

U. P. PAYMENT OF WAGES RULES, 1936

1. **Title**—These rules may be called the U. P. Payment of **Wags** Rules, 1936.
2. **Definitions**—In these rules, unless there is anything repugnant **in** the subject or context,—
 - (a) “the Act” means the Payment of Wages Act (IV of 1936);
 - (b) “the Authority” means the authority appointed under subsection (1) of Section 15 of the Act;
 - (c) “the Chief Inspector of Factories” means the Inspector of **F**actories appointed under sub-section (2) of Section 10 of **the** Factories Act (XXV of 1934);
 - (d) “the Court” means the court mentioned in sub-section (1) **of** Section 17 of the Act;
 - (e) “deduction for breach of contract” means a deduction made **in** accordance with the provisions of the proviso to sub-section (2) of Section 9;
 - (f) “deduction for damage or loss” means a deduction made **in** accordance with the provisions of clause (c) of sub-section (2) **of** Section 7;
 - (g) “Form” means a form appended to these rules;
 - (A) “Inspector”* means the inspector authorized by or under Section 14 of the Act;
 - (i) “person employed” excludes all persons to the payment of whose wages the Act does not apply;
 - (j) “section” means a section of the Act;
 - (A) “paymaster” means an employer or other person responsible under Section 3 of the Act for the payment of wages;
 - (/) words and expressions defined in the Act shall be deemed to **have** the same meaning as in the Act.

Section 26 (5) (a),

3. **Register of fines.**—(1) In any factory and industrial establishment in respect of which the employer has obtained approval under subsection (1) of Section 8 to list of acts and omissions in respect of which fines may be imposed the paymaster shall maintain a register of **fines** in Form I.
 - (2) At the beginning of the register of fines there shall be entered serially numbered the approved purpose or purposes on which the fines realized are to be expended.
 - (3) A voucher or receipt in respect of any amount disbursed shall be maintained and produced as and when demanded by the Inspector.
4. **Register of deductions for damage or loss.**—In every factory and industrial establishments in which deductions for damage or loss are made, the paymaster shall maintain the register required by sub-section (2) of Section 10 in Form II.

5. Register of wages.—A register of wages shall be maintained in every factory and industrial establishment and may be kept in such form as the paymaster finds convenient [including additions to Form 12 prescribed under Rule 78 of the U. P. Factories Rules, 1950)] but shall include the following particulars:—

- (a) the gross wages earned by each person employed for each wage period;
- (b) all deductions made from those wages, with an indication in each case of the clause of sub-section (2) of Section 7 under which the deduction is made ;
- (c) the wages actually paid to each person employed for each wage-period.

6. Maintenance of registers.—The registers required by Rules 3, 4, 5 and 17 shall be preserved for twelve months after the date of the last entry made in them.

¹**[6-A. Production of Registers for inspection.**—All registers and records required to be maintained under the Act and these rules shall be produced by the pay-master on demand by an inspector.]

Section 26 (5) (5) and 26(4)

6-B. Display of wage-rates.—In every factory and industrial establishment a notice in Form VI in English, Hindi and Urdu shall be displayed by the paymaster in a conspicuous place at or near the entrance of each department or group of departments specifying the rates of wages payable to all classes of workers other than those holding position of supervision or management as mentioned in Rule 79 and approved under Rule 81 of the Uttar Pradesh Factories Rules, 1950. When the rates of wages are revised or a new class of work introduced, the necessary alterations shall be made by the paymaster in the said notice and dated.

This notice shall be preserved for a period of six months, after the date of its replacement by a new notice and shall be available to a Factory Inspector on demand for the purposes of inspection.

Section 26 (3) (c)

7. Weights and measures.—(1) All weights, measures or weighing machines which are used in checking or ascertaining the wages of persons employed in any factory and industrial establishments shall be examined at least biennially by an Inspector who may prohibit the use of any weight, measure or weighing machine which he finds to register incorrectly.

(2) If the Inspector considers that any action should be taken under the Indian Weights and Measures of Capacity Act (XXXI of 1871), or the Indian Penal Code (XLV of 1860), he may seize the article in question and

shall **record his** opinion and send it to the District Magistrate **for such** action as he may think fit.

