved;
- (ii) Documents submitted in evidence with a list thereof; and

(ab) File C shall contain all other papers.

(2) Records of all other cases under the Act shall consist of such records to be sealed and marked File D which shall contain—

- (i) Order Sheet of the whole case;
- (ii) Original application and reply thereto if any;
- (iii) Depositions of witnesses examined;
- (iv) Documents submitted in evidence with a list thereof;
- (v) Orders and Decisions.

## B. 1974. Preservation of records of Industrial Tribunals and Labour Courts.

(1) Files of the records of Industrial Tribunals and Labour Courts as specified in columns (1) of the Table below, shall be preserved for the periods specified in the corresponding entries in column (2) of the said Table:

TABLE	
(1)	(2)
File	Period of preservation
File A	Six years from the date of publication of the award in the Tribune/Magazine or in case of appeal, six years from the date of judgment or order of the High Court or the Supreme Court, or the longer of the two.
File B	Three years from the date of publication of the award in the Tribune/Magazine.
File C	Six years from the date of publication of the Award in the Tribune/Magazine.
File D	Five years from the date of the last order passed.

<sup>1</sup> See the Schedule to the Industrial Disputes Act, 1947 for the 1954, 1964, 1967



(2) If any original document submitted in evidence is required by the party filing the same before the expiry of the period of appeal, the same may be allowed to be taken back after a certified copy thereof has been furnished and the party concerned agrees to replace the original when called upon by the appellate authority.

#### **H. 97C. Destruction of records of Industrial Tribunal and Labour Court.**

(1) After the expiry of the periods of preservation provided in rule 97B, the records of Industrial Tribunals and Labour Courts shall, subject to the provisions of sub-rule (2), be destroyed and disposed of in the manner specified in sub-rule (3).

(2) To enable the parties who have filed documents to withdraw the same before destruction, a notice shall be served upon each of them stating that all documents filed will, unless taken back previously, be destroyed after thirty days from the date of the notice. Such notice shall contain the name of the Court or Tribunal, the number, year and parties of the case in which the documents were filed, and the particulars of the documents. On the expiry of the said thirty days all unreturned documents shall be destroyed without fail.

(3) Confidential records or private documents not taken back or returned, shall be destroyed by burning only in the presence of a respectable officer. All other records shall be destroyed by tearing. Such records may be sold in market or disposed of in any manner thought fit by the head of the office.

#### **H. 106. Non-recognition of Settlement.**

(1) A settlement arrived at in the course of conciliation proceedings in accordance shall be as Peris 21.

(2) The settlement shall be signed—

(a) in case of the employer—

(i) by the employer himself or by his authorized agent or where the employer is an incorporated company or other body corporate, by the agent, manager or any other principal officer of the company or other corporate body; or

(ii) by an officer authorized to do so in or under 51 of sub-section (2) of section 38, or where the employer is not a member of any association of employers, by an officer or other employee authorized to do so in or under 10 of the said sub-section authorized by the board laid down in sub-rule (3) of rule 10A;

(b) in case of the workmen—

(i) by the workmen himself; or

(ii) by the President or Secretary of a trade union or federation of trade unions authorized to do so in or under 31 of sub-section (1) of section 38, or where the workmen is not a member of any trade union, by an officer or other workman authorized to do so in or under 10 of the said sub-section authorized by the board laid down in sub-rule (3) of rule 10A.

1. Amended by Notification No. 1000-02/1994 dated 1st June 1994.

2. Amended by Notification No. 1000-02/1994 dated 1st June 1994.

(1) When a settlement is arrived at between an employer and his workmen pursuant otherwise than to a course of arbitration proceedings before a Board or Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the Assistant Secretary to the Government of West Bengal, Labour Department and the Conciliation Officer concerned, either by registered post with acknowledgment due or by postpaid airtel or airtel receipt, during the hours respectively fixed for the purpose by the officer concerned.

**M. 88. Complaints regarding change of conditions of service, etc.**

(1) Every complaint under section 23A of the Act shall be presented in triplicate to Part K 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 workman 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 material paragraphs of 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 the person making it and shall state the date on which and the place at which it was signed.

**N. 78. Application under section 23.**

(1) An employer intending to obtain the release provisions in writing of the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be, under sub-section (1) or sub-section (2) of section 23 shall present an application in Form L 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 clause (b) of sub-section (2) of section 23 shall present an application in Form M 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.

(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 material 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.

## **B. 11. Protected workmen.**

(1) Every registered trade union registered with an industrial establishment to which the Act applies, shall communicate to the employer, before the 31st September every year, the names and addresses of each of the officers of the union who are employed in that establishment and who, in the opinion of the union, should be recognized as 'protected workmen'. Any change in the membership of any such officer shall be communicated to the employer by the union within 14 days of such change.

(2) The employer shall, subject to section (3) and section (4) hereinafter, recognize such workmen to be 'protected workmen' for the purposes of sub-section (1) of the said section and communicate to the union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1) the list of workmen recognized as 'protected workmen'.

(3) Copies of correspondence under sub-rule (1) and (2) shall also be sent to the Labour Commissioner and the Conciliation Officer concerned.

(4) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of the protected workmen, ascertained by the establishment, under section (3), sub-section (4), the employer shall recognize as protected workmen only such maximum number of workmen.

Provided that where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the unions that the members of recognized protected workmen in individual unions bear roughly the same proportion to one another as the membership figure 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. A copy of this letter shall also be sent to the Labour Commissioner.

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 officers to be recognized as protected workmen. Such selection shall be made by the union and communicated to the employer within 14 days of the receipt of the employer's list.

(5) Where a dispute arises between an employer and any registered trade union whether a particular workman should be recognized as a 'protected workman' or not, the dispute shall be referred to the Labour Commissioner whose decision thereon shall be final.

## **B. 12. Information to be kept confidential.**

All books, papers and other documents or things produced before a Board, Court, Labour Court or Tribunal or Arbitrator whether voluntarily or in pursuance of a summons may be inspected by the Board, Court, Labour Court, Tribunal or Arbitrator and also by each party to the Board, Court, Labour Court, Tribunal or Arbitrator, unless the information obtained therefrom shall not, except as provided in the Act, be made public; each party of the books,

papers, documents or things as in the powers of the Board, Court, Labour Court, Tribunal or Arbitration Board applicable to the matters in issue may be used up.

#### H. 73. Notice of strike or lock-out.

All notices of strikes or lock-outs under the Act shall be given in the following manner: (1) In the case of a notice of strike, it shall be signed either by the President or the Secretary of the registered trade union of which the workmen are members or by some workman employed by the industrial establishment concerned, if the workmen are not members of a registered trade union. If the notice is given by a registered trade union, it shall be accompanied by a signed statement that any ballot or other steps necessary to be taken under the rules of the union have been taken before giving the notice, if the notice is given by the workman it shall be accompanied by a signed statement that the majority of the workmen are in favour of giving notice of the strike and have authorized their agent to sign the notice, the notice in each case shall also be accompanied by a list of demands of the workmen and if the employer refuses to receive such acknowledgment with date the commencement of the strike, it shall be forwarded by registered post with acknowledgment due to the registered Union, if the notice is already signed and prepared shall be given in or posted in the address of the Labour Commissioner West Bengal, Secretary to the Government of West Bengal in the Department of Labour and the District Magistrate of the district in which the industry of the establishment is carried on. The date on which the notice has been received by the employer or the date of expiry of seven days from the date of posting of the notice, whichever be earlier shall be deemed to be the date on which the notice has been given. The termination referred to in sub-section (2) of section 22 or the report referred to in sub-section (4) of that section regarding notice of strike shall be sent by the employee under sub-section (1) or sub-section (2) of that section, as the case may be, to the Labour Commissioner. On receipt of the notice or of an intimation under sub-section (2) of section 22 or of a report under sub-section (4) of section 22 the Labour Commissioner after making such enquiries as may be deemed necessary to him, shall forward it to the Secretary to the Government of West Bengal in the Department of Labour together with a report whether he considers that the notice has been frivolously or repeatedly given or it would be prejudicial to public interest under clause (c) of sub-section (1) of section 22 to a Labour Court or a Tribunal and, if so, for what reasons and whether he recommends reference of the dispute to a Board or to a Court, (2) in the case of a notice of a lock-out, it shall be signed by a Director, Manager, Secretary or an Agent representing the employer or in the case of an industry carried on by or under the authority of the State Government by the Head of the Department concerned or an authority named by him and in the case of an industry carried on by or on behalf of a local authority by the chief executive officer of that authority, it shall be accompanied by a list of charges in the conditions of labour of the workman sought to be imposed or a statement of reasons for lock-out and copies of the notice together with the list or the statement in English, Bengali and in the language understood by the majority of the workmen in the establishment concerned shall be prominently displayed on the notice Board of the establishment concerned and copies in English of the notice and the list or the statement shall be sent by registered post with acknowledgment due to the registered trade union, if any of the workmen

under the Labour Commission, West Bengal, the Secretary to the Government of West Bengal in the Department of Labour and the District Magistrate of the district in which the industry of the establishment is situated. The certificate referred to in sub-section (1) of section 22 or the report referred to in sub-section (3) of the section regarding actions of lock-out shall be sent by the employer under sub-section (1) or sub-section (3) of that section, as the case may be, to the Labour Commission. The date of the expiry of three days from the date of the acknowledgment of the notice by the Labour Commission shall be deemed to be the date on which notice has been given. The receipt of the notice or of an acknowledgment under sub-section (1) of section 22 or report under sub-section (3) of section 22 by the Labour Commission after making enquiries, as he may deem necessary, shall be sent by the Secretary to the Government of West Bengal in the Department of Labour, together with a report whether he considers that the notice has been given lawfully or not, or whether it would be appropriate to make a reference under Chapter IV of the Act to a Labour Court or a Tribunal and, if so, for what reasons and whether he recommends reference of the dispute to a Board or to a Court.

