

# **PAYMENT OF WAGES ACT, 1936—RULES FOR IMPOSITION OF PENALTIES**

*Notification No. 2175(SM)/XXXVI-A—1049(SM)-58, dated 4th  
September, 1962†*

In pursuance of Explanation II to sub-section (1) of Section 7 of the Payment of Wages Act, 1936 (Act No. IV of 1936), and in supersession of

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\*Maha. Govt. Gaz., 13-9-62, Pt. I-L,  
p. 3877.

†U. P. Gaz., 15-9-62, Pt. I-A,  
p. 2477.

State Government Notification No. 592(SM)/XXXVI-A—1049(SM)-58, dated March 19, 1959, the Governor of Uttar Pradesh is pleased to specify the following requirements with which any rules framed by an employer in relation to his employees in any factory, other than a Railways, Mine or Oil field, situated in the State of Uttar Pradesh, for the imposition of the following penalties shall conform, namely :

1. All such rules shall provide that—

- (a) the penalty of reduction to a lower post or time-scale or to a lower stage in a time-scale shall be imposed only after an enquiry, held as far as may be, in the manner hereinafter provided—
  - (i) definite charges shall be framed and served, in writing on the person concerned who will be required to submit, within such time, not less than three days from the date service as may be specified, a written statement and also to state whether he desires to be heard in person ;
  - (ii) for the purpose of preparation of his defence, the person concerned shall be permitted either himself or in case he cannot reach records, with the assistance of an officer of the Registered Trade Union of which he is a member to inspect and to take extracts from such records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, such records are not relevant for the purpose ;
  - (iii) the charges as are not admitted shall be enquired into ;
  - (iv) the person concerned may present his case with the assistance of any other person approved by the enquiring authority ;
  - (v) such documentary evidence, as may be necessary shall be considered, oral evidence as may be relevant or material shall be taken and cross-examination shall be permitted ;
  - (vi) the report of the enquiry and the findings on each of the charges with reasons therefor shall be prepared ;
  - (vii) the report of the enquiry shall be considered and findings on each charge shall be recorded ;
  - (viii) the person concerned shall be supplied with the report and the findings ;
  - (ix) the person concerned shall be given a notice stating the action proposed to be taken and calling upon him to submit, within a specified time, such representation as he may wish to make against the proposed action ; and
  - (x) appropriate orders shall be passed and communicated to the person concerned in writing.
- (b) the penalty of withholding of increment or promotion but excluding the penalty of stoppage of increment at an efficiency bar shall be imposed only after the person concerned has been informed in writing of the proposed action together with the

allegations and given an opportunity to make any representation that he may wish to make,

- (c) the person concerned is given a right of appeal against any order imposing any of the penalties mentioned in clauses (1) and (2) above and the appeal is heard and disposed of by an authority higher than the authority which imposed the penalty.

2. All such rules shall also specify the person or persons empowered to impose any of the penalties mentioned in clauses (1) and (2) of paragraph 1 and the person or persons empowered to hear and dispose of an appeal under clause (3) of that paragraph.