Section 26 (3)(d)

8. Notice of dates of payment.—The paymaster shall display, in a conspicuous place at or near the main entrance of the factory and industrial

establishments, a notice, in English and in the language of the majority of the persons employed therein, giving for not less than one month in advance, the days on which wages are to be paid:

Provided that an employed person who is absent on any such day shall be paid his wages on any working day before the expiry of the third working day after the day on which a demand is made by him for the same.

Sections 26 (5) («), (/) and (h)

9. Prescribed authority.—The Chief Inspector of Factories shall be the authority competent to approve, under sub-section (1) of Section 8, acts and omissions in respect of which fines may be imposed and, under subsection (8), of Section 8, the purposes on which the proceeds of fines shall be expended.

10. Application in respect of fines.—Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Chief Inspector of Factories—

(a) a list in English, in duplicate, clearly defining such acts and omissions;

(b) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list in duplicate showing those appointments in his factory and industrial* establishments of which the incumbents may pass orders imposing fines and the class of establishment on which the incumbent of each such appointment may impose fines.

11. Approval of list of acts and omissions.—The authority appointed under Rule 9 on receipt of the list prescribed in Rule 10 (a) may, after such inquiry as he considers necessary, pass orders either—

(a) disapproving the list,

(b) approving the list either in its original form or as amended by him, in which case such list shall be considered to be an approved list:

Provided that no order disapproving or amending any list shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the list, as submitted by him should be approved.

12. Posting of list.—The employer shall display at or near the main entrance of the factory and industrial establishments a copy in English together with a literal translation thereof, in the language of the majority of the persons employed therein of the list approved under Rule 11.

13. Persons authorized to impose fines.—No fine may be imposed by any person other than an employer, or a person holding an appointment named in a list submitted under Rule 10.

14. Procedure in imposing fines and deductions.—Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of fines or deduction, which it is proposed to impose, and shall take his explanation, either orally in the presence of at least one other person or in writing, as the employed person may prefer.

15. Information to paymaster.—The person imposing a fine or directing the making of a deduction for damage or loss shall, without unnecessary delay, inform the paymaster of all particulars, so that the register prescribed in Rule 3 and Rule 4 may be duly completed.

Section 26 (3) (g)

16. Deductions for breach of contract.—(1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of 15 years or is a woman.

(2) No deduction for breach of contract shall be made from the wages of any employed person unless—

(a) there is a provision in writing forming part of the term of the contract of employment requiring him to give notice of the termination of his employment; and

(i) the period of this notice does not exceed fifteen days or the wage-period whichever is less, and

(ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory and industrial establishments and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;

(c) a notice has been displayed at or near the main entrance of the factory and industrial establishments giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction will be remitted :

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory and industrial establishment, it shall be sufficient, in lieu of giving the name of the persons in such departments or sections to specify the department or section affected.

(2) No deduction for breach of contract shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no deduction for breach of contract shall be made from any person who has complied with these conditions.

17. Advances.—(1) An advance of wages not already earned shall not, without the previous permission of an inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding two calendar months, or if he has not been employed for that period twice the wages he is likely to earn, during the two subsequent calendar months.

(2) The advances may be recovered in instalments by deductions from wages spread over not more than twelve months. No instalment shall exceed one-

third, or where the wages for any wage-period are not more than twenty rupees, one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the repayments thereof shall be entered in a register in Form III.

Note.—Advances to permanent salaried industrial establishment of the Government Printing and Stationery Department, Uttar Pradesh, will continue to be governed by the rules contained in the Financial Hand Boole, Volume V, Part I (Account Rules).

Section 26(3) (a)

18. Annual return.—In respect of every factory **and** industrial establishments a return shall be sent in Form IV so as to reach the Chief Inspector of Factories not later than the 15th of February following the end of the calendar year to which it relates.

Section 26 (3) (j)

19. Costs.—(1) Where the authority or the court, as the case may be, directs that any cost shall follow the event, he shall state his reasons for so doing in writing.

(2) The costs which may be awarded shall include— ⁴

(a) the charges necessarily incurred on account of court-fees ;

(b) the charges necessarily incurred on subsistence money to witnesses ;
and

(c) pleader's fees which shall ordinarily be Rs. 10 provided that the authority or the court, as the case may be, in any proceedings, may reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

(3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

20. The authority or the court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the authority or the court, as the case may be:

Provided that the authority or the court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of cost.

