THE MADHYA PRADESH PAYMENT OF WAGES RULES, 1962

[Notfn. No.5775-4912/XVI, dated 30th July, 1962, Pub. in M.P. Rajpatra, part 4(ga), dated 28.9.1962, p. 620]

As amended subsequently by the following Notifications:—

1. No. 6330-2653-XVI, dated 20.8.1968, Pub. in M.P. Rajpatra part 4(ga), dated 15.11.1968, p. 996.

2. No. 6727/XVI, dated 23.10.1971, Pub.-in M.P. Rajpatra, Pt. 4(ga), dated 19.11.1971, p. 640; &

3. No. 3080-921-XVI-A, dated 8.5.1981, Pub. in M.P.Rajpatra part 4(ga), dated 29.5.1981, p. 125.

Note : In the footnotes appearing hereinafter, reference to amending notifications has been made by serial No. as given to them above. In exercise of the powers conferred by sub-sections (1) and (2) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (5) of section 26 of the Act.

1. Title.– These rules may be called the Madhya Pradesh Payment of Wages Rules, 1962.

2. Definitions.– In these rules, unless there is anything repugnant in the subject or context (otherwise requires),—

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

(b) "appeal" means an appeal under section 17;

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

(d) "the Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of section 8 of the Factories Act, 1948 (No. 63 of 1948);

(e) "Commissioner of Labour", means the Commissioner of Labour appointed under sub-section (1) of section 3 of the Madhya Pradesh Industrial Relations Act, 1960 (No. 27 of 1960);

(f) "the Court' means the court mentioned in sub-section (1) of section 17 of the Act;

(g) "deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9;

(h) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7;

(i) "employer" includes the persons responsible for the payment of wages under section 3;

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

(k) "Inspector" means the Inspector authorised by, or under, section 14 of the Act;

(l) "person employed" excludes all persons to the payment of whose wages the Act does not apply;

(m) "section" means a section of the Act.

(n) "pay-master" means an employer or other person responsible under section 3 of the Act for the payment of wages;

(o) Words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

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PART I

3. Register of Fines.– (1) In any factory in respect of which the employer has obtained approval under sub-section (1) of section 8 to a list of acts and omissions in respect of which fines may be imposed, the pay-master shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines there be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended.

(3) When any disbursements are made from the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be obtained in duplicate, of which one copy shall be forwarded to the Chief Inspector of Factories for his information and the other copy shall be maintained by the employer and shall be available to an Inspector on demand. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

4. Register of deductions for damage or loss.– In every factory in which deductions for damage or loss are made, the pay-master 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 may be kept in such form as the pay-master finds convenient but shall include the following particulars:—

(a) name, ticket number and designation of each employee;
(b) rate of salary or wages of each employed person;
(c) particulars of attendance put in by each worker or quantum of work with particulars thereof performed by each employee engaged on piece work, in the wage period;
(d) the gross wages earned by each person employed for each wage period;
(e) advance against wages of the period made to each employee in the wage period;
(f) 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;
(g) the wages actually paid to each person employed for each wage period;
(h) date of payment.

[1][5-A. A copy of the entries made in the register of wages maintained under Rule 5 shall be supplied free of change within a week of the entries made in the register to every person employed in the factory where the number of persons employed is one hundred or more.]

6. Maintenance of Registers.– (1) The registers required by rules 3, 4, 5 and 17 shall be preserved by the employer—

(a) for twelve months after the date of the last entry made in them; or
(b) for such longer period, as the Inspector may require in any particular case; or
(c) as may be required by any law or rule or order of a Court or other competent authority.

(2) In the event of closure of a factory, the pay-master shall forthwith intimate to the Inspector the place where the registers referred to in sub-rule (1) above shall be available for inspection and notwithstanding the closure the person who was pay-master

1. Ins. by No. 3 [29-5-81].

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at the time of the closure shall continue to be liable to preserve them for the period prescribed in sub-rule (1).

(3) Any person who succeeds the pay-master shall take charge of all the registers required to be preserved under clause (a) of sub-rule (1) of rule 6 and if any such register it not available he shall immediately make a report to the Inspector.

7. Weights, measures and weighing machines.– All weights, measures, or weighing or measuring instruments which are used in checking, or ascertaining, the wages of persons employed in any factory shall be examined in accordance with the provisions of the law relating to weights and measures in force in different regions of the State. If the Inspector considers that any action should be taken under the said enactment or the Indian Penal Code, 1860 (XLV of 1860), he may seize the article in question for the purpose of inspection and shall report the matter with his opinion to the authority concerned for necessary action.

