

Industrial Tribunal and Labour Courts Rules of Procedure, 1967

In exercise of the powers conferred by Section 5-C (1) of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947), as amended up-to-date, the Presiding Officers of the Industrial Tribunals (I) (III), Allahabad/Presiding Officer Industrial Tribunal (II), Lucknow, and of the Labour Courts (I) and (II), Kanpur, (I) and (II), Lucknow, Meerut, have jointly agreed and adopted the rules of procedure given in the annexure appended hereto with effect from the date of this notification.

Under Section 19 of the said Act it is ordered, that notice of this order shall be given by publication in the Official *Gazette*.

In exercise of the powers conferred by Section 5-C (1) of the Industrial Disputes Act, 1947, as amended from time to time and in supersession of the Industrial Tribunals and Labour Courts Rules of Procedure, 1957, the Industrial Tribunal and Labour Courts have framed the following Rules of Procedure:

• **1. Title and application.**—These rules shall be called the Industrial Tribunals and Labour Courts Rules of Procedure, 1957, and are subject to the provisions of the U. P. Industrial Dispute Rules, 1957, as amended from time to time.

2. Definitions.—In these rules unless there be anything repugnant in the subject or context, the terms :

- (a) 'Rules' means the U. P. Industrial Disputes Rules, 1967.
- (b) 'Pleading' includes an application in the nature of a claim, counter claim complaint and/or written statement.
- (c) 'Registrar' means the Registrar of the Industrial Tribunals appointed by the State Government.
- (d) Words and expressions not defined in these rules shall have the same meaning as are assigned to them in the U. P. Industrial Disputes Act, 1947, as amended from time to time.

3. Place and time of sittings.—Except where intimated otherwise to the parties or persons concerned, the sitting of the Industrial Tribunals and Labour Courts shall ordinarily be held at their headquarters from 10.30 a. m. to 4.30 p. m. on all working days with a break of one hour from 1 p.m. to 2 p.m. The Industrial Tribunals and the Labour Courts may if considered necessary hold sittings at any place throughout the State of Uttar Pradesh as the exigencies of the case may require.

4. Office hours.—The offices of the Industrial Tribunals and Labour Courts shall be open on all working days from 10 a.m. to 5 p.m. with a break of half an hour from 1 p. m. to 1.30 p. rn. provided that the Presiding Officer concerned may alter the time of the Industrial Tribunal or Labour Court and of the office due to the seasonal conditions or nature of the case.

5. Holidays.—Except for the annual summer vacation, such holidays shall be observed in the office of the Industrial Tribunal and Labour Courts as are observed in the Civil Courts in Uttar Pradesh.

6. The hearings of the Industrial Tribunals and Labour Courts shall be open to public, provided that the Presiding Officer concerned may at any stage, direct that any sittings shall be held in *camera*, provided further that he may direct that particular proceedings even though held in public may not be reported in the press, without the previous sanction of the Presiding Officer concerned.

language.—The language of the Industrial Tribunal and Labour Courts shall either be Hindi or English.

8. Presentation of applications, pleadings and petitions.—An application pleading or petition may be sent to the Industrial Tribunal or Labour Court by registered post or may be presented before it or in its office by the party concerned personally or by his duly authorised agent.

9. Verifications.—All pleadings shall be verified and signed by the party concerned (or his duly authorised agent) and a petition or application may be signed by the petitioner or applicant or his duly authorised agent.

10. Registration of references, etc.—On receiving a reference or petition which is in order it shall be registered as a case in the appropriate register in Form B, C, D, or E.

11. Authority to represent.—The duly authorised agent shall file in the Industrial Tribunal or Labour Court written authority of appointment in Form 'A' appended to these rules duly signed or marked by the party to entitle him to represent the party mentioning in the extent, if any, of his powers :

Provided that when an agent is appointed by an official of a union, association, federation or company, duly attested copy of the rule or the authority entitling that official to appoint an agent, shall also be filed by the agent, along with his authority.

