

U. P. Payment of Wages (Procedure) Rules, 1958¹

1. **Short title.**—These rules may be called the U. P. Payment of Wages (Procedure) Rules, 1958.

2. **Definition.**—In these rules, unless there is anything repugnant in the subject or context,—

(a) "Act" means the Payment of Wages Act, 1936 (IV of 1936)

;

(b) "Appeal" means an appeal under Section 17 of the Act ;

(c) "Authority" means the authority appointed under sub-section (1) of Section 15 of the Act ;

(d) "Court" means the Court mentioned in sub-section (1) of Section 17 of the Act ;

(e) "Employer" includes the person responsible for the payment of wages under Section 3 ;

(f) "SectiOis" means a section of the Act ;

(g) "Form" means a form appended to these rules ;

²[(gg) "record of order or direction" means the record of an order dismissing either wholly or in part an application made under sub-section (2) of Section 15 or of a direction made under subsection (3) or sub-section (4) of that section and kept in Form 'F'] ;

h. Words and expressions defined in the Act shall be deemed to have the same meaning as in *the Act*.

3. **Form of application.**—Applications under sub-section (2) of Section 15 by, or on behalf of, an employed person, or group of employed persons, shall be made in duplicate in Form A, Form B, or Form C, as the case may be, one copy of which shall bear such **co** in-fee as may be prescribed.

4. **Authorization.**—The authorization to act on behalf of an employed person or persons, under Section 15, shall be given by a certificate in Form D and shall be presented to the Authority hearing the application and shall form part of the record.

5. **Permission to appear.**—Any person seeking the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement, giving reasons in the case of refusal and shall incorporate the same in the record.

6. Presentation of documents.--(1) Applications or other documents

relevant to an application may be presented in person to the Authority at . any time during hours to be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall at once endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be.

7. Refusal to entertain application.—(1) The Authority may refuse to entertain an application presented under Rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reasons to be recorded in writing that—

- (a) the applicant is not entitled to present an application, or
- (b) the application is barred for the reasons given in the proviso to sub-section (2) of Section 15, or
- (c) the application does not disclose sufficient cause for making a direction under Section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if he so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been removed, the date of the subsequent presentation shall be deemed to be the date of the presentation for the purpose of the proviso to sub-section^a "s" of Section 15.

8. Appearance of parties.— If the application is entertained, the Authority shall call upon the en'er by a notice in Form E to appear before him on specified date tog.r with all relevant documents and witnesses, if any, and shall inform ti.- ..pplicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *ex parte*.

(3) If the applicant fails to appear on the specified date, the Authority may dismiss the application :

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the application re-heard on good cause being shown within one month of the said order, notice being served on the opposite party of the date fixed for re-hearing.

9. Record of proceedings.—(1) The Authority shall in all cases enter *the* particulars indicated in Form F and at the time of passing orders shall sign and date the Form.

(2) In case where no appeal lies no further record shall be necessary.

(3) In case where an appeal lies, the Authority shall record the substance of the evidence and shall append it under his signature to the record of order or direction.

10. Reasons for postponement of hearing to be recorded.—If the Authority is unable to dispose of an application at one hearing, he shall record the reasons which necessitate postponement.

11. Signature on forms.—Any form, other than the record of order or direction which is required by those rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

12. Exercise of powers.—In exercise of the powers of a Civil Court conferred by Section 18 the Authority shall be guided in respect of procedure by the relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Act or these rules.

13. Appeals.⁻³[(1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the prescribed court-fee, setting forth concisely the grounds of objection to the order, dismisks either wholly or in part an application made under sub-section (2) of Section 15 or a direction made under sub-section (3) or sub-section (4) of that

section, as the case may be, and shall be accompanied by a certified copy of the said order or direction.]

(2) When appeal is lodged, a notice shall be issued to the **respondent in Form G.**

(3) The court after hearing the parties and after such further enquiry, if any, as it may deem necessary may confirm, vary, or set aside the order or direction from which the appeal is preferred, and shall make an order accordingly.

14. Where an application under sub-section (2) of Section 15, or an appeal under sub-section (1) of Section 17, is entertained or preferred, the Authority or the court in case it holds that the employer is liable to refund or pay any money to the employed person, shall order the employer or other person responsible for the payment of the amount, to make payment direct to the employed person concerned.

15. Inspection of documents.—An employed person, or any employer or his representative, or any person permitted under sub-section (2) of Section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal or any other document filed with the Authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on payment of such fees as may be prescribed.

FORM A

Form of Individual Application

- *[See* sub-section (2) of Section 1 of the Payment of Wages Act]

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for _____ area.
Application No. _____ of 19.

Between _____ **Applicant.**

_____ a legal practitioner

(Through _____ an official of

which is a registered trade union).

And _____ **Opposite party.**

The applicant states as follows :

1. _____ is a person employed
in _____ factory
—the _____ entitled

on _____ Industrial Establishment
and resides at _____

The address of the applicant for the service of all notices and processes is

2.the' opposite-party, is the person responsible for 'the

payment of his wages under Section 3 of the Act, and his address for the service of all notices and processes is

3. (1) The applicant's wages have not been paid for the following wage period(s) (give dates) _____ or a sum of Rs. has been unlawfully deducted from his wages of _____ (amount) for wage-period(s) which ended on [give date(s)]

(2) (Here give any further claim or explanation).