## B. 774. Recovery of dues.

(1) When any specified case arising in due to a workman from an employer under a settlement or an award or under the provisions of Chapter VI of the Act, the workman concerned (or any other person authorized by him in writing to this behalf) or in the case of a deceased workman, his assignee or heirs) may apply to the State Government in Form Q as duplicate for the recovery of the amount due to him.

(2) On application of a Labour Court by the State Government the workman concerned (or any other person authorized by him in writing to this behalf) or in the case of a deceased workman, his assignee or heirs) may apply to the Labour Court as specified in Part Q-2 for actual determination of the amount of the dues.

(3) On the workman's dues having been determined by the Labour Court, the workman concerned, (or any other person authorized by him in writing to this behalf) or in the case of a deceased workman, his assignee or heirs) may apply to the State Government for the recovery of his dues as determined in Form Q-3.

(4) When workman concerned under the same employer are entitled to receive from him any money or any benefit capable of being converted in terms of money then a single application in Form Q-1<sup>1</sup>, Q-2<sup>2</sup> or Q-3<sup>3</sup> for the purpose mentioned in sub-rule (1),<sup>1</sup> (2)<sup>2</sup> or (3)<sup>3</sup>, as the case may be, may be made on behalf of or in respect of any number of workmen by any person authorized in writing to this behalf by the workman concerned, (or by any person so authorized in their assignee or heirs) in the case of deceased workman.

<sup>1</sup> Form as prescribed by the Labour Commission, West Bengal, vide G.O. No. 1000.

<sup>2</sup> Form as prescribed by the Labour Commission, West Bengal, vide G.O. No. 1000.

<sup>3</sup> Form as prescribed by the Labour Commission, West Bengal, vide G.O. No. 1000.

#### **B. 15. Register of Settlements.**

The Conciliation Officer shall file all settlements effected under this Act in respect of disputes in the area within his jurisdiction in a register maintained by the persons in Form N or S-1 as the case may be.

#### **B. 16. Notice of Lay-off.**

Whenever a workman whose name is found on the muster-roll of an industrial establishment is laid-off by the employer, the employer shall immediately report in Form O the information of such lay-off to the Labour Commissioner, the Conciliation Officer concerned and the Secretary to the Government of West Bengal, Labour Department.

#### **B. 17A. Application for permission to lay-off under section 25-B.**

(1) Application of permission to lay-off any workman under sub-section (1) or for permission to continue a lay-off under sub-section (2), of section 25-B shall be made in Form O-2 and delivered by the authority specified under sub-section (1) either personally or by registered post with acknowledgment due and where the application is sent by registered post, the date on which the same was delivered by the post authority shall be deemed to be the date on which the application was made, for the purposes of sub-section (4) of the said section.

(2) The application for permission to lay-off or continue a lay-off shall be made in triplicate and sufficient number of copies of the application for services in the workman concerned shall also be submitted along with the application.

(3) The employer concerned shall furnish to the authority to whom the application for permission to lay-off or continue a lay-off has been made, such further information as that authority considers necessary for arriving at a decision on the application, or as may be 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 (4) of section 25-B.

(4) Where permission to lay-off has been granted by the said authority, the employer concerned shall give to the Secretary to the Government of West Bengal, Labour Department, Labour Commissioner, West Bengal and the Conciliation Officer concerned, notice of commencement of such lay-off in Form O, and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Secretary to the Government of West Bengal, Labour Department, Labour Commissioner, West Bengal and the Conciliation Officer concerned, a notice of such lay-off in Form O.

(5) The notice referred to in sub-rule (4) shall be given within seven days from the date of receipt of the permission from the authority.

(6) The authority shall forthwith submit a copy of his order and findings made on the application for permission to lay-off or continue a lay-off to the Secretary to the Government of West Bengal, Labour Department.

Act No. XXXVIII of 1947 (XXVIII of 1947) dated 21.1.1948

Act No. XXXVIII of 1947 (XXVIII of 1947) dated 21.1.1948

## **H. 577. Notice of reattachment.**

(1) The notice of reattachment to be given to an employer under clause (c) of section 209 shall be in Form F and such notice shall be served on the State Government's office by personal service or by registered post—

- (i) not less than one month before the date of actual reattachment, if notice of reattachment is given to a workman;
- (ii) within three days of the date of reattachment, if no notice is given to a workman and he is paid one month's wages in lieu thereof;
- (iii) not less than one month before the date of actual reattachment, if reattachment is carried out under an agreement which specifies a date for the termination of service.

Provided that where the agreement specifies a date for the termination of service which is within one month from the date of the agreement or where the agreement does not specify a date for the termination of service, the notice of reattachment shall be sent to the State Government on the day next following the date of the agreement.

(2) A copy of such notice under sub-rule (1) shall be served by personal service or by registered post also on the—

- (i) Labour Commissioner, West Bengal;
- (ii) Conciliation Officer having jurisdiction over the area; and
- (iii) Employment Exchange having jurisdiction over the area.

## **H. 578. Maintenance of monthly list of workmen.**

(1) Every employer shall prepare and maintain a list of all workmen in each category employed in his establishment according to monthly list of workmen in the category concerned.

(2) A copy of the list of all workmen in the particular category from which reattachment is contemplated, indicating as to the names of the persons who are proposed to be reattached, shall be posted on a notice board in a conspicuous place in the premises of the establishment usually accessible to the workmen, at least seven days before the date of reattachment, if the contemplated reattachment takes place after the expiry of the said period of seven days.

## **H. 579. Notice of, and application for permission for reattachment.**

(1) Every employer shall, in accordance with clause (c) of section 209 for reattachment shall be served in Form FA, and served on the State Government, or its local authority as may be specified by that Government under the said clause, either personally or by registered post with acknowledgment due and when the notice is served by registered post, the date on which the same was delivered to the State Government or the authority shall be deemed to be the date of service of the notice for the purpose of sub-section (1) of the next section.

<sup>1</sup> Inserted by Amendment No. 14 of 1978 (1978) dated 22d January, 1978.

<sup>2</sup> Form to Notification No. 1788-2022/20-275 dated 14th January, 1978.

<sup>3</sup> Inserted by Amendment No. 14 of 1978 (1978) dated 22d January, 1978.

(1) Application for permission for reattachment under sub-section (1) of section 25B shall be made in Form PB with an attached copy of the notice given by the employer under clause (a) of section 25F appended thereto and delivered to the State Government, or to such authority as may be specified by the Government, either personally or by registered post with acknowledgment due and where the application is sent by registered post, the date on which the same was delivered to the State Government or the authority shall be deemed to be the date on which the application was made for the purposes of sub-section (3) of the said section.

(2) Where a notice under sub-rule (1) is served on or an application under sub-rule (1) is made to the authority specified by the State Government, the employer shall also send a copy of that notice or application to the Secretary to the Government of West Bengal Labour Department.

(3) The notice or, as the case may be, the application shall be served or made in triplicate and sufficient copies of copies of the application for service on the workmen concerned shall be submitted along with the notice or, as the case may be, the application.

(4) The employer concerned shall furnish to the State Government or to the authority to whom the notice for reattachment has been given or the application for permission for reattachment has been made under clause (a) of sub-section (1), or as the case may be, sub-section 2 of section 25B such further information as the State Government or, as the case may be, the authority requires necessary for settling or disposing of the notice or, as the case may be, the application, as and when called for by such authority, so as to enable the State Government or the authority to reattach or to grant permission or refusal to grant permission within the period specified in sub-section (3) or, as the case may be, sub-section (1) of section 25B.

(5) The authority to whom a notice is served, or to whom an application is made under this rule shall furnish a copy of his order and findings to the Secretary to the Government of West Bengal Labour Department.]

## **B. 173. Re-employment of retrenched workmen.**

(1) Every employer shall maintain a register called the Register of Retrenched Workmen which shall contain the names, nature of work, address obtained from workmen and periods of service of the retrenched workmen.

(2) On the occurrence of vacancies after re-employment, when an employer proposes to take up his regular work persons, he shall—

- (i) arrange for display on a Notice Board in the premises of the establishment of the details of the vacancies to be filled,
- (ii) if the employer under the assistance of his Employment Exchange or the area in filling the vacancies, inform the Exchange that the names of some of his retrenched workmen as well have been registered with the Exchange may be submitted to him along with the names of other suitable candidates and



(ii) give notice of the summons in writing to each individual contacted workman eligible to be considered for the summons and such notice shall be dispatched by registered post to the address of such workman obtained by the employer at the time of recontactment;

Provided that where the number of such workmen is less than the number of contacted workmen, it shall be sufficient if information is given to the employer (individually to the workmen) contacted workmen in the Register referred to in sub-rule (1); the number of such workmen being double the number of such workmen.

Provided further that clause (ii) shall not apply to workmen which are casual and of less than 4 months duration or which arise after the expiry of a period of one year from the date of recontactment.

Provided also that the employer shall be free to fill up the summons in all cases where contacted persons do not come forward for re-employment within the time limit laid down in sub-rule (1), or within such further period as may be allowed by the employer in spite of having received intimations from the employer.

(3) A contacted workman on receipt of notice of summons from the employer shall offer himself for work or send a reply within a period of ten days from the date on which the notice is posted and, if he fails to do so, the employer need not attempt to fix the summons that may arise in any subsequent session.]

#### **B. 176A. Authorisation of representatives of parties.**

(1) The authority to be given by the workman under clause (a) of sub-section (1) of section 17 shall be in Form B, such authority shall be signed by the workman concerned.

(2) The authority to be given by an employer under clause (a) of sub-section (1) of section 17 shall be in Form B-1. Such authority shall be signed by the employer or where the employer is an incorporated company by the agent, manager or any other principal officer of such company or body corporate.