12. Addresses of the parties.—The postal address of the party shall be filed by the party concerned with every official pleading or petition. A communication sent to that party at such postal address or to his agent, shall be deemed to have been served on him. On any change in the address, the party concerned shall immediately intimate to the Industrial Tribunal or the Labour Court concerned, as the case may be, about the said change. In case of failure to do so, it shall be open to the Industrial Tribunal or the Labour Court concerned to pass such orders, as it may deem fit.

13. Agent's rights.—The agent shall have the right to examine, cross-examine and re-examine witnesses to make a statement on fact and to address the Industrial Tribunal or Labour Court after the close of evidence and even earlier if so desired and permitted by the Industrial Tribunal or Labour Court.

14. Defective pleading or petition.—If a petition or pleading is not in order, the Industrial Tribunal or Labour Court shall note the defect on it and return it to the petitioner or the agent to remove the defect within a specified time.

15. Copies of pleadings.— party or petitioner shall file with the pleading or petition as many copies thereof as is the number of opposite party.

16. Form of summons.—Summons issued to workmen in general shall be in Form 'F'.

17. Files to be summoned.—The Industrial Tribunal or Labour Court, as the case may be, shall summon from the Regional Conciliation Officer or the authority concerned the relevant file of the Conciliation Board or such other file as may be required during the course of proceedings and

the same shall be returned after the disposal of the case, or earlier at the discretion of the Industrial Tribunal or the Labour Court concerned.

18. Issues.—After the written statements and rejoinders (if any), of both the parties are filed and after examination of parties (if any), the Industrial Tribunal or Labour Court may frame such other issues, if any, as may arise from the pleadings.

19. Documentary evidence.—Parties and/or their authorised representatives shall produce at the time of filing rejoinder and/or on the date of the issues of documentary evidence in their possession on which they intend to rely and which had not already been filed earlier, and such other documents as ordered by the Industrial Tribunal or Labour Court or the Arbitrator. The documents shall be accompanied by an accurate list thereof. Except with the special leave of the Industrial Tribunal or the Labour Court, as the case may be, no document shall be allowed to be filed afterwards.

20. Parties to explain relevancy.—The Industrial Tribunal or Labour Court may, at any stage, if it considers necessary call upon the parties to disclose the relevancy of oral and documentary evidence sought to be tendered.

21. Exhibiting the documents.—Documentary evidence tendered on behalf of the employers shall be marked as Ex. E-1, Ex. E-2, *etc.* and the same series of employers' documents shall be marked Ex. E-1, Ex. E-1(a), Ex. E-1 (b), *etc.* and of workers' documents Ex. W-1, Ex. W-1 (a), Ex. W-1 (b), *etc.* Along with the exhibit mark shall also be endorsed the name of the person filing the document, the date filing it, the date exhibiting it and the

- endorsement shall be initialled by the Presiding Officer concerned.

22. Rejected documents.—When a document is rejected as inadmissible or is not proved, it shall, before the decision of the case be returned to the party or person who produced it and if that party or person be not in attendance, it shall be placed in a sealed cover on which shall be written the words "Not part of the Records" and shall on request be returned to the party or person who produced it or his successor-in-interest. The envelope shall be tagged to file B-3.

23. Particulars of the cases to be mentioned on each paper.—Each paper brought on the record of the Industrial Tribunal or Labour Court shall bear on the left hand margin the particulars of the case *e. g.*, reference number, name of the Industrial Tribunal or Labour Court and name of the parties.

24. Adjournment.—The Tribunal or the Labour Court as the case may be, may, if sufficient cause is shown, at any stage grant time to the parties or to any of them and may from time to time adjourn the hearing on such condition as it may consider necessary.

25. Hearing.—Where on any date to which the hearing has been adjourned the parties or any of them fail to appear (irrespective of the fact as to on whose motion the last hearing was adjourned) the Tribunal or the Labour Court may proceed to dispose of the dispute on merits.

26. Summonses.—Summonses to witnesses shall issue in Form 'G'.

27. Payment to witness.—A party shall, while applying for summon-

(a) ing a witness deposit, for payment to him daily allowance and travelling expenses as follows :

if the witness is a Government servant his pay and travelling allowance according to the rules contained in the Financial Handbook, Volume III, will be realised from the party summoning him and the same will be deposited in the Government Treasury in relevant head and the summoned Government servant will be issued a non-payment certificate in Form 'H' and he will draw his travelling allowance from his department.