4. The applicant estimates the value of relief sought by him at the sum of Rupees

5. The applicant prays that a direction may be issued under sub-section (3) of Section 15 for—

(a) Payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due,

Or

refund of the amount illegally deducted.

(b) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb-impression of the employed person, or legal practitioner, or official of a registered trade union duly authorised.

FORM B

Form of Group Application

[See sub-section (2) of Section 15 and Section 16 of the
Payment of Wages Act]

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for _____ area.

Application No. _____ of 19 _____

Between _____ and (state the number)

others _____ Applicant.
a legal practitioner

(Through _____ an official of
which is a registered trade union).

And _____ opposite party.

The applicants state as follows :

1. The applicants whose names appear in the attached Schedule are in _____ factory persons employed—the-- _____ entitled _____ Industrial Establishment.

The address of the applicants for service of all notices and processes is _____

2.the opposite party, is the person responsible for the payment of wages under Section 3 of **the** Act, and his address for the service of all notices and processes is _____

3. The applicants' wages have not been paid for the following wageperiod(s):
4. The applicants estimate the value of the relief sought by them at the sum of Rupees
5. The applicants pray that a direction may be issued under sub-section (3) of Section 15 for—
 - (a) payment of the applicants' 'delayed wages as estimated or such greater or lesser amount as the Authority may find to be due
 - (b) Compensation amounting to

The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb-impression of two of the
applicants, or legal practitioner, or an
official of a registered Trade Union

duly authorised.

SCHEDULE

Names of applicants-

- 1.
- 2.
- 3.
- 4.
5. FORM C

Form of Application by an Inspector or person permitted by the Authority or Authorised to Act

[See sub-section (2) of Section 15 and Section 16 of the
Payment of Wages Act]

In the Court of Authority appointed under the Payment of Wages Act, (IV of 1V36) for _____ area.
Application No. _____ of 19 _____

Between
(designation) _____ an Inspector under the Payment of
Wages Act _____ or a person _____ permitted by the Authority
to act
authorised

under sub-section (2) of Section 5

And _____ Applicant.
the opposite party.

The applicant states as follows :

the opposite-party is the person responsible under the
Act for the payment of wages to the No. _____ of person(s).

2. His address for the services of all notices and processes is
3. The wages of the said person(s) due in respect of the following wage-period(s) have not been paid
have been subjected to the following illegal deduction.
4. The applicant estimates the value of the relief sought for the person(s) employed at the sum of Rs.
5. The applicant prays that a direction may be issued under sub-section (3) of Section 15 for—
 - (a) payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due/or refund of the amount illegally deducted,
 - (b) compensation amounting to.

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature.

FORM D

Certificate of Authorization

I/We employed person(s) hereby authorize a legal practitioner/in official of which is a registered Trade Union to act on my/our behalf under Section 15 and Section 17 of the Payment of Wages Act (IV of 1936), in respect of the claim against delay in payment of

On account of me illegal deductions from my/our wages

Witnesses

Signature

(1)

(1)

(2)

(2)

(3)

(3)

(4)

(4)

(5)

(5)

I accept the authorization.

Signature

Legal Practitioner

Official of a registered
Trade Union.

FORM E

Notice for the Disposal of Application

To

Whereas under the Payment of Wages Act, 1936 (IV of 1936), a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person or

by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the day of 19

at o'clock in the fore/afternoon to answer the claim, and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the document upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Given under my hand and seal, this day of 19 .

Authority.

-SEAL

FORM F

Record of Order or Direction

- (1) Serial number
- (2) Date of the application
- (3) Name or names, parentage, address or addresses of the applicants or some, or all of the applicants belonging to the same unpaid group
- (4) Name and address of the employer
- (5) Amount claimed
 - (a) As delayed wages Rs.
 - (b) As deducted from wages Rs.
- (6) Place of the employer and his examination (if any)
- (7) Finding, and a brief statement of the reasons therefor
- (8) Amounts awarded—
 - (a) Delayed wages Rs.
 - (b) Deducted wages Rs.
- (9) Compensation awarded Rs.
- (10) Penalty imposed Rs.
- (11) Costs awarded to—
 - (i) Court fee charges
 - (ii) Pleader's fee
 - (iii) Witnesses' expenses

Signed
Dated

Note.—In cases where an appeal lies attach on a separate sheet the substance of the evidence.

FORM G

**Notice to Respondent of the Day Fixed for the Hearing
of the Appeal under Section 17 of
Payment of Wages Act, 1936**

Appeal from the decision of the Authority for the _____ area,
related the _____ day of _____ 19 .
To _____

Respondent.

Take notice that an appeal of which a copy is enclosed, from the decision of the Authority for
_____ area has been presented by
_____ (and others) and registered in this Court and that and
_____ day of _____ 19 , has been fixed by this Court for the hearing
of this appeal,

If no appearance is made on your behalf by yourself, or by some one by law authorized to act for
you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this
day of _____ 19 _____

Judge.

Seal of the Court.