(3) The information filed under sub-rule (1) or sub-rule (2) shall be accepted by the authority concerned by making an endorsement to that effect on the body of the Form B or Form B-1, as the case may be, not being satisfied that the person making the statement is really in getting leave file.

(4) Before accepting any authorisation filed in Form B or Form B-1, the authority concerned may call for such information as it may deem necessary for its satisfaction, and may refuse to accept such authorisation if it has reason to believe that it has obtained by unfair means.

(5) A party appearing by a representative shall be bound by the acts of that representative.]

<sup>1</sup> Form B and Form B-1, when introduced, shall be valid till June 1962.

## **H. 178B. Notice of Closure.**

(1) The notice of closure under sub-section (1) of section 25 FFA shall be in duplicate in Form F-1 and served on the Secretary to the Government of West Bengal, Labour Department, by registered post with acknowledgment due so that such notice is received by the Secretary at least early three before the date on which the intended closure is to become effective. Such notice shall be signed by a person not below the rank of a manager or supervisory position, who is fully conversant with the affairs of the undertaking concerned and duly authorized to act on behalf.

(2) A copy of the notice referred to in sub-rule (1) shall also be served by registered post with acknowledgment due to—

- (i) the Labour Commissioner West Bengal,
- (ii) the Conciliation Officer having jurisdiction over the area,
- (iii) the Secretary, Commerce and Industries Department of the Government of West Bengal,
- (iv) the Director of Industries, West Bengal, and
- (v) the Employment Exchange having jurisdiction over the area.

## **H. 178C. Notice of, and application for permission for Closure.**

(1) Notice under sub-section (1) of section 25-D of proposed closure shall be given in Form F-2 and served on the State Government either personally or by registered post with acknowledgment due.

(2) Application for permission to close down an undertaking under sub-section (2) of section 25-D shall be made in Form F-3 with an attached copy of the notice served by the employer under sub-section (1) of section 25 FFA appended thereto and delivered to the State Government either personally or by registered post with acknowledgment due and where the application is sent by registered post, the date on which the same was delivered to the State Government, shall be deemed to be the date on which the application was made for the purposes of sub-section (3) of the said section.

(3) The notice, or as the case may be, the application shall be made in triplicate.

(4) The employer concerned shall furnish to the State Government, in which the notice of proposed closure has been given or the application for permission to close down has been made, such further information as that Government may require necessary for arriving at decision on the notice, or as the case may be, the application, and calls for from such employer.

## **H. 18. Penalties.**

Any breach of these rules shall be punishable with fine not exceeding Rs. 10,000.

<sup>1</sup> See G. S. Notification No. 1280 (2432), 28.07.71 issued on 24th July, 1971.

<sup>2</sup> See G. S. Notification No. 1280 (2432), 28.07.71 issued on 24th July, 1971.

## **W. 66. Bengal.**

The Bengal Industrial Disputes Rules, 1947 are hereby amended  
Provided that any order made or action taken under the rules as amended  
shall be deemed to have been made or taken under the corresponding provisions  
of these rules.

### **SCHEDULE**

#### **FORM A**

(Part Rule 1)

#### **Form of application for the reference of an industrial dispute to a Board of Conciliation/Court of Enquiry/Labour Court/Tribunal under section 10(1) of the Industrial Disputes Act, 1947.**

Whereas an industrial dispute is apprehended to exist between

\_\_\_\_\_ and \_\_\_\_\_ and it is requested that the matters  
specified in the enclosed statement which are connected with or are relevant to  
the dispute should be referred for enquiry/investigation/adjudication by Court  
of Enquiry/Board of Conciliation/Labour Court/Tribunal, an application is hereby  
made under sub-section (1) of section 10 of the Industrial Disputes Act, 1947,  
that the said matters should be referred to a Court of Enquiry/Board of  
Conciliation/Labour Court/Tribunal.

This application is made by the undersigned who has/have been duly  
authorized by a duly convened 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 West Bengal  
Industrial Disputes Rules, 1947, is attached.

Dated this \_\_\_\_\_ Signature of the applicant/s

To  
The Labour Commissioner, West Bengal.

Statement required under rule 3 of the West Bengal Industrial  
Disputes Rules, 1947, in conformity the form of application  
prescribed under sub-section (1) of section 10 of  
the Industrial Disputes Act, 1947.

- (a) Parties to the dispute including the name and address of the  
establishment or undertaking involved.
- (b) Specific matters in dispute.
- (c) Total number of workmen employed in the undertaking affected.
- (d) Estimated number of workmen affected or likely to be affected by the  
dispute.
- (e) Efforts made by the parties themselves to adjust the dispute.

## FORM B

(See Rule 10)

Whereas an industrial dispute has arisen/has apprehended between \_\_\_\_\_ and \_\_\_\_\_ and it is expedient to refer the said dispute under section 10 of the Industrial Disputes Act, 1947, to a Board of Conciliation for the purpose of investigating the cause and for promoting a settlement thereof, you are hereby required to submit to the undersigned not later than the \_\_\_\_\_ the accounts and statements of the three previous years you wish to recommend for appointment as your representatives on the said Board.

If you fail to make the recommendation by the date specified above, the State Government shall select and appoint such persons as it thinks fit to represent you.

A. Sen, in the Chair, of West Bengal,  
Department of Labour

## FORM C

(See Rule 11)

### Arbitration Agreement

Under section 10A of the Industrial Disputes Act, 1947

Between

Give details of the parties to the dispute including—

- (i) the name and address of the establishment or undertaking involved and
- (ii) the name of the union, if any, representing the workmen in question/in case the dispute is covered with or has arisen out of discharge, dismissal or termination of service of any individual workman, to which or other workmen are and name of workman or a party the name of the workman concerned.

Give other relevant details

- (1) Total number of workmen employed in the establishment or undertaking involved
- (2) Estimated number of workmen affected or likely to be affected by the dispute
- (3) Name of the person/persons representing the employer(s)
- (4) Name of the person/persons representing the workmen

\* Note: In accordance with the provisions of the Act, this form is to be filed with the State Government.

I. It is hereby agreed between the parties specified above to refer the following industrial dispute to the arbitration of \_\_\_\_\_

(Here specify the names and addresses of the arbitrators.)

(Specify matters in dispute)

(Here give the details of the machinery involved.)

II. We agree that the majority decision of the arbitrators shall be binding on us.

III. We agree that in case the arbitrators are equally divided in their opinion then \_\_\_\_\_

(Here specify the name and address of the person) shall act as an umpire in terms of sub-section (1A) of section 10A of the Act.

Signature of the parties

Witness

(1)

(2)

Dated this \_\_\_\_\_

Consent of the arbitrator(s)/umpire(s)

(A) I/We agree to act as arbitrator/s in respect of the matters specified in the above said agreement.

Dated this \_\_\_\_\_

Signature of the arbitrator(s)

(B) I agree to act as an umpire in terms of sub-section (1A) of section 10A of the Industrial Disputes Act, 1947 (Act 14 of 1947) in respect of the matters specified in the above said agreement.

Dated this \_\_\_\_\_

Signature of the umpire

Copy to—

(1) Secretary to the Government of West Bengal, Labour Department.

(2) Labour Commissioner, West Bengal.

(3) Conciliation Officer.

\*Delete which are not applicable.

### FORM D

(New Rule 12(2))

Please refer to Notification No. 2018-JHE/11/LA (496) dated 21.11.18 in the Appendix. The format, as substituted, is available there.

**"FORM D-1**

(See Rule 17)

**To**

Whereas an industrial dispute between \_\_\_\_\_ and \_\_\_\_\_

has been referred to this Board of Conciliation for investigation and settlement/Court of Enquiry for investigation under section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board/Court in person on \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the forenoon/afternoon to answer all material questions relating to the said dispute and you are directed to produce on the date all the books, papers and other documents and things in your possession or under your control in this way relating to the matter under investigation by this Board/Court.

\_\_\_\_\_  
 Chairman / Presiding Officer, Board  
 of Conciliation / Court of Enquiry

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Note: The summons shall be in duplicate. The duplicate copy is to be signed and returned by the person served within the last hour.

**"FORM D-2**

(See Rule 20)

Before Me \_\_\_\_\_ Industrial Tribunal/Labour Court, West Bengal.

**To**

(Name and address of the party)

Whereas an industrial dispute between \_\_\_\_\_ and \_\_\_\_\_

has been referred to this Industrial Tribunal/Labour Court by the Government of West Bengal, Labour Department Order No. \_\_\_\_\_ dated \_\_\_\_\_ for adjudication under section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Industrial Tribunal/Labour Court on \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the forenoon/afternoon to answer all material questions relating to the said dispute and you are directed to produce on the date all the books, papers and other documents and things in your possession or under your control in this way relating to the matter under investigation by this Board/Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ Industrial Tribunal/Labour Court

Note: The summons shall be in duplicate. The duplicate copy is to be signed and returned by the person served within the last hour.

\* See the Proclamation No. 1947-1952/20-1947, dated 14th March, 1947.

**FORM 143**

(See Rule 101(2), proviso)

Before the \_\_\_\_\_ Industrial Tribunal/Labour Court, West Bengal

To

Name and address of the party:

Whereas it is alleged that it appears necessary that you should be brought on the record of the proposed proceedings as a party in order to enable the Industrial Tribunal/Labour Court effectively and completely to adjudicate upon and settle all questions involved in the dispute, you are to show cause on or before \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ why you should not be brought on the record for the said dispute.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ Industrial Tribunal/Labour Court

**FORM 144**

(See Rule 101)

Before the \_\_\_\_\_ Industrial Tribunal/Labour Court, West Bengal

To

Name and address:

Whereas your attention is required to give notice/notice are required to produce the documents mentioned in the list below on behalf of the \_\_\_\_\_ in the case arising out of the industrial dispute between \_\_\_\_\_ and \_\_\_\_\_ referred to the Industrial Tribunal/Labour Court by the Government of West Bengal, Labour Department, order no. \_\_\_\_\_ dated \_\_\_\_\_ for adjudication under section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear personally before this Industrial Tribunal/Labour Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ o'clock in the forenoon afternoon, and to bring with you the records to the Industrial Tribunal/Labour Court the said documents.