(b) if the witness is not a Government servant, he would be entitled to travelling allowance, daily allowance, etc. as detailed in the Schedule I.

Note.—The time spent in the journey by a witness coming from outside shall also be counted for the purpose of his daily allowance, provided, however that if a party undertakes to pay the expenses of the witness direct to him, he need not deposit the expenses in the Industrial Tribunal or Labour Court but that fact shall be mentioned in his application and in the summons and the party shall do so at his own risk.

28. On the date fixed for final hearing, or on the date to which the final hearing has been adjourned, the Tribunal or the Labour Court, as the case may be, shall call upon the party to produce evidence in support of the issue or issues which it is bound to prove.

The statements of the witnesses shall be recorded on oath or solemn affirmation.

29. Oath or solemn affirmation.—Oath or solemn affirmation shall be administered to a witness by a peon or official of the Industrial Tribunal or Labour Court.

30. Recording of oral evidence.—Oral evidence shall be recorded in a narrative form but the Industrial Tribunal or Labour Court may order any portion of the evidence to be recorded in the form of question and answer.

31. Deposition.—Deposition shall be read over, or translated to, or may be read by a witness, as the case may be. Any *bona fide* error discovered to have been made in deposing or recording be rectified at that stage. The Industrial Tribunal or Labour Court shall certify that it has been so read over or translated to or read by the witness and admitted to be a correct record of his statement. It shall then be signed or marked by the the parties or their agents if there be any and the Presiding Officer concerned.

32. Right to argue.—After the close of evidence normally the party who led evidence shall first argue and the opposite party may reply and thereafter the former party may further reply.

33. Correspondence.—All official correspondence meant for the Industrial Tribunal shall be addressed to the Registrar of the Industrial Tribunals by designation and for Labour Court shall be addressed to the Presiding Officer concerned.

34. Preparation of records.—A record shall consist of five files, each file shall have an index of the papers contained therein.

File 'A' shall besides the index, contain the order sheet of the whole case, the reference, pleading of the parties, issues other orders and the award or

decision.

File 'B' shall consist of three parts given below :

B-1 shall contain employers, exhibits. B-2 shall contain workers' exhibits. B-3 shall contain all other documentary evidence summoned by the Court and not tendered by any party.

File 'C' shall contain oral evidence adduced by the parties.

File 'D' shall contain all other papers.

On the cover of each file shall be noted the name of the Court or Tribunal and all the particulars of the case, the date of decision and number of papers contained in it.

35. Consignment of records.—The Reader of the Industrial Tribunal or Labour Court shall within one month from the date of publication of the award, complete the record and consign it to the record-room and shall obtain from the assistant concerned an acknowledgment receipt of the record in the despatch and receipt register, records, thereafter shall be entered in the Register in Form 'I'.

36. Preservation of records.—File 'A' shall be preserved for fifteen years from the date of enforcement of the award.

Files 'B' and 'C' shall be preserved for six years from the date of enforcement of the award. File 'D' shall be preserved for three years from the date of enforcement of the award.

After the expiry of the aforesaid period, the assistant concerned shall obtain orders in writing from the Presiding Officer concerned for weeding. After weeding papers shall be destroyed and auctioned as waste papers. A note about each weeding shall be made in the index of file 'A' and when file 'A' is also weeded, a note about it shall be made in the remarks column of the Register of cases.

37. Preservation of forms and registers.—Registers in Forms B, C, D, E and H shall be preserved permanently and all other forms for three years only.

38. Inspection of records.—(1) On the date of hearing the Industrial Tribunal or Labour Court may, in its discretion, without a written order in this behalf, permit a party to a case or his authorised representative even without a written application to inspect the record of the case fixed for hearing.

(2) Any party or a case of their authorised representative may apply in Form 'J' for an order to inspect the record or any paper in such case or proceedings. Inspection of an award shall not be allowed till it has been published in the State *Gazette*.