8. Notice of dates of payment.– The pay-master shall display, in a conspicuous place at or near the main entrance of the factory, a notice, in English and in Hindi written in Devnagari script, giving for not less than one month in advance the days on which wages are to be paid.

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 sub-section (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, or in Hindi written in Devnagari script, 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 of which the incumbents may pass orders imposing fines and the class of establishment on which the incumbent of each such appointment may impose fine.

11. Approval of list of acts and omissions.– The authority appointed under rule 9 on receipt of the list prescribed in clause (a) of rule IV may, after such enquiry 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. Postings of list.– The employer shall display at or near the maintenance of the factory a copy in Hindi written in Devnagari script of the list of acts and omissions approved under rule 11.

13. Persons authorised 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.– No fine shall be imposed on and no deduction for damage or loss shall be made from the wages of an employed person until the person competent to impose the fine or make the deductions has

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intimated in writing or explained 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 or made and the amount of the fine or deduction which it is proposed to impose or make and has heard and recorded his explanation in the presence of at least one other person.

15. Information to pay-master.– The person imposing *a* fine or directing the making of a deduction for damage or loss shall at once inform the pay-master of all particulars, so that the entries in the register prescribed in rule 3 or 4 may be duly completed.

16. Deductions for breach of contract.– (1) No deduction for breach of contract shall be made from the wages for an employed person who is under the age of fifteen 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 provision in writing forming part of the terms of the contract of employment requiring him to give notice of termination of his employment, and

(i) the period of this notice does not exceed eight 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 Hindi written in Devnagari script at or near the main entrance of the factory 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 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 shall be remitted:

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

(3) 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.

(4) 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 against 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, the wages he is likely to earn during the two subsequent calendar months.

(2) The advance 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:

Provided that in the case of advances exceeding the ordinary limit made with the previous permission of an Inspector in accordance with sub-rule (1) the recovery may

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be spread over such larger period as the Commissioner of Labour (Madhya Pradesh), may fix on the application of the employer.

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

18. Annual Return.– In respect of every factory subject to the Act, 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.

19. Notice of appointment of a contractor.– Every pay-master shall notify to the Inspector appointment of any contractor in the factory for employing persons in the factory premises or precincts thereof in any of the manufacturing processes as defined in the Factories Act, 1948, or in any other kind of work incidental to or connected directly or indirectly therewith.

20. Statement of unpaid or unclaimed wages.– The paymaster shall submit forthwith a report to the Inspect in Form No. V in respect of such employees whose employment is terminated by or on behalf of the employer and who have failed to apply or accept their payment in accordance with sub-section (2) of section 5.

21. Display of rates of wages.– In every factory a notice shall be displayed in each department of the factory specifying occupationwise rates of wages payable to all persons employed in such factory other than those who are employed in position of supervision or management or those who are employed in a confidential position in accordance with the provisions of the Factories Act, 1948 and rules made thereunder.

22. Costs.– (1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, he shall state his reasons for so doing in writing.

(2) The costs which may be awarded shall include–

(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.

23. Fees.– (1) The court-fee payable in respect of proceedings under the Act shall be—

(i) For every application to summon a witness-Twenty-five naye Paise in respect of each witness.

(ii) For every other application made by, or on behalf of, an individual person before the Authority-Fifty naye Paise.

(iii) For every other application made by, or on behalf of, an unpaid group before the Authority-Twenty-five naye Paise for each member of the group, subject to maximum of five rupees.

(iv) For every appeal lodged with the Court-Five rupees:

Provided that the Authority or the Court may, in consideration of the 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.

(2) The court-fee payable for obtaining copies of orders and proceedings under the Act or of any document filed or of depositions taken before any authority or Court in such proceedings shall be the same as is payable for obtaining similar documents in a district court:

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Provided that no fee shall be payable for copies obtained by Inspector:

Provided further that the authority or the Court, as the case may be, may grant copies free of cost to any person in consideration of the poverty of such person.

24. Abstracts.– The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form VI.

25. Application of rules to Industrial Establishment.– Where the provisions of the Act have been extended to any Industrial establishment under sub-section (5) of section 1 of the Act, every reference in these rules to—

(a) a factory shall be deemed to include also a reference to such industrial establishment; and

(b) Chief Inspector of Factories shall be deemed to be a reference to the Commissioner of Labour.