## List of documents

1.

2.

3.

or as

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ Industrial Tribunal/Labour Court

Note:

1. The parties are responsible to the extent of the documents which are referred to in paragraph 1 of the summons and to produce the same before the Tribunal/Labour Court on the day fixed.
2. If any of the documents is not produced by the party concerned and due to some accident, it will be allowed to produce it on the day of the adjournment, provided it is produced before the Industrial Tribunal/Labour Court on the day and hour fixed for the adjournment.

<sup>1</sup> See the Industrial Disputes Act, 1947, section 10, proviso (b) and the Industrial Disputes Act, 1947, section 10, proviso (c).

<sup>2</sup> See the Industrial Disputes Act, 1947, section 10, proviso (b) and the Industrial Disputes Act, 1947, section 10, proviso (c).

**FORM B**

(See Rule 14)

**Notice of change to be given by an employer**

Name of employer \_\_\_\_\_ Address \_\_\_\_\_

Postal No. \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

To:

The Secretary/Principal Officer of the Union/Association  
The Workman/Workmen addressed

Dear Sir/Madam,

In accordance with section 14A of the Industrial Disputes Act, 1947 I hereby inform you that it is imperative necessary to effect the change/change specified in the annexure to this letter with effect from \_\_\_\_\_

Yours faithfully,

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

**ANNEXURE**

\_\_\_\_\_ (This space for change/change necessary to be effected due to special or ordinary conditions)

**FORM C**

(See Rule 15)

**Form of Nomination Paper**

Name of industrial establishment (Group/Section/Shop/Department) \_\_\_\_\_

I nominate \_\_\_\_\_

(Name of the worker) the name of the workman'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.

Date \_\_\_\_\_ Signature of Employer \_\_\_\_\_

I agree to the proposed nomination.

Signature of Candidate \_\_\_\_\_

Date \_\_\_\_\_

Signed by: (1)

(2)

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



**FORM 42**

*(See Rule 50)*

**Form of Application for Copies**

*(To be preserved for one year)*

Serial No. \_\_\_\_\_

To

The Chairman, Labour Court (Industrial Tribunal), Government of West Bengal

Re

I require a certified/uncertified copy of the documents mentioned below which need to be supplied

Dated \_\_\_\_\_

Signature of the applicant

**Description of document of which copy is required**

Description No. and part of the case of which it forms part, name of the parties, name of the Labour Court or Tribunal, Month and date of Government Order or reference publishing an award, etc.

**Request of the clerk in charge of the record.**

*Folio and court fees required.*

Signature of clerk in charge

Date \_\_\_\_\_

**Received copy and amount folio and court fees**

Signature of the applicant

Date \_\_\_\_\_

**Continuation of Application for Copies**

Remitted Application for copies bearing serial No.

Date \_\_\_\_\_

*Folio and court fees required.*

Signature of clerk in charge

Date \_\_\_\_\_

**FORM 11**  
**State of Michigan**  
**Department of Agriculture, Food and Forestry**  
**Application for Approval for Organic**  
**Products**

1	Name of Applicant	21
2	Address	22
3	City	23
4	State	24
5	Zip	25
6	Phone Number	26
7	Product Name	27
8	Product Description	28
9	Production Method	29
10	Harvesting Method	30
11	Storage Method	31
12	Transportation Method	32
13	Distribution Method	33
14	Marketing Method	34
15	Labeling Method	35
16	Other Information	36
17	Signature of Applicant	37
18	Date	38
19	Signature of Inspector	39
20	Date	40



**FORM 2**

(See Rule 101)

**Form for Memorandum of Settlement**

**1. Names and addresses of the parties—**

- (a) The name and address of the establishment or undertaking in question
- (b) The name and address of the workmen involved, if the dispute or difference is connected with or has arisen out of his discharge, dismissal, reinstatement or termination of service and no other workmen are any cause of workmen in a party to the dispute. In any other case, the name and address of the union, if any representing the workmen in question.

**2. Name of the person/persons representing the employer(s)**

**3. Name of the person/persons representing the workmen/union:**

**4. Short recital of the case**

**5. Terms of settlement.**

**Witnesses**

Signature of the parties

(1) \_\_\_\_\_

(2) \_\_\_\_\_

Signature of the Conciliation Officer/Board of Conciliation

Signature of settlement offered by Conciliation Officer/Board of Conciliation

\_\_\_\_\_

**Copy to—**

- (1) Assistant Secretary to the Government of West Bengal, Labour Department
- (2) Conciliation Officer
- (3) Labour Commissioner, West Bengal

**FORM 3**

(See Rule 101)

Before the Labour Court/Tribunal \_\_\_\_\_

under sub-section (1) of the Industrial Disputes Act, 1947

A \_\_\_\_\_

Address \_\_\_\_\_

Union \_\_\_\_\_

B \_\_\_\_\_

Address \_\_\_\_\_

\* This form is prescribed by the West Bengal Act No. 10 of 1971.

In the matter of reference No. \_\_\_\_\_

The petitioner, applying to complete that the Opposite party has been, understands the provisions of Section 22 of the Industrial Disputes Act, 1947 (XIV of 1947), as shown below:

That he understands the provisions allowing the process in which the alleged industrial services were not the available to every the order in all of the management is (to be kept):

The complainant, accordingly understands that the Labour Court/Tribunal may be allowed to decide the complaint, not only others and give such order as seems fit and proper as it may deem fit and proper.

The number of copies of this complaint and its necessary registered under rule 26 of the West Bengal Industrial Disputes Rules, 1948 are submitted herewith.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ Signature of the complainant: \_\_\_\_\_

### Verification

I do solemnly declare that what is stated in paragraphs \_\_\_\_\_ above is true to my knowledge and that what is stated in paragraphs \_\_\_\_\_ above is stated upon information and believed by me to be true. This verification is signed by me on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signature or thumb impression of  
the person verifying

### FORM 1 (See Rule 7)

Name \_\_\_\_\_

How known to Complainant (Wife, Son, Labour Court or Tribunal)

Application for permanent order (to be filed) (Under section 22 of Section 22 of the Industrial Disputes Act, 1947 (XIV of 1947) in the matter of reference No. \_\_\_\_\_

I \_\_\_\_\_ Applicant

Address \_\_\_\_\_

Name \_\_\_\_\_

I \_\_\_\_\_ Opposite party

Address \_\_\_\_\_

The above mentioned applicant begs to state as follows:—

That out of the several bills and communications received by me and by persons to which the proceeds are payable by:

The applicant therefore prays that express permission may be granted to him to the following extent, to-wit:—

That having the same specified as being in or under the effect of the provisions of section 4 of Section 31:

Signature of the applicant

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Space for verification

Signature of the person verifying

Date on which the verification was signed: \_\_\_\_\_

Place at which the verification was signed: \_\_\_\_\_

### FORM B

(New Rule 1923)

Name \_\_\_\_\_

(This name the Constitution/State Board, Labour Court or Tribunal)

Applicant under sub-section (3) of Section 31 of the Industrial Disputes Act, 1947 (27 of 1947) in the matter of reference No. \_\_\_\_\_

A \_\_\_\_\_ Applicant?

Address: \_\_\_\_\_ Name \_\_\_\_\_

B \_\_\_\_\_ (Special parties?)

Address: \_\_\_\_\_

The above mentioned applicant begs to state as follows:—

That out of the several bills and communications received by me:

The applicant/worker, employer/industrial under clause (3) of sub-section (3) of Section 31 therefore begs to pray for the relief.

The applicant prays that the Constitution Officer/Board/Labour Court/Tribunal may be pleased to be apprised of the matter taken, to-wit:—

That having the same specified as being in or under the effect of sub-section (3) of Section 31:

Signature of Applicant

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Space for verification

Signature of the person verifying

Date on which the verification was signed: \_\_\_\_\_

Place at which the verification was signed: \_\_\_\_\_

Name of the applicant

**FORM N**

(See Rule 29)

**Register**

Sl. No.	Name	Name of the Institution	Date of admission	Remarks

\*Please see admission card issued at the commencement of the academic session, with regard to admission during the period when the school is closed.

**FORM No. 1**

(See Rule 29)

Sl. No.	Name	Name of the Institution	Name of the Institution, Other	Date of Birth of the Person	Date of admission	Remarks

**FORM O**

(See Rule 29)

**Notice of Lay-off**

To: (1) The person or the person or the persons engaged in the work with acceptance of payment laid, for cause of retrenching and laid pending without payment.

Date: (1) \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

- To: (1) The Secretary to the Government of West Bengal, Labour Department, Women's Buildings, Calcutta-700 001.  
 (2) The Labour Commissioner, West Bengal, New Industrial Buildings, Calcutta-700 001.  
 (3) The Conciliation Officer concerned.

See

in accordance with the provisions of Rule 7B of the West Bengal Industrial Disputes Rules, 1959, I/we hereby inform you that I/we have laid off

the under-mentioned workmen/employees with effect from

the under-mentioned date

The reasons for lay-off and other relevant details are given in the statement below

#### Statement

1. Name of the industrial establishment
2. Address of the industrial establishment
3. Total number of workmen employed presently
4. Reason for lay-off
5. Date of commencement of lay-off
6. Period for which lay-off will continue
7. Name of departments, sections and computers in which the workmen are laid off
8. Number of workmen laid off
9. (i) Amount of temporary relief
10. Number of workmen entitled to lay-off compensation
11. Whether payment of lay-off compensation is to be made on weekly, fortnightly or monthly basis
12. Particulars of alternative employment provided, if any
13. Time and place for working in resumed job
14. Previous instances of lay-off, if any, during the preceding 12 months

Signed/Sealed,

Signature with official seal or description of the post or position held by the undersigned

FORM C-2

(See Rule 7B(1))

To be submitted to employers with substantial number of copies by return on the date specified

Form of application for permission to lay-off workmen in industrial establishments in which provisions of Chapter VII of the Industrial Disputes Act, 1947 (or of 1947) apply



To:

The authority specified upon sub-section (1) of Section 20B of the Act.