(3) When the inspection is over, a note to that effect shall be made by the person making the inspection. No person while making inspection shall make any mark on the record or in any respect mutilate any record or paper. He can make short notes of the contents of documents which he inspects but shall on no account make a copy or translation of any paper or record.

(4) No stranger to a case, shall be entitled as of right to claim inspection of the record of a case or proceedings without the previous permission of the Presiding Officer concerned.

(5) The register of inspections shall be maintained in Form 'K'.

(6) With each application for inspection a fee of 12 paise and additional fee of 50 paise per hour of inspection shall be deposited in cash beforehand or as inspection proceeds from hour to hour in the office for which a receipt shall be issued and the amount shall be noted on the application for inspection and also in column 5 of the register and shall be deposited in Government Treasury under head "XXXVI—Miscellaneous Department—Miscellaneous Receipts — Inspection charges".

39. Copies of records or other documents of a Labour Court or Tribunal or an Arbitrator.—(1) A party to the dispute shall be entitled at any stage to obtain copy of the records of the case or any portion thereof including exhibits which have been put in and finally accepted in evidence but excluding confidential papers and office notes.

(2) A stranger to a dispute, may, after the decision, obtain copy of any document on the record of the case except confidential documents and office notes :

Provided that a stranger may not be given copy of the exhibits admitted in evidence except with the consent of the person by whom they were produced or his successor-in-interest.

(3) A party to a dispute or a stranger may obtain a copy of an award given in the dispute only after it has been published by the State Government.

(4) Every such copy shall be examined and certified as correct before it is issued from the office of the Labour Court or Tribunal or an arbitrator. No copy shall be certified unless it has been prepared in either of the aforesaid offices.

(5) An application for copies of awards or other documents shall be presented between 11 a.m. and 12 noon on any working day in the prescribed Form 'N' to the Labour Court or the Registrar of the Tribunal concerned or in the case of an arbitration award or documents relating thereto to the Labour Court or the Registrar of the Tribunal which has otherwise jurisdiction over the dispute.

(6) On receipt of an application for a copy the head clerk or clerk concerned shall inform the applicant of the amount of fees payable and that his application will not be considered complete and the preparation of the copy will not be commenced, until he has deposited the said amount.

The receipts on account of copying and certifying fees shall be credited to the head of account specified by the State Government in this behalf.

(7) If, owing to insufficient or incorrect description the document of which a copy is sought cannot be traced that fact shall be endorsed on the application which shall be submitted to the Presiding Officer of the Labour Court or Tribunal concerned.

(8) If the estimated amount of fees is not deposited within seven days of its being notified to the applicant, the application for copy shall be rejected.

(9) If an application has been rejected under sub-rule (7) and a copy is still required, a fresh application must be presented and the same will be dealt with in the manner prescribed, as though the original application had not been made.

(10) If and when it is ascertained that additional fees are necessary, the amount thereof shall be immediately notified to the applicant and shall be deposited within seven days of receipt of the notice.

(11) The copies shall be prepared in strict order of priority, and where it is proposed to make any departure for any special reasons, prior sanction of the Presiding Officer of the Labour Court or Tribunal or the Arbitrator shall be obtained.

(12) In ordinary circumstances a copy may be furnished up to 1 p.m. on the third day after the necessary fee, or additional fee, has been paid.

(13) If the applicant furnishes his address accompanied by sufficient amount (in cash), to cover the cost of registration (acknowledgment due), a copy may be sent to him by post.

(14) When a copy is granted, the following particulars shall be recorded on the back of the copy :

- (i) Date of application for copy.
- (ii) Date of notifying the fee payable.
- (iii) Date of deposit of fee.
- (iv) Date of making over the copy to the applicant.

(15) A register shall be maintained in respect of application for copies in Form 'O' and shall be daily checked by the Presiding Officer of the Labour Court or Tribunal or any other person authorised by him in this behalf.