26. Penalties.– Any breach of rules 3, 4, 5, 6, 7, 10, 12, 13, 14, 15, 16, 17, 18 and 19 of these rules shall be punishable with fine which may extend to Rs. 200.

PART II

27. Form of application.– Applications under sub-section (2) of section 15 by or on behalf of an employed person or group of employed persons or an Inspector or any other person acting with the" permission or the authority appointed under sub-section (1) of section 15, shall be made in duplicate in Form VII, Form VIII or Form IX, as the case may be, one copy of which shall bear such court fee as may be prescribed.

28. Authorisation.– The authorisation to act on behalf of an employed person or persons under section 15 shall be given by a certificate in Form X which shall be presented to the Authority hearing the application and shall form part of the record.

29. Permission to appear.– Any person desiring 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, which in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

30. 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.

31. Refusal to entertain application.– (1) The Authority may refuse to entertain an application presented under Rule 30, 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 by reason of the provisions in the provisos to sub-section (2) of section 15, or

(c) the applicant shows no 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 it so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been made good; the date of representation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (2) of section 15.

The period intervening the date of first presentation of an application and the date of returning of such application by the "Authority" (both days inclusive) shall be excluded.

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32. Appearance of parties.– (1) If the application is entertained, the Authority shall call upon the employer by a notice in Form XI to appear before him on a 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 reheard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for rehearing.

33. Record of proceedings.– (1) The Authority shall in all cases enter the particulars indicated in Form XII and at the time of passing orders shall sign and date the Form.

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

(3) In a 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 direction in Form XII.

34. Signature on Forms.– Any form, other than a Record of Direction, which is required by these 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.

35. Exercise of powers.– In exercising 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 the conflict with the express provisions of the Act or these rules.

36. Appeals.– (1) An appeal shall be preferred in duplicate in the form of a memorandum one copy of which shall bear the court-fee stamp of Rupee one, setting forth concisely the grounds of objection to the direction and shall be accompanied by a certified copy of that direction.

(2) When an appeal is preferred a notice shall be issued to the respondent in Form XIII.

(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 direction from which the appeal is preferred, and shall .make an order accordingly.

37. Inspection of documents.– Any 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 court-fee payable for inspection of similar documents in a district' court:

Provided that an Inspector may inspect such documents without payment of any fee:

Provided further that the Authority for the Court, as the case may be, may, in consideration of the poverty of the applicant, allow inspection of documents free of cost.

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[1][37-A. **Powers of Inspector.**– In addition to the powers specified in section 14 of the Act, an Inspector shall, for the purposes of the enforcement of the Act, have powers, subject to the provisions of the Act, to prosecute, conduct, or defend, before a Court any complaint or other proceedings arising under the Act, or in discharge of his duties as an Inspector and secure such evidence as may be necessary for the purpose.]

38. Repeal.– The Central Provinces and Berar Payment of Wages Rules, 1936, the Payment of Wages (Procedure) Rules, 1937 in their application to Mahakoshal region, the Madhya Bharat Payment of Wages (Procedure) Rules, 1952, the Bhopal Payment of Wages Rules, 1954 and the Rajasthan Payment of Wages Rules, in their application to Sironj region are hereby repealed:

Provided that any order made or notification issued or thing done or action taken under the rules so repealed shall be deemed to have been made, issued, done or taken under the corresponding provisions of these rules.

FORM I

[See Rule 3(1)]

Register of Fines

Name of the factory ..... Locality ..... District .....

Serial No.	Name	Father's name	Department or Ticket No.	Occupation
(1)	(2)	(3)	(4)	(5)

Act or omission for which fine imposed	Designation of officer imposing fine	Whether workmen showed cause against fine or not. If so enter date of investigation
(6)	(7)	(8)

Wages* payable Amount	Date and amount of fine imposed		Date on which fine realised	Remarks
	** Wages period	Date and Amount		
(9)	(10)	(11)	(12)	(13)

*By "Wages payable" Is meant the gross wages earned by a workman, for time-workers the wages due for the pay period less deductions for absence from duty, for piece workers the wages due on production In both cases without deductions for fines or for service rendered by employer.

1. Ins. by No. 2, 119-11-71].

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**Here enter month If payment Is made by the English calendar month. In the case of other pay periods enter "Week", "fortnight" or "hafta" as the case may be, giving dates covered by pay period.