Section 26(3) (k)

21. Fees.—The fee payable in respect of proceeding under the Act shall be:—

(i) For every application to sum- Four annas in respect of each mon a witness. Witness

(ii) For every other application made by or on behalf of an individual person before the authority. (Hi) For every other application made by or on behalf of an unpaid group before the authority. (w) (a) For every appeal lodged with the court.	may, in consideration of the annas
	Four annas for each member of the group, subject to a maximum of five rupees. Two rupees and eight annas for the hundred rupees or portion thereof, and eight annas for every additional hundred rupees or portion thereof, subject to a maximum of ten rupees. Eight annas.
For every other miscellaneous application filed before the court	

Provided that the authority or the court poverty of the applicant, reduce or remit this fee:

Provided further that no fee shall be chargeable in respect of an application presented by an inspector.

Section 26(3) (f)

22. Abstract.—The abstract of the Act and of the rules made thereunder to be displayed under Section 25 shall be in Form V.

Section 26(4)

23. Penalties.—Any breach of Rules 3, 4, 5, 6, 6-A, 6-B, 8, 12, 15 and **18** of these rules shall punishable with fine which may extend to two hundred **rupees**.

	—	Serial No.	
	to	Name	
	G	Father's Name	
		Department	
		Act or omission for which fine imposed	
	a*	Whether workman showed cause against fine or not. If so, enter	
	M	Rate of wages	
	CO	Date	Fine imposed
		Amount	
		Date	Fines realized or remitted
		Amount realised	
		Amount remitted	
	o	Rate of realisation or disbursement	
	▶—	Amount realized	
	KO	Reference to serial no. (Column 1)	
	G	Amount disbursed	
	4^	Object on which	
	CH	Amount in hand (in the fund)	
	▶— o)	Remarks	

FORM I Register of Fines
Factory and

	1 IO	Name
	09	Father's Name
		Department
		Date and amount of advance made
	G)	Purpose(s) for which advance made
	M	Number of instalments by which advance to be repaid
	00	Postponements granted
	<0	Dates on which total amount repaid
	o	Remarks

		Serial No.	
	*3	Name	
		Father's name	
	>	Department	
	Ui	Nature	Damages or loss caused
		Amount	
	o	Whether worker showed cause against deduction	
	M	Date	Deduction imposed
		Amount	
	00	Number of instalments, if any	
	>₹)	Date	Amount 1
		Amount	
	o	Remarks	

FORM IV

Wages and deductions from Wages

Return for the year ending 31st December, 19

1. (a) Name of factory or establishment and postal address
(6) Industry

2. Number of days worked during the year..

3. (a) Number of man days worked during the year:

Persons receiving less than **Rs. 200** Persons receiving **Rs. 200 per** per month
month and more but less than
Rs. 400 per month

Adults

Children

(b) Average daily number of persons employed during the year:

Persons receiving less than Rs. 200 Persons receiving Rs. 200 per per month
month and more but less than
Rs. 400 per month

Adults.

Children

(c) Gross amount paid as remuneration to the employed persons getting
less than Rs. 200 per month including deductions under Section 7(2)
... of which the amount due to profit sharing bonus is
...and that due to money value of concessions
is

(d) Gross amount paid as remuneration to the employed persons getting
Rs. 200 per month and more but less than Rs. 400 per month including deductions
under Section 7(2).... of which the amount due to profit sharing
bonus is.....and that due to money
value of concession is

4. Total wages paid including deductions under Section 7(2) on t t e following
accounts:

Persons receiving less than Rs. 200 Persons receiving Rs. 200 per per month
month and more but less than
Rs. 400 per month

(a) Basic wages including non-profit sharing
bonus

(5) Dearness and other allowances in cash

(c) Overtime wages

(J) Arrears of pay in respect of previous yeais

paid during the year

5. Number of cases and amount realised as:

Persons receiving less than Rs. 200 per month		Persons receiving 200 per Rs. month and more but Rs. less than	
No. of cases	Amount	No. of cases	Amount

(a) Fines

(i) Deduction for damage or loss

(c) Deduction for breach of contract

6. Disbursement from Fine Funds :

Purpose	Amount
(a) s W w (<0	

7. Balance of fines in hand at the end of the year.

Signature

Designation.....