Re:

Under sub-section (1) sub-section (2) of Section 20B of the Industrial Disputes Act, 1947 (14 of 1947) read with sub-rule (1) of Rule 34A of the West Bengal Industrial Disputes Rules, 1950, I am hereby applying for permission to lay-off/workmen to terminate the lay-off \_\_\_\_\_ workmen of a unit of \_\_\_\_\_

workmen employed in a/this establishment with effect from \_\_\_\_\_

for the reasons set out in the Annexure.

Permission is sought that the lay-off/this includes the lay-off of the said workmen.

Each of the workmen proposed to be laid-off will be paid such compensation, if any, as which he is entitled under sub-section (2) of Section 20B, read with Section 20C, of the Industrial Disputes Act, 1947 (14 of 1947).

Copies forwarded for information to:-

Your faithfully

(1) The Labour Commissioner, West Bengal.

(2) The Conciliation Officer

(Signature)

### ANNEXURE

Item No.

1. Name of the undertaking with complete postal address, including telegraphic address and telephone number.

2. (a) Names and addresses of the affected workmen proposed to be laid-off/Names and addresses of the workmen laid-off before the commencement of the Industrial Disputes (Amendment) Act, 1978 (12 of 1978) 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 item (a), the establishments where they are working and wages drawn by them.

(c) Number of workmen proposed to be laid-off:-

(i) Permanent:-

(ii) Temporary:-

(iii) Others:-

\*None or wherever applicable.

3. Product/Products of the undertaking.
4. (a) Details relating to installed capacity, licensed capacity and actual capacity.
  - (i) In case of production—total output—total area under crop—area sown etc.
5. (a) Annual Production figures month wise for preceding three years.
  - (ii) Production figures, monthwise for the preceding twelve months.
6. Work-in-progress, inventory and valuation.
7. Any arrangements regarding off-loading or sub-contracting of products or any components thereof.
8. Position of the value book, inventory and valuation 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 per each shift.
10. Balance sheets, Profit and Loss Accounts and Assets Reports for the last three years.
11. (a) Financial position of the company.
  - (i) Whether any assistance received from IFCI or such other financial institutions.
12. (a) Name of the main associated companies or companies under the same management.
  - (ii) Whether there is any branch of the undertaking within or outside the State and if so, whether any lay-off has been effected in the State of application or proposed to be effected thereon. If so the details thereof.
13. (a) The total number of workmen and the number of employees other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.
  - (ii) Percentage of wages of workmen to the total cost of production.
14. Advancements, general and saving and in absolute terms per year in the last three years with percentage thereof to the total cost.
15. Details of lay-offs resorted to in the last three years (other than the lay-off for which provision is sought), including the periods of such lay-offs, the number of workmen involved in each such lay-off and the reasons therefor.
16. Anticipated savings due to the "proposed lay-off" or "off for the continuance of which provision is sought".
17. Any proposal for effecting savings on account of reduction in—
  - (i) managerial remuneration,
  - (ii) value processes cost, and
  - (iii) general administrative expenses.

18. Percentage of stock on last day of the month in the preceding twelve months.
19. Annual sales figures for the last three years and worldwide sales figures for the preceding twelve months, both year-over and dollar-over.
20. Reasons for the "proposed lay-off" and for the continuance of which provision is sought.
21. Any specific attempts made or to be made for "proposed lay-off" or all for the continuance of which provision is sought.
22. Any other relevant facts with details thereof.

**FORM 7**

(See Rule 77)

Name of applicant \_\_\_\_\_

Address \_\_\_\_\_

Dated, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

To  
 The Secretary to the Government of West Bengal,  
 Labour Department,  
 Writers' Buildings, Calcutta.

By  
 In accordance with the provisions of clause (c) of Section 20F of the Industrial Disputes Act, 1947 (Act 14 of 1947), the facts below are that they shall forthwith be attached.

(This form to consist of written  
 conditions with effect from \_\_\_\_\_)

(Signature of the  
 The reasons for attachment and other details are given in the annexure.

Type full name

(This must be printed which the  
 person who sign this letter holds  
 with the employer issuing the letter)

© Make use of Form 7, 1954-55.  
 \* Government of West Bengal, INDUSTRIAL DISPUTES ACT, 1947 (Act 14 of 1947)

## ANNEXURE

Form No. \_\_\_\_\_

1. Name of the industrial establishment
2. Address of the industrial establishment
3. Total number of workers normally employed
4. Reasons for retrenchment
5. Date on which retrenchment takes place or will take place
6. Department and section where retrenchment is necessary
7. Number of workers who have been or will be retrenched:
  - (i) Permanent—
  - (ii) Temporary—
  - (iii) Others—
8. (a) Whether one month's notice has been or will be given to the workers
- (b) Whether wages have been paid in lieu of notice, and if so, in what amount
9. Procedure that will be or have been followed in selecting the workers for retrenchment
10. (a) Whether compensation will be paid to the retrenched workers and, if so, the system and the basis on which the compensation will be calculated
- (b) Any other benefits proposed to be paid
11. Probable date on or about which payment of retrenchment compensation will commence
12. Number of workers entitled to retrenchment compensation

Signature of the person  
signing the attached letter

Date: \_\_\_\_\_ 19\_\_

Copy to

- (i) Labour Commissioner, West Bengal.
- (ii) Conciliation Officer  
*(How many the office address of the Conciliation Officer of the area concerned)*
- (iii) Employment Exchange  
*(How many the address of the Employment Exchange of the area concerned)*

**FORM PA**

**(See Rules 77B-1.1)**

(To be made in triplicate with additional number of copies for workers on the workmen concerned)

Form of notice for permission for retrenchment of workmen to be given by an employer under clause (c) of sub-section (1) of Section 25F of the Industrial Disputes Act, 1947 (14 of 1947).

Dated \_\_\_\_\_

To \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(The State Government/authority specified under clause (c) of sub-section (1) of Section 25F of the Act)

Re: Under clause (c) of sub-section (1) of Section 25F of the Industrial Disputes Act, 1947 (14 of 1947). We hereby inform you that I/we propose to retrench \_\_\_\_\_ workmen/being workmen to whom sub-section (1) of section 25F applies with effect from \_\_\_\_\_ for the reasons set out in the annexure.

1. The workmen concerned have been given notice in writing as required under clause (c) of sub-section (1) of section 25F of the Act/has not been given notice since the retrenchment being proposed to be effected under an agreement the copy of which is enclosed as provided in the proviso to the said clause.

2. 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	Employed	Number of workmen to be retrenched
(i)	(ii)	(iii)

3. Permission is sought for the proposed retrenchment under clause (c) of sub-section (1) of Section 25F of the Industrial Disputes Act, 1947 (14 of 1947).

4. I/we hereby declare that the workmen permitted to be retrenched will be paid compensation due to them under clause (b) of sub-section (1) of Section 25N of the Act.

Yours faithfully,

Copy forwarded for information to :  
 (i) The Labour Commissioner,  
 West Bengal.  
 (ii) The Conciliation Officer

Signature

Witnessed/ attested as copyholder

## ANNEXURE

(Please give replies against each item)

### Form No.

1. Name of the undertaking with complete postal address, including telegraphic address and telephone number
2. (a) Names and addresses of the workmen proposed to be retrenched and the nature of their duties, the nature of work in which they are working and the wages drawn by them.  
(b) Whether permanent or temporary workmen.
3. (a) Profits/losses of the Undertaking.  
(b) In case of plantation—total acreage—area under crop—crop area under yield.
4. Details relating to installed capacity, forecast capacity and the actual capacity.
5. (i) Annual production, turnover for preceding three years.  
(ii) Production figures/turnover for the preceding twelve months.
6. Work-in-progress—turnover and value.
7. Any set agreements regarding off loading or sub-contracting of products or any components thereof.
8. Production of the order book—turnover and value for a period of six months, said one year, next following and for the period after the expiry of the said one year.
9. Number of working days in a week with number of staffs per day and strength of workmen per work shift.
10. Balance sheet, Profit and Loss Account and Audit Reports for the last three years.
11. (a) Financial position of the Company.  
(b) Whether any securities received from I.B.C.I. or any other financial institutions as in the case of lay-off.
12. (a) Names of the same connected companies or companies under the same management.  
(b) Whether there is any branch of the undertaking within or outside the State and, if so, whether any retrenchment has been effected in the state of application, or proposed to be effected therein. If so, details thereof.
13. (i) The total number of workmen and the number of employees other than workmen as defined in the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.  
(ii) Percentage of wages of workmen to the total cost of Production.
14. Administrative, general and selling cost as absolute figures per year for the last three years and percentage thereof to the total cost.

15. Details of retrenchment involved in the last three years, including dates of retrenchment, the number of workers involved in each case, and the reasons therefor.
16. Has any of the retrenched workers been given re-employment and, if so, when? Give details.
17. Are security lists maintained in respect of the categories of workers proposed to be retrenched and, if so, the details and the position of the workers affected indicating their length of service including broken periods of service?
18. Anticipated savings due to the proposed retrenchment.
19. Are proposed for effecting savings on account of reduction in—
  - (i) managerial remuneration,
  - (ii) sales production cost, and
  - (iii) administrative expenses.
20. Position of stock on the last day of the month in the preceding twelve months.
21. Annual sales figures for the last three years and monthly sales figures—for the preceding twelve months both domestic and exports.
22. Reasons for the proposed retrenchment.
23. Are specific attempts made to get around the proposed retrenchment?
24. Are other relevant factors with details stated?