(16) Fees for making a copy of an award of a Labour Court, Tribunal or Arbitrator, or any document filed in any proceeding before a Labour Court, Tribunal or an Arbitrator shall be charged as follows :

- (a) for the first 200 words or less, 75 Paise
- (b) for every additional 100 words or fraction thereof, 38 Paise :

Provided that where an award or document exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words, to nearest hundred for the purpose of assessing the copying fee :

Provided further that if a party applies for urgent delivery of a copy of any such award or document, an additional fee equal to the fee leviable under this rule shall be payable by such party.

(17) A fee of Re. 1 shall be payable for certifying a copy of any such award or document.

(18) Copying and certifying fees-shall be payable in advance.

40. Oath Commissioner.—The official authorised to certify the affidavit shall maintain a register in Form 'L'. He shall endorse on the affidavit or counter-affidavit a certificate of verification in Form 'M'.

FORM 'A'

(Rule 11)

(Later of Authority)

Before the Presiding Officer, Industrial Tribunal
Allahabad/Lucknow/Labour Court at

Adj. Case No...../Misc. Case No. of 19.....

In the matter of

I/We hereby authorise Sri (Designation).....to
represent me/us in the abovementioned case on my/our behalf.

It shall be subject to the following conditions :

Name and Signature

Designation

Address

Accepted..... Name and Signature Designation

FORM 'B'

(Rule 10)

(Register of Gases)

Industrial Tribunal () () () at Allahabad/Lucknow/Labour
Court at

Serial No. of case	Date of registration	Government Notification No. and date	Industry	Particulars of parties
1	2	3	4	

Nature of dispute	Date of submission of Award to Government	Date of Publication of Award by Government	Remarks
6	7	8	9

FORM 'C'

(Rule 10)

[Register of case under Section 6-E(1) and (3) and Rule 31(1)]

Industrial Tribunal () () () at Allahabad/Lucknow/Labour
Court

6	Date of receipt of application	Name of applicant	Name of opposite-party	Nature of case	Decision	Date of decision	P. f. j (:4
1	2	3	4	5	6	7	8

FORM 'D'

(Rule 10)

[Register of Cases under Section 6-E (2) of the Act and Rule 31(2)]

Industrial Tribunal () () Allahabad/Lucknow/Labour Court at

Sl. No.	Date of receipt of	Name of applicant	Name of opposite-party	Action to be approved or not	Decision (approved or not)	₹
1	2	3	4	5	6	8

FORM 'E'

(Rule 10)

(Register of applications under Section 6-F of the Act and Rule 32)

Industrial Tribunal () Allahabad/Lucknow/Labour Court at.....

Serial No.	Date of receipt of application	Name of applicant	Name of opposite-party	Actions of contravention of Section 6
1	2	3	4	5

Relief sought	Date of submission of Award to Government	Date of Publication of Award by Government	Remarks
6	7	8	9

FORM 'F'

(Rule 16)

Before the Industrial Tribunal ()/Allahabad/Lucknow/Labour Court at

Adj. Case Noof....., 19

(General summons to all concerned)

Whereas an Industrial dispute between and their workmen has been referred to the Industrial Tribunal (), Labour Court (), under Section 4-K of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947), vide G. O. No.....

dated , 19 , you are hereby summoned to appear before the said Tribunal/Labour Court in person or through a duly authorised representative as required under Rule 40 of the U. P. Industrial Dispute Rules, 1957, on the , dated , 19 at 10.30 a.m. = : answer all material questions relating to the said dispute and you are directed to produce on that date all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by the said Industrial Tribunal/Labour Court. **Your witness statement**, if any, should also be presented before the said Tribunal/Labour Court on the date specified above.

Matter (s) of Dispute

The attention of all concerned is also drawn to Section 6-E of the U Industrial Disputes Act, 1947, for strict compliance. It be also noted that the matter relating to determination of Bonus, Balance-sheet and Profit and Loss Account for the relevant year be also produced on the above-specified date of hearing. In the case relating to disciplinary proceedings the papers of domestic enquiry along with an affidavit be filed on the above-specified date.

By order of the Tribunal/Labour

Registrar,

Industrial Tribunals, U. P., or the Presiding Officer, Labour Court.