Dated.....

.V. B.—(») The average daily number of persona is obtained by dividing the aggregate number of attendances during the year by the number of working days.

(it) The wages of the persons receiving Rs. 400 a month or more shall not be included in the return, vide Section 1(6) of the Payment of Wages Act, 1936.

(tit) Basic wages include personal wages.

(w) Money value of concessions should be obtained by taking the difference of the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given free or at concessional rates.

(») Details of the employees receiving wages less than Rs. 200 per month and those receiving Rs. 200 and more but less than Rs. 400 per month should be given separately in different columns provided for the purpose.

(w) Total mandays worked shall be worked out by multiplying the average daily number of workers employed with the number of days worked during the year.

FORM V

Abstract of the Payment of Wages Act, 1936, and the Rules made thereunder

Whom the Act Affects

1. The Act applies to the payment of wages to persons in the factory and industrial establishments receiving less than Rs, 200 a month.
2. No employed person can give up by contract or agreement, **his** under the Act.

Definition of Wages

3. "Wages" means all remuneration payable to an employed **person** the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of a proper **notice** discharge.

It excludes—

- (a) the value of house accommodation, supply of light, water, **met** attendance or other amenity or of any service excluded by Central Government or the State Government;
- (i) the employer's contribution to a pension or provident fund;
- (c) travelling allowance or concession or other special expenses **ent** by the employment;
- (d) any gratuity payable on discharge.

Responsibility for and Method of Payment

4. The manager of the factory and industrial establishments is resp ble for the payment under the Act of wages to persons employed under **hia**[^] and any contractor employing persons is responsible for payment |o **th*** persons he employs.

- 5.. Wage-period shall be fixed for the payment of wages at intervals **not** exceeding one month.

6. Wages shall be paid on a working day within seven days of the **end** of the wage-period (or within ten days if 1,000 or more persons **are ean*** ployed).

The wages of a person discharged shall be paid not later than the secoal working day after his discharge.

7. Payments in kind are prohibited.

Fines and Deductions

8. No deductions shall be made from wages except those authorised under the Act (*See Paragraphs 9 to 15 below*).

9. (1) Fines can be imposed only for such acts and conditions as **the** employer may, with the previous approval of the Chief Inspector of **Factories** specify by a notice displayed at or near the main entrance of the factory **and** after giving the

employed person an opportunity for explanation.

(2) Fines—

(a) shall not exceed half-an-anna in the rupee;

(b) shall not be recovered by instalments, or later than sixty **days of** the date of imposition ;

(c) shall be recorded in a register and applied to such purposes **beneficial** to the employed persons as are approved by the **Chief** Inspector of Factories;

(d) shall not be imposed on a child.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working, and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.

(b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but—

(1) no deduction for breaking a contract can be made from a person under 15 or a woman;

(2) there must be a provision in writing which forms part of the contract of employment, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice;

(3) the above provision must be displayed at or near the main entrance of the factory and industrial establishments;

(4) no deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory and industrial establishments ;

(5) no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof for house accommodation, amenities, or services (other than tools and raw materials) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorized by order of Government.

13. (a) Deductions can be made for the recovery of advances or for adjustment of over-payment of wages.

(b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage period but no recovery can be made of advances given for travelling expenses before employment began;

(r) Advances of unearned wages can be made at the paymaster's discretion during employment but must not exceed the amount of two months' wages without the permission of an Inspector.

These advances can be recovered by installments, spread over not more than 12 months and the instalments must not exceed one-third or if the wages are not more than Rs. 20, one-fourth of the wages for any wage-period. Deduction can be made for subscription to and **for payment of** advances from any recognized provident fund.

14. Deductions can be made for payment to co-operative **societies** approved by the State Government or to the postal insurance, subject to **any** conditions imposed by the State Government.

Inspections

15. An inspector can enter on any premises, and can exercise **powers of** inspection (including examination of documents and taking of evidence) **as he** may deem necessary for carrying out the purposes of the Act.