#### **FORM III**

(To be made in triplicate with sufficient No. of copies for action on the workers concerned.)

(See Rules 77B(2))

*Form of Application for permission for retrenchment of workers in cases where at the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act No. 50 of 1976), the period of notice given under clause (a) of Section 25F for the retrenchment has not expired.*

Date \_\_\_\_\_

To \_\_\_\_\_

(The State Government/Authority referred to in sub-section (2) of section 25F of the Act)

We have given notice on \_\_\_\_\_ order clause (a) of section 25F for the retrenchment of the workmen/workmen specified below (Attached copy/ copies of the notice where appropriate hereto):—

Name and address of workmen	Category and Designation
(i)	(ii)

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

2. We hereby request permission for the retrenchment of the workmen referred to above under sub-section (2) of section 25F of the Industrial Disputes Act, 1947 (14 of 1947) for the reasons set out in the Enclosure.

Yours faithfully,

Copy forwarded for information to:

- (1) The Labour Commissioner, West Bengal.
- (2) The Conciliation Officer

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

- (a) Names of the workmen proposed to be retrenched and the nature of their duties. The industrial/workshop where they are working and the wages drawn by them.
- (b) Date of the notice of retrenchment given to the workmen concerned under section 25F (a) and the date on which the said notice was served on each workman concerned.
- (c) Whether permanent/regular employees.

- 2. Product/Products of the undertaking
- 3. Details relating to installed capacity, licensed capacity and utilized capacity
- 4. (a) Annual production, item-wise for the preceding three years.
- (b) Production figures, month-wise for the preceding twelve months.



4. Work in progress, store stock and value-wise.
5. Any arrangements regarding off loading or sub-contracting of products or any components thereof.
6. Position of the order book—store-wise and value-wise for a period of six months and six next years following and for the period after the expiry of the said six years.
7. Number of working days in a week with number of shifts per day and strength of workmen per each shift.
8. Balance sheets, profit and loss accounts and audit reports for the last three years.
9. (a) Future position of the company.  
(b) Whether any assistance received from I.R.C.I. or any other financial institutions.
10. (a) Name of the inter-converted companies or companies under the same management.  
(b) Whether there is any branch of the undertaking within or outside the State and if so, whether any re-attachment has been effected or the date is proposed to be effected therein. If so, details thereof.
11. (a) The total number of workmen and the number of employees other than workmen as defined in the Industrial Disputes Act, 1947, (14 of 1947), employed in the undertaking.  
(b) Percentage of wages of workmen to the total cost of production.
12. Administration, general and selling cost as absolute terms per unit for the last three years and percentage thereof to the total cost.
13. Details of retrenchments effected in the last three years including the dates of retrenchment, the number of workmen involved in each case and the reasons thereof.
14. Has any of the retrenched workmen been given re-employment and if so when? Give details.
15. Are security lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the positions of the workmen affected indicating their length of service including service period of service?
16. Anticipated savings due to the proposed retrenchment.
17. Any proposal for effecting saving amount of reduction in—  
(i) managerial remuneration,  
(ii) sales promotion cost, and  
(iii) general administrative expenses.
18. Position of stock on the last day of the month in the preceding twelve months.

- (1) Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months—both year-wise and half-wise.
- (2) Reasons for the proposed retrenchment.
- (3) Any specific attempts made so far to avoid the proposed retrenchment.
- (4) Any other relevant factors with details thereof.

### **FORM P-1**

(See Rule 19-B)

### **Notice of closure**

**From:**

*State give the full name of the person issuing the notice with description of the concern to which the issue of the retrenching and full postal address thereof.*

**To:**

The Secretary to the Government of West Bengal,  
Labour Department,  
Workers Building, Calcutta 1.

**Re:**

*An employer under sub-section (1) of section 25FF of the Industrial Disputes Act, 1947 (14 of 1947), does hereby give notice on behalf of the factory mentioned undertaking that a final decision has been taken to close a part of the entire undertaking with effect from*

*\_\_\_\_\_*

The reasons for such closure and other relevant details are given in the statement below.

#### **Statement**

1. (a) Name of the undertaking.
- (b) Name of production or business.
2. Address in full of the undertaking.
3. Address for correspondence.
4. If a proprietary undertaking, names and full residential addresses of the proprietors.
5. If a joint stock company:
  - (a) Names and full residential addresses of every director.
  - (b) Names and full residential addresses of every person owning or controlling twenty per centum or more of the shares.

6. If closure involves part of the undertaking, the nature or description and other details of the portions to be closed.
7. Date on which the closure will be effective.
8. Reasons for the closure with detailed sequence of events and factors leading to this development including steps so far taken for avoiding closure.
9. Suggestions, if any, for avoiding the closure.
10. Total number of workmen employed in the undertaking.
11. Number of workmen affected by the closure—
 

(a) Permanent	(c) Others
(b) Temporary	(d) Total

Signed Legally

Signature with office and/or designation  
of the post or position held in the  
undertaking

Copies forwarded for information to—

- (1) The Labour Commissioner, West Bengal, New Secretariat Buildings,  
1, Bhowanipore, Bow Road, Calcutta 1.
- (2) The Conciliation Office \_\_\_\_\_  
(Here insert the office address of the Conciliation Office of the area concerned.)
- (3) The Secretary to the Government of West Bengal, Commerce & Industries  
Dept., Welfare Buildings, Calcutta 1.
- (4) The Director of Industries, West Bengal \_\_\_\_\_  
(Here insert the address)
- (5) The Employment Exchange \_\_\_\_\_  
(Here insert the address of the Employment Exchange of the area concerned.)

- Note.** (1) If the name in any column is insufficient for forwarding the required information, specify about what to use.
- (2) Every copy of the Form of intimation submitted shall have and must be retained by the person issuing the notice.

**FORM P-2**

(New Rule 204(1)(i))

(To be submitted to employer)

Form of notice for provisions of closure to be given by an employer under sub-section (1) of Section 207 of the Industrial Disputes Act, 1947, (14 of 1947)

To  
The Secretary to the Government of West Bengal,  
Labour Department,  
Workers Buildings, Calcutta-1

Re  
As requested under section 25-A of the Industrial Disputes Act, 1947 (1) of 1947, I am hereby informing you that I am proposing to close down the undertaking specified below as:

Name of the industrial establishment:  
(Give details of the undertaking)

with effect from \_\_\_\_\_ in the manner explained in the document:

1. The number of workmen whose services will be terminated on account of the closure of the undertaking is \_\_\_\_\_

whose details are:

2. Provision is submitted for the proposed closure:

3. I am hereby inviting you to the extent of approval for the closure being granted, every workman in the undertaking to whom section 25-B of the said Section 25-B applies will be given notice and paid compensation as specified in Section 25-B of the Industrial Disputes Act, 1947 (1) of 1947 as if the workman had been retrenched under that Section.

Yours faithfully,

Signature

Yours faithfully for information to:

- (1) The Labour Commissioner,  
West Bengal
- (2) The Conciliation Officer

#### APPENDURE

(Please give complete and correct details)

Annexure 1  
1. Name of the industrial establishment with complete postal address including telegraphic addresses and telephone number

2. (a) The total number and categories of workmen affected by the proposed closure, along with the addresses of the workmen and the details of wages shown by them.

- (b) The of—
- (i) permanent,
  - (ii) temporary and
  - (iii) other workmen.

\*\* At and Dd.

1954, West Bengal No. 1947/W. 10. 1954. Section 14 and 15 of Industrial Disputes Act, 1947 (1) of 1947

3. Production plants of the undertaking.
4. Details relating to bonded capacity (included capacity and the related reports)
5. (i) Annual production programme for preceding three years.  
(ii) Production figures month-wise for the preceding twelve months.
6. Work in progress—raw materials and value-wise.
7. Any arrangements regarding off-loading or sub-contracting of products or any components thereof.
8. Details of persons or the organisations to whom the jobs or work being executed—sub-contracting of the preliminary operations with the delivery on the authority of the company.
9. Details of the order book—items-wise and value-wise for a period of six months, and two years next following and for the period after the expiry of the said two-year.
10. Details of working days in a week with the number of shifts per day and the strength of workmen per shift.
11. Balance sheet and profit and loss account and audit reports for the last three years.
12. (i) Financial position of the company.  
(ii) Whether any guarantee was received from I.R.C.I. or any other financial institutions.  
(iii) Whether there is any branch of the undertaking within or outside the State and if so, whether branch has been offered or the firm is prepared to be offered therein, if so, details thereof.
13. (i) Names of any other connected company or companies under the same management.  
(ii) Details about inter-company investments and changes during the last two years.  
(iii) Names of any of the diversified offices of the undertaking producing same or similar type of product.
14. Percentage of wages of workmen to the total cost of production.
15. Administrative, general and selling cost as absolute value per year for the last three years and percentage thereof to the total cost.
16. Inventory position—raw materials and value-wise for the preceding twelve months—investments to be shown in respect of finished products, components and raw materials to be shown separately raw materials and value-wise.
17. Selling arrangements for the last three years and any change in the selling arrangements in preceding twelve months.
18. Full details of the interest of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.

18. Existing arrangements for raw materials and components.
19. Instructions of the directors and officers with the responsibility for raw materials and components for the undertaking involved in having raw materials and components for the undertaking.
20. Annual sales figures for the last three years and monthly sales data figures for the preceding twelve months both domestic and overseas.
21. Names for the proposed directors.
22. Any specific attempts made so far to avoid the disease.
23. Any other relevant factors with details thereof.

### **FORM P-2**

(See Rule 7B(1)(2))

(To be submitted in triplicate)

Form of application for permission to close down an undertaking in cases where at the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act 22 of 1976) the period of notice of intention to close down an undertaking given under sub-section (1) of Section 25FFA has not expired.