FORM 'G'

(Rule 26)

In the Industrial Tribunal () at Allahabad/Lucknow/Labour
at.....

Reference No of 19

to

.....

In the matter of
.....

Whereas..... , has cited you as his/her witness, you **are** hereby summoned to appear before the Industrial Tribunal (**Labour** Court in person on the , date of , 19 , at .. a.m./p.m., to answer all material questions relating to the said dispute so directed to produce on that day such papers or documents as are required by the Industrial Tribunal/Labour Court.

Issued..... day of , 19

By order of the Industrial Tribunal..14.A.

Registrar or Presiding Officer, Labour Court,

FORM 'H'

(Rule 27)

In the Industrial Tribunal () at Allahabad/Lucknow/Labour Court
at.....

Certificate of Attendance

Certified that Sri , of.....
Office/Department posted at..... , has attended this Court
on..... , to give evidence of fact which came to his knowledge in Public/
Private capacity in the case noted below and has not/has been paid by
me

Rs Pon account of his appearance before the
Industrial Tribunal () or Labour Court at.....

(1) Travelling expenses

(2) Subsistence allowance

Total.....

That Sri 's..... days' pay,
T. A. and D. A. is deposited to the treasury at

Number of the case and year

Name of parties

Station.....

Date

.....
Signature of Presiding Officer.

FORM 'I'

(Rule 35)

(Record-room Register)

1	2	3	4	5	6	7	8
at	of records M. 0 1- 4 0 2 (A)	Name of the office of despatch	Particulars of records	Date of publication of Award or decision	Date fixed for weeding	Details of weeding with date	Remarks

Industrial Tribunal () at Allahabad/Lucknow/Labour Court

FORM 'I,'

(Rule 40)

Industrial Tribunal () at Allahabad/Lucknow/Labour Court
at

(Register of Affidavits)

Serial No.	Date	Name of deponent	Particulars of case	Initial of the Oath Commissioner	Remarks, if any
1	2	3	4	5	6

FORM 'M'

(Rule 40)

Industrial Tribunal () at Allahabad/Lucknow/Labour Court
at

(Certificate of Verification)

Presented this..... day of at.....
hours by, who is personally known to me or is identified
by, who is personally known to me. Read over to the deponent
and admitted to be a correct record of his affirmation.

Oath Commissioner,

Presiding Officer.

Industrial Tribunal (I), U. P., Allahabad.

SCHEDULE I

[Rule 27(b)]

For the purposes of payment of travelling allowances and diet money,
complainants and witnesses shall be classified as follows :

Class /—Persons of superior rank ;

Class //—Persons such as ordinary traders, pleaders and those of
corresponding rank ; and

Class ///—Persons belonging to the class of cultivators and labourers.

The rates of travelling allowance and diet money for the three classes
shall be as below :

Travelling allowance	Class I	Class II	Class III
Journey by road	Up to a maximum of 'eight annas' per mile as the Court may direct	Up to a maximum of 'six annas' per mile as the Court may direct	Same as for Class II
Journey by rail	One first class fare each way	One second class fare each way	One third class fare each way.

Travelling allowance	Class I	Class II	Class III
Conveyance hire	Rs. 3 per diem	Rs. 2 per diem	Re. 1 per diem.
Diet money in Allahabad	Rs. 5 per diem	Rs. 3 per diem	Rs. 1.50 per diem.
On the journey	Rs. 4 per diem	Rs. 2 per diem	Re. 1 per diem.

Notes.-(a) Diet money shall be paid for the days of actual detention as well as for the time occupied in the journeys to and from the Court. The number of days which should be allowed for the journey to and from the Court shall be determined by the Registrar in the Industrial Tribunal and by the Presiding Officer in the Labour Courts.

(b) Conveyance hire for the days of actual attendance at the Court shall be paid to all complainants and witnesses.

(c) Witnesses following any profession, such as medicine or law, shall receive such special allowance as may be, determined by the Presiding Officer in each case having regard to the circumstances and custom.

(d) *Diet* money at the enhanced rate admissible at Allahabad shall also be admissible for the days of arrival at and departure from those places.