Complaints of deductions or delays

16.(1) Where irregular deductions are made from wages, or delays **in** payment take place, an employed person can make an application in **the** prescribed form within **six** months to the authority appointed by the **local** Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union, inspector under the Act, or other person acting with the permission of the authority can make the complaint on behalf of an employed person.

(3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory and industrial establishments the payment of whose wages has been delayed.

Action, by the Authority



17. The authority may award compensation to the employed person **in** addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the authority may **impose** a penalty not exceeding Rs. 50 on the applicant and order that it be paid **to** the employer.

18. The authority may award compensation to the employed person **in** addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the authority may **impose** a penalty not exceeding Rs. 50 on the applicant and order that it be paid **to** the employer.

19. An appeal in the prescribed form against a direction made by the authority may be preferred, within thirty days to the District Court—

- (a) by the paymaster if the total amount directed to be paid exceeds Rs. 300;
- (b) by an employed person, if the total amount of wages withheld from him or his co-workers exceeds Rs. 50;
- (c) by a person directed to pay a penalty for a malicious or **vexatious** application.

Punishment for Breaches of the Act

20. Any one delaying the payment of wages beyond the due date, or making any unauthorized deduction from wages is liable to a fine up to Rs. 500, but only if prosecuted with the sanction of the authority or the appellate Court.

21. The paymaster who—

- (1) does not fix a wage-period, or
- (2) makes payment in kind, or
- (3) fails to display at or near the main entrance of the factory and industrial establishment this abstract in English and in the language of the majority of employed persons, or
- (4) breaks certain rules made under the Act,

is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the inspector, or with his sanction.

FORM VI

Name of Factory

Name of Department...

Date from which wage-rates will be or are in force

Clad or description of work	Rate of wages			Allowances, if any
	Rs.	P.	Per unit	

Name of paymaster in English.....

Signature

Date.....

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 **he 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) “Section” means a section of the Act;

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

⁸[(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’] ;

(A) 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-section² 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 art-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.

• ⁴

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.

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⁽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.

6. 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 (2) of Section 15.

7. Appearance of parties.— If the application is entertained, the Authority shall call upon the employer by a notice in Form E to appear **before** him on specified date together with all relevant documents and witnesses, if any, and shall inform the applicant 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.

8. 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.

Appeals.—³[(1) An appeal shall be preferred in duplicate in the **form of** a memorandum, one copy of which shall bear the prescribed courtfee, **setting** forth concisely the grounds of objection to the order, dismissings **other** wholly or in part an application made under sub-section (2) **of %riinn** 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 perferred, and shall make an order accordingly.

13. 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.

14. 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.ther opposite-party, is the person responsible for the

3. payment of his wages under Section 3 of the Act, and his address for the ceservi of all notices and processes is(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^ 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 (8) 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.

(ft) 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.

of 19

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

and (state the number)
Applicant.

FORM B

opposite party.

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.

a legal practitioner

(Through-----

an official of

which is a registered trade union).

The applicants state as follows :

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

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

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

1. The applicants' wages have not been paid for the following wageperiod (s) :

2. The applicants estimate the value of the relief sought by them at the sum of Rupees

3. 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

(6) 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 1936) for area.

Application No. . of 19

Between (designation) an Inspector under the Payment of

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-
have not been paid
period(s) -----
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,
 - (A) 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 -my/our wages
of for

Witnesses

(1)
(2)

Signature

(1)
(2)

Official of a registered
Trade Union.

FORM E

Notice for the Disposal of Application

Whereas under the Payment of Wages Act, 1936 (IV of 1936), a claim ~~is~~ **Mist** you has been presented to me in the application of which a copy is **Inclosed**, 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.

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

SCHEDULED EMPLOYMENT RULES, 1963

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,
dated 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.

U. P. PAYMENT OF WAGES (PROCEDURE) APPLICABLE TO SCHEDULED EMPLOYMENTS RULES, 1963

English translation of Shram Vibhag, Noti. No. 11844 (HI)/XXXVI-C-1202 (SM)-60 dated January 30, 1965, published in U. P. Government Gazette, Part I-A, dated February 13, 1965, page 332

In exercise of the powers conferred by sub-section (1) of Section 26 of Use Payment of Wages Act, 1936 (Act No. IV of 1936), read with Government Notification No. 3688 (LL)/XXXVI-B-450 (LL)-54, dated July 25, **1962**, the Governor of Uttar Pradesh, is pleased to make the following rules, **dhe same** having been previously published with Notification No. 1551 (SM)/ **XXXVI-A—1202 (SM)-60**, dated June 22, 1963, as required by sub-section **P**) of the said section namely:

Rules

(1) These rules may be called the U. P. Payment of Wages (Procedure)

Mppfcation to Scheduled Employments Rules, 1963.