Date: \_\_\_\_\_

To

The Secretary to the Government of West Bengal,  
Labour Department,  
Wilsons Buildings,  
Calcutta-1.

Re

[We have given notice on \_\_\_\_\_ under sub-section (1) of Section 25FFA of our intention to close down an undertaking specified below \_\_\_\_\_

(Name of industrial establishment)

(Attached copy of the notice is appended herewith)

(Give details of the Undertaking)

1. The period of notice referred to above has not expired.
2. [We hereby solicit permission to close down the said undertaking under sub-section (1) of Section 25-F of the Industrial Disputes Act, 1947 (14 of 1947) for the reasons set out in the Annexure.

5. IWA hereby declares that in the undertaking or other job orders (1) of the said Section 1744 applies will be given notice and joint representation as provided in Section 20-N of the Industrial Disputes Act, 1947 (13 of 1947) as if the workers had been recruited under that section.

Yours faithfully,

Copy forwarded the information to:

(1) The Labour Commissioner

West Bengal

(Signature)

(2) The Conciliation Officer

### ANNEXURE

*(These questions appear with order)*

Form No. \_\_\_\_\_

1. Name of the industrial establishment with complete postal address, including telegraphic address and telephone numbers and also address for correspondence.
2. Detail of the order under sub-section (1) of Section 1744 and the date on which the said order was served by the appropriate Government.
3. (a) 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.  
(b) Number of (i) permanent,  
(ii) temporary and  
(iii) other workmen.
4. Production/output of the undertaking.
5. Details relating to demand capacity, installed capacity and the utilized capacity.
6. (i) General production, store-wise for preceding three years.  
(ii) Production figures, month-wise for preceding twelve months.
7. Work-in-progress—inventory and valuation.
8. Any arrangement regarding off-loading or subcontracting of products or any component thereof.
9. Details of process or the operations to which the plant is (are) being entrusted - subcontracting/transfer of the process/operations with the Director or the officers of the company.
10. Position of the order book—inventory, and value over the a period of six months, and the year next following, and for the period after the expiry of the said one year.
11. Record of working days in a week with the number of shifts per day and the strength of workmen per each shift.
12. Balance sheet and profit and loss account and wage records for the last three years.

12. (a) Financial position of the company
- (b) If any conditions (as hereinafter stated) or any other financial institution? (See details stated)
- (c) Whether there is any branch of the undertaking in any other State, if so, whether that branch has been or is proposed to be closed? If so, when?
13. (a) Names of any other associated company or companies under the same management
- (b) Details about inter-company transactions and changes during the last two years
- (c) Nature of any of the Government(s) of the undertaking producing goods of similar type of product.
14. Percentage of wages of workers to the total cost of production.
15. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
16. Inventory position—raw stock and value-wise for the preceding twelve months (Inventory to be shown in respect of finished products, components and raw materials to be shown separately raw stock and value-wise).
17. Selling arrangements for the last three years and any change in the selling arrangements in preceding twelve months.
18. Full details of the factories and offices of the company in the immediately previous period in selling products of the undertaking.
19. Selling arrangements for raw materials and components.
20. Interest of the directors and officers with the competitors/persons involved in trading raw materials and components for the undertaking.
21. Annual sales figures for the last three years and twelve month sales figures for the preceding twelve months, both stock-wise and value-wise.
22. Reasons for the proposed closure.
23. Any specific attempts made so far to avoid the closure.
24. Any other relevant factors with details stated.

**\*FORM P-4**

### **\*FORM G**

(See Rule 185)

(To be submitted in duplicate)

Application under sub-section (1) of Section 30C of the Industrial Disputes Act, 1947 (14 of 1947), for recovery of specified sum of money due from the employer.

<sup>1</sup> Form to be filled up by employers/employees under the Act.

The Industrial Disputes Act, 1947 (14 of 1947), Section 30C, should also read as follows:—  
 (1) An employer shall be liable to pay to an employee—



To

The Secretary to the Government of West Bengal,  
Labour Department, Welfare Building, Calcutta-1.

Name and address of the workman/workmen

(to each name)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Note:—In case there is no record available for writing the names and addresses of all the workmen a separate statement showing the names and addresses of the workmen shall be furnished and that has shall be used in the above space.

Name and address of the employer

(to each name)

T. O/Ws. On abandoned workman/workmen

O/Ws. the authorized agent/manager/master of the abandoned workman/workmen, sends \_\_\_\_\_ apply for recovery and payment of bonus in case of a certificate to the Collector \_\_\_\_\_

of the amount of Rs. \_\_\_\_\_ (Rupees) \_\_\_\_\_ I do hereby request

the abandoned workman/workmen from the abandoned employer/ employer's \_\_\_\_\_

(a) affidavit dated \_\_\_\_\_ before the abandoned employer and \_\_\_\_\_

has duly the contents of the said affidavit/affidavits, as the case may be, incorporated therein in the affidavit submitted.

(b) affidavit dated \_\_\_\_\_ of the \_\_\_\_\_ Labour

Guarantee/Industrial Tribunal published in the "Calcutta Gazette" in \_\_\_\_\_ under the Government of West Bengal, Labour

Department, order No. \_\_\_\_\_ dated \_\_\_\_\_ (supplement and extract enclosed).

(c) affidavit sworn, dated \_\_\_\_\_ at \_\_\_\_\_

Published in the "Calcutta Gazette" in \_\_\_\_\_ under the Government of West Bengal, Labour Department, order No. \_\_\_\_\_

dated \_\_\_\_\_ (supplement and extract of the affidavit sworn enclosed).

(d) section \_\_\_\_\_ of the Industrial Disputes Act, 1947

(14 of 1947).

I, the holder, that the above particulars are true and correct, that the application/affidavits/affidavits comply in all respects and requirements and

that recovery of the dues has not been stated by any order of Court: If the applicant has approached the employer but the dues have not been paid.

- (iii) If the applicant has a separate statement explaining why the application could not be made within one year from the date in which the money became due to available workmen/employees stated above.
- (iv) If the applicant necessary documents (true copies of the documents to be enclosed to prove that Labour is the authorized agent's/assignee's/holder of the workmen/employees named in column 1 of the following table:

Name(s) of the workmen/employees (in block letters)	Name(s) of the authorized agent(s)/ assignee(s)/holder	Name(s) of the Government/contract
1	2	3
Printed (in _____)		Signature(s) or Thumb Impressions of the applicant(s)
Date: _____		

**FORM Q-1**  
**FORM Q-2**  
(See Rule 74-B)

**LABOUR COURT**  
Specified under the Government of West Bengal, Labour Department Order No. \_\_\_\_\_ dated \_\_\_\_\_

**Between**

- (1) Name(s) of the applicant(s) \_\_\_\_\_
- (2) Name of the employer \_\_\_\_\_

The petitioner(s), the authorized agent(s)/assignee(s)/holder(s) of these workmen/employees (hereafter \_\_\_\_\_ a workman/employee of the abovesaid employer) were/were called to receive from the abovesaid employer the following money/amount due to receive the abovesaid workman/employee, namely:

\_\_\_\_\_

It is proved that the Court may be pleased to determine the amount of the abovesaid money/amount under sub-section (2) of Section 201 of the Industrial Disputes Act, 1947 (14 of 1947).

Printed (in \_\_\_\_\_) Signature(s) or Thumb Impressions of the applicant(s)

Date: \_\_\_\_\_

11. Printed by the Director, at 222/1, B. B. Road, Calcutta-700 017, West Bengal.  
12. Form is available in the Labour Department and issued by 7th June, 1967.

## FORM 24

(See Rule 14(1))

Application under sub-section (1) of Section 20C of the Industrial Disputes Act, 1947 (1) of 1947, for recovery of unpaid dues from the employer.

(i)

The Secretary to the Government of West Bengal,  
Labour Department, Workers' Building, Calcutta 1

Name of each addresser of the employer/workmen:

in brief terms:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

(ii) - In case there is a change made later in writing the names and addresses of all the addressers, a separate statement showing the names and addresses of the addressers shall be prepared and that the same shall be the basis for the recovery claim.

Name and address of the employer:

Whereas an amount of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) is due to certain (the above-named employer/workmen from the above-named employer in accordance with the decision of the Labour Court specified under the Government of West Bengal, Labour Department order No. \_\_\_\_\_ dated on \_\_\_\_\_ certified copy of the findings/award.

It is prayed that the said amount be recovered and paid to certain to some of a certificate to the Collector \_\_\_\_\_ under sub-section (1) of Section 20C of the Industrial Disputes Act, 1947.

I. I/We declare a separate statement explaining why the application could not be made within one year from the date on which the money became due to certain the employer/workmen named above.

II. I/We declare necessary documents (two copies of the documents to be produced to prove that I declare on the self-declared affidavit/affidavits of the employer/workmen named in column 1 of the following table:

Name(s) of the employer/workmen in brief terms	Name(s) of the addressed applicant/ applicant/their/its	Name(s) of the documents attached
1	2	3

Dated, this \_\_\_\_\_

Signature(s) of the/their representative(s)  
of the applicant(s).

For \_\_\_\_\_

(3) Form for Submission to: 1000, 101/12/1947 under the 14(1) Act, 1947

(FORM B)

(See address (1) of Form 10A)

Form of affidavit for representation of a workman under clause (c) of section 11 of section 10 of the Industrial Disputes Act, 1947 (14 of 1947)

Name \_\_\_\_\_ No. \_\_\_\_\_ of \_\_\_\_\_

In the matter of \_\_\_\_\_

I do hereby declare that \_\_\_\_\_

\_\_\_\_\_ who is an officer of \_\_\_\_\_ class

\_\_\_\_\_ who is a workman, employed in \_\_\_\_\_

Connected with the industry in respect whereof the case is filed

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Accepted  
(Signature)

Signature (Signature)

Address \_\_\_\_\_

Address \_\_\_\_\_

This form contains information of confidential nature and should be treated as confidential.