! w The U. P. Payment of Wages (Procedure) Rules, 1958, shall apply **pmmfatmn** to claim arising out of deduction from or delay in payment of **[tibe wages** payable to employees in schedule employments mentioned in **the ^ndwdules** to the Minimum Wages Act, 1948 (11 of 1948), for which the **f State Government** is the appropriate Government under that Act, as they **t ^pty in** relation to claims arising out of deductions from, or delay in payment of wages payable under the Payment of Wages Act, 1936 (Act No. IV of 1936).

JVo. 2458-W/C—III, dated Kanpur the 22nd April, 1937.—In exercise of the powers conferred by sub-section (8) of Section 8 of the Payment of Wages Act, 1936, read with Rule 9 of the U. P. Payment of Wages Rules, 1936, the following purposes to which the proceeds realized from fines may be applied are approved, subject to the same being supplied free :

- (1) Medicines.
- (2) Medical attention.
- (3) House accommodation.
- (4) Education facilities.
- (5) Recreational facilities.
- (6) Any other welfare work that may be approved in writing by the Chief Inspector of Factories, Uttar Pradesh.

Provided that the proceeds from fines shall not be used for the purposes of providing any of the requirement specified by the Factories Act or rules made thereunder, including first-aid appliances of and tight fitting clothing prescribed by Rules 23 and 73 respectively, of the U. P. Factories Rules.

No. 2459.W/C—III, dated Kanpur April 22, 1937.—In exercise of the powers conferred by sub-section (1) of Section 8 of the Payment of Wages Act, 1936, read with Rule 9 of the ,U. P. Payment of Wages Rules, 1936, the following list of acts and omissions in respect of which fines may be imposed on persons employed in factories in U. P. is approved, subject to the conditions and limitations prescribed by sub-sections (2) to (7) of Section 8 of the said Act:

List of acts and omissions

- (1) Late attendance and absence from duty without leave without sufficient cause.
- (2) Damages to an employer's goods and property caused by neglect, careless conduct or wilful destructions on the part of an employed person.
- (3) Insubordination, malingering, deliberate delaying of production and disobedience of orders.
- (4) Failure to wear tight-fitting clothing provided by the management or to observe safety instructions, unauthorized removal or damage to machinery guards, fencing and other safety devices.

(5) Conduct on the part of an employed person tending to cause a breach of the peace and conduct which endangers the lives or safety of other persons in the factory.

(6) Expectorating otherwise committing a nuisance on the factory premises.

Breach of any rules or instructions for the maintenance and running of any department and maintaining its cleanliness.

(1) Theft, fraud or dishonesty.

(2) Sleeping on duty and smoking in prohibited places.

No. 2070 (2)IVXIII— 411 (£) dated 15th August, 1939.—In exercise of the powers conferred by sub-section (5) of Section 14 of the Payment of Wages Act (IV of 1936) the Governor is pleased to appoint the Labour Commissioner, U. P. to be the Inspector for the purpose of the said Act for the whole State.

Xo. U-654 (L) IXVIII—292 (L)-42, dated 22nd September, 1942.—In exercise of powers conferred by clause («) of sub-section 2 of Section 7 and Section 11 of the Payment of Wages Act (IV of 1936), the Governor is pleased to declare that the supply of food grains to their employees from a grainshop or store operated by the management of a factory is an amenity for which a deduction may be made from the wages of an employed person under the provisions of that Act, subject to the condition that the grain is supplied to the employed person at his own wish, and that the deduction so made from the monthly wages of any employed person shall not in any one month exceed 50 per cent thereof.

No. 3836 (L) IXVIII—305 (L)-45, dated 9th November, 1946.—In exercise of the powers conferred by sub-section (3) of Section 14 of the Payment of Wages Act, 1936 (IV of 1936), the Governor is pleased to appoint all Conciliation Officers of the State Labour Department to be Inspectors for the purposes of the Act, throughout the State.

No. 722 (L)IXVIII—465 (L)-46, dated 3rd April, 1947.—In exercise of the powers conferred by sub-section (5) of Section 1 of the Payment of Wages Act' 1936 (IV of 1936), the State Government having given previous notice of their intention so to do, are pleased to extend the provisions of the Payment of Wages Act to all classes of employed persons in all such classes of establishments in Uttar Pradesh as are registered as factories under Section 5 of Factories Act, 1934 (XXV of 1934).

No. 3148 (LL)IXXXVI (B)—113 (IL)-51, dated \3th February, 1954. In supersession of Government Notification No. 3844/XVI—625, dated December 22, 1936, and in exercise of powers conferred by sub-section (1) of Section 15 of the Payment of Wages Act, 1936 (Act No. IV of 1936), the Governor of Uttar Pradesh is pleased to appoint all District Magistrates, Sub-divisional Magistrates, and City Magistrates to be the authorities to hear and decide all claims arising out of deductions from the wages or delay in Payment of the wages, of persons employed or paid within their jurisdiction.

PAYMENT OF WAGES ACT, 1936 -RULES FOR IMPOSITION OF PENALTIES

*Notification No. 2175(SM)/XXXVI-A—\049(SM')-58, dated 4th
September, 1962f*

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

RULES FOR IMPOSITION OF PENALTIES

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 ;
 - (it) 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;
 - (Hi) the charges as are not admitted shall be enquired into;
 - (ip) the person concerned may present his case with the assistance of any other person approved by the enquiring authority;
 - (p) such documentary evidence, as may be necessary shall be considered, o'ral evidence as may be relevant or material shall be taken and cross-examination shall be permitted;
 - (tn) the report of the enquiry and the findings on each of the charges with reasons therefor shall be prepared ;
 - (pit) the report of the enquiry shall be considered and findings on each charge shall be recorded ;
 - (ptit) 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.

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,

(b) 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 I and the person or persons empowered to hear and dispose of an appeal under clause (3) of that paragraph.

Notifications of U. P. Government

(1)

Shram Vibhag, Anubhag-2, Niyukti, Noti. No. 5956(HI)/XXXVI-2—122 (SM)-84, dated December 22, 1989, published in the U. P. Gazette, Part 1, dated 10th February, 1990, pp. 307-390

In exercise of the powers under sub-section (3) of Section 14 of the Payment of Wages Act, 1936 (Act No. IV of 1936), read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897), and in supersession of Government Notification No. 596(HI)/XXXVI-2—1013(SM)-77, dated May 26, 1979 and Notification No. 4907(HI)/XXXVI-2—122(SM)-84, dated November 13, 1986, the Governor is pleased to appoint the officers mentioned in Column 2 of the Schedule given below as “Inspectors” for the areas noted against each in Column 3 thereof for the purposes of carrying out the provisions of the aforesaid Act:

SCHEDULE

SI. N	Officers	Local limits
1	2	3
1	Labour Commissioner, Uttar Xanpur.	Whole of Uttar
2	All the Additional Labour Commissioners posted in the office of the Labour Commissioner.	Ditto.
3	All the Deputy Labour Commissioners posted in the office	

- | | |
|---|----------------------------|
| missioner. | Ditto. |
| 4 Deputy Chief Inspector of Shops,
Pradesh. | Ditto. |
| 5 Officer presently holding the post
designated as Chief Inspector of
Factories in the relevant Service
Rules (The Uttar Pradesh Inspector
of Boilers and Factories Service
Rules, 1980) and which has been
redesignated as Director of
Anubhag-4. | Whole of Uttar
Pradesh. |

6

All the officers presently holding the post designated as Deputy Chief Inspector of Factories (Administration), Deputy Chief Inspector of Factories (Chemical), Deputy Chief Inspector of Factories (Engineering) and Inspector of Factories (Medical) in the relevant Service Rules (The Uttar Pradesh Inspectors of Boilers and Factories Service Rules, 1980) and which has been redesignated as Deputy Director of Factories (Administration),

Some matter should be taken to retype because of non scanning