\*\*This form is the property of the Department of the Government and is to be used only for \_\_\_\_\_

**FORM B-1**

(Use duplicate (2) of Form T-8)

Form of authority for representation of a workman under clause (a) of sub-section (2) of section 16 of the Industrial Disputes Act, 1947 (Act 14 of 1947)

Name \_\_\_\_\_ of \_\_\_\_\_  
In the nature of \_\_\_\_\_

I hereby authorize \_\_\_\_\_

who is an \_\_\_\_\_  
employed in \_\_\_\_\_

connection with the subject

to represent me in the above matter

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Accepted  
(Signature)

Signature

Address \_\_\_\_\_

Address \_\_\_\_\_

\*This form must be filled in duplicate if workman is employed in the same way etc.

\*\*This form is valid only if the officer of the employer, or the court, has been notified.

**FORM B**

**FORM T**

The Forms 'B' & 'T' issued by Publishing No. 1000 (2) of 1947

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**GOVERNMENT OF WEST BENGAL,  
LABOUR DEPARTMENT**

No. 10197 D.  
W.B.L.A. 1938.

Dated: 11.11.38

**NOTIFICATION**

In exercise of the power conferred by section 30 of the Industrial Disputes Act, 1947 (14 of 1947), the Government is pleased hereby to make, after previous publication, as required by sub-section (1) of the said section, the following amendments in the West Bengal Industrial Disputes Rules, 1948, as subsequently amended hereinafter referred to as the said rules, namely:—

**Amendment**

In the said rules,—

(1) in sub-rule (2) of rule 12, after the word "hereinbefore", insert the words "and enforcement of discipline";

(2) for Form II substitute the following Form:—

**FORM II**

(See rule 12(2))

In the office of the Conciliation Officer

WHEREAS an industrial dispute between \_\_\_\_\_

and \_\_\_\_\_

has been taken up by me for investigation and settlement and your attendance is required for the purpose of examination and for production of documents in connection therewith, you are hereby summoned to appear personally before me on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_

which is the \_\_\_\_\_ hour of the \_\_\_\_\_ following address to discuss all material questions relating to the said dispute and you are also directed to produce on that date all the books, papers and other documents in your possession or under your control relating to the matter under investigation for my inspection.

This document is issued in exercise of the power conferred by sub-section (1) of section 11 of the Industrial Disputes Act, 1947 (14 of 1947), and you are reminded that accordingly to the provisions of paragraph 2 of the order, it, read with the provisions of Order 10 of the Code of Civil Procedure, 1908 (5 of 1908).

It is noted that you have not sent any offer till the  
day of \_\_\_\_\_ 19\_\_.

(Name, Designation and address of  
the Constituent Union.)

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By Order of the Commission

(Signature)

Joint Secretary to the Govt. of West Bengal

**GOVERNMENT OF WEST BENGAL,  
LABOUR DEPARTMENT  
L.B. Branch**

No. 1000/41

Dated: 12th November, 1948

**NOTIFICATION**

In exercise of the power conferred by section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government hereby do make, after giving public notice, as required by sub-section (2) of the said section, the following amendments to the West Bengal Industrial Disputes Act, 1947, as subsequently amended (hereinafter referred to as the said Act):—

**Amendments**

In the said Act:—

(1) after rule 12, insert the following rule:—

"12A. Settlement of Dispute as representation from industrial relations:—

- (a) The Conciliation Officer, on receipt of a representation relating to an industrial relations, shall investigate the matter and if he is satisfied that an industrial dispute exists, he shall take all such steps as he thinks fit and proper for the purpose of bringing the parties to assist in a speedy fair and amicable settlement of the dispute.
- (b) If on settlement of the industrial dispute mentioned in sub-rule (1) as a result of writing a grant of 50 days from the date of raising of the dispute, the party raising the dispute does not apply to the Conciliation Officer personally or by registered post with acknowledgment due to Form P-4 for a certificate about the pendency of the conciliation proceedings before such Conciliation Officer.
- (c) The Conciliation Officer, on receipt of the application referred to in sub-section (1) of section 10, shall, within 7 days from the date of receipt of such application, issue a certificate about the pendency of conciliation proceedings to the applicant in Form B.



(4) The party may, within a period of 90 days from the date of receipt of such certificate or, where such certificate has not been issued within 7 days under sub-rule (3), within a period of 90 days commencing from the date immediately after the expiry of 7 days as aforesaid, file an application in Form F to each Labour Court or Industrial Tribunal as may be specified by the State Government by notification in the Official Gazette."

**(2) In the Schedule:—**

(a) in Form F-2, after item 2, insert the following item:—

24. The list of workmen whose names are proposed to be terminated on account of closure, showing against each workman the date of his entry into employment, the rate of wages and other allowances payable on the date of closure order, and the details of the quantum of compensation, including other legal dues, that will be paid to him, and the mode, manner and time of payment of such compensation, is enclosed.

25. An affected copy of the bank guarantee against the payment of the aforesaid compensation and other statutory dues to the workmen is enclosed."

(b) after Form F-3, insert the following Form:—

**FORM F-4**

[See rule 12(2)]

Before, Sir  
Commissioner, Officers,

In the matter of an industrial dispute  
between

\_\_\_\_\_  
the applicant,  
and  
\_\_\_\_\_  
the opposite party.

Prepared and published by: 1961 No. 2 (1) P. 2 (Amended)

The above mentioned applicant begs to submit that an industrial dispute relating to \_\_\_\_\_ (collectively known as) raised on \_\_\_\_\_ and the dispute has not yet been settled.

This applicant, therefore, prays that a certificate be issued about pendency of conciliation proceedings in order to enable her/him to seek relief under the authority as provided in section 10(1B) of the Industrial Disputes Act, 1947.

\_\_\_\_\_  
Signature of the applicant

\_\_\_\_\_  
Date

— after Form 5-A, insert the following Form —

### FORM 5

(See rule 12A(1))

WHEREAS an industrial dispute relating to \_\_\_\_\_ was raised by \_\_\_\_\_ with \_\_\_\_\_ on \_\_\_\_\_ date \_\_\_\_\_;

AND WHEREAS the conciliation proceedings as required of the above said dispute was started but settlement could be arrived at as yet;

AND WHEREAS the party raising the dispute filed an application on \_\_\_\_\_

for a certificate as per section 10(1B) of the Industrial Disputes Act, 1947, in the prescribed Form F-d.

NOW, THEREFORE, in pursuance of the provisions of section 10(1B) of the Industrial Disputes Act, 1947, it is hereby that the above said conciliation proceedings is still pending before the undersigned.

\_\_\_\_\_  
Conciliating Officer

\_\_\_\_\_  
Date

### FORM 7

(See rule 12A(2))

Before Me \_\_\_\_\_ Labour Commissioner  
Tripartite specified under the Government of West Bengal  
Labour Department, Order No. \_\_\_\_\_ dated \_\_\_\_\_

In the matter of an Industrial Dispute  
between

the applicant,

and

the opposite party

That above mentioned applicant begs respectfully to request as follows—

THAT WHEREAS by a representation dated \_\_\_\_\_ your applicant has raised an industrial dispute relating to \_\_\_\_\_

AND WHEREAS the Conciliation Officer charged conciliation proceedings has failed to arrive at a settlement within a period of sixty days from the date of raising of the dispute;

AND WHEREAS the said Conciliation Officer has issued a certificate about the progress of conciliation proceedings being conducted as provided in section 10(1)(b) of the Industrial Disputes Act, 1947;

NOW THEREFORE, your applicant prays that appropriate orders be issued in this application and matters be referred to the parties for hearing the matter and for hearing same by arbitrator thereof as provided in section 10(1)(d) of the Industrial Disputes Act, 1947.

Signature of the applicant

Date \_\_\_\_\_

By order of the Tribunal

**J. CHAKRABORTY**

Secretary to the

Government of West Bengal

\*\*\*\*\*

**GOVERNMENT OF WEST BENGAL,  
LABOUR DEPARTMENT  
L.R. Branch**

1952  
1952

April 20, 1952

**NOTIFICATION**

In exercise of the power conferred by clause (a) of sub-section (1B) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), hereinafter referred to as the said Act, read with sub-rule (a) of rule 11B of the West Bengal Industrial Disputes Rules, 1950, as subsequently amended, the Government is pleased hereby to specify with effect from the date of this notification, the Labour Court/Industrial Tribunal in column (1) of the Schedule below for the disputes mentioned against each such Labour Court/Industrial Tribunal in column (2) of the said Schedule for giving a hearing to the parties and framing the specific issues in dispute, and for adjudicating on the issues so framed, under clause (a) of sub-section (1B) of section 10 of the said Act.

**SCHEDULE**

Labour Court/Industrial Tribunal	Dispute
(1)	(2)
1. West Bengal Industrial Tribunal constituted under sub-section (1) of section 10 of the said Act and the 1950 Rules (1952)	(a) West Bengal (b) Calcutta (c) Howrah (d) Hooghly (e) Murshidabad (f) Midnapore
2. West Bengal Industrial Tribunal constituted under sub-section (1) of section 10 of the said Act and the 1950 Rules (1952)	(a) Barisal (b) Durgam (c) Faridkot (d) Patna
3. West Bengal Labour Court constituted under sub-section (1) of section 10 of the said Act and the 1950 Rules (1952)	(a) Bhubaneswar (b) Bikaner (c) Jaipur (d) Lucknow
4. West Bengal Labour Court constituted under sub-section (1) of section 10 of the said Act and the 1950 Rules (1952)	(a) Bhubaneswar (b) Bikaner (c) Jaipur (d) Lucknow (e) Patna (f) Shimoga

By order of the Secretary,  
L.R. & Branch,  
Labour Department,  
Government of West Bengal.