FORM II

[See Rule 4]

Register of Deductions for Damage or Loss caused to the Employer by the Neglect or Default of the Employed Persons in respect of Goods expressly entrusted to them for Custody.

Name of the factory ..... Locality ..... District .....

Serial No.	Name	Father's name	Department or Ticket No.	Occupation
(1)	(2)	(3)	(4)	(5)

Damage or loss caused	Whether worker showed cause against deduction or not if so enter date of investigation	Date and amount of deduction imposed	
		Date and	Amount
(6)	(7)	(8)	(9)

No. of instalments, if any	Date on which total amount realised Date and Amount	Remarks
(10)	(11)	(12)

FORM III

[*See* rule 17(3)]

Register of Advances made to employed persons.

Name of the factory ..... Locality ..... District .....

Serial No.	Name	Father's name	Department or Ticket No.
(1)	(2)	(3)	(4)

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Date and amount of advance made	Purpose(s) for which advance made	Number of instalments by which advances to be repaid
(5)	(6)	(7)

Postponements granted	Dates and amount of instalments repaid Date and Amount	Remarks
(8)	(9)	(10)

FORM IV

[*See* rule 18]

Annual Return

Wages and deductions from wages

Return for the year ending 31st December, 19.....

1. (a) Name of the factory or establishment and postal address .....
   (b) Industry.....
2. No. of days worked during the year.....
3. *(a) No. of man days worked during the year.....
   (b) Persons earning less than Rs. 400 per month
   Adults.....
   Children.....
   Total
   (c) Average daily number of persons employed during the year
   Adults.....
   Children.....
   Total

**4. Gross amount paid as remuneration to person getting less than Rs. 400 including deduction under Section 7(2) .....of which the amount due to profit sharing bonus is.....and that due to money value of concession # is.....

5. Total wages paid including deductions under Section 7(2) on the following accounts:

Persons receiving less than Rs. 400 per month
(a) Basic wages Including overtime wages and non-profit sharing bonus Rs.

1. Subs. by No. 1, [15-11-68].

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	Persons receiving less than Rs. 400 per month
(b) Dearness and other allowances in cash Rs.	
(c) Arrears of pay in respect of previous year paid during the year	
Total	

*This is the aggregate number of attendance during the year.

**The average daily number of persons employed during the year is obtained by dividing aggregate number of attendance during the year by the number of working days.

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

6. Deductions

	Persons receiving less than Rs. 400 per month	
	No. of cases	Amount
(a) Fines	.....	.....
(b) Deduction for damage or loss	.....	.....
(c) Deduction for breach of contract	.....	.....

7. Disbursement from the find fund:

	Purpose	Amount
(a)	.....	.....
(b)	.....	.....
(c)	.....	.....
(d)	.....	.....

8. Balance of fines funds in hand at the end of the year.....

Signature .....

Designation .....

FORM V

[*See* rule 20]

Name of the Factory ..... Location ..... Industry.

Serial No.	Name of the dismissed worker and his full postal address	Date of dismissal
(1)	(2)	(3)

Wages due when dismissed	Other dues when dismissed	Reasons, if any, for non-acceptance of Payment
(4)	(5)	(6)

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The information be sent forthwith if the dismissed employee fails to accept payment on the next day of his dismissal. A brief of the circumstances be narrated overleaf.

Signature of the Pay-master

FORM VI

[*See* rule 24]

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

Form not reproduced.

FORM VII

[See rule 27]

Form of Individual Application

[See Section 15 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

ABC..... Applicant

Through..... a legal practitioner/an official of.....which is a registered trade union.

AND

XYZ..... Opposite party.

The applicant states as follows:—

1. ABC is a person employed in/on the factory/industrial establishment entitled..... and resides at .....

The address of the applicant for the services of all notices and processes is.....

2. XYZ, 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. The applicant's wages have not been paid for the following wage periods.....(give dates), or

4. The applicant estimates the value of the relief sought by him at the wages of Rs.....(amount) for the wage period(s) which ended on.....(give dates).

(Here give any further claim for expenses).

5. The applicant estimates the value of the relief sought by him at the sum of Rs.....

6. 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.....

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

The applicant begs to amend or add to make alterations in the application if and when necessary.

Signature or thumb Impression of the employed person or legal practitioner or official of a registered Trade Union duly authorised.

Date .....
Place .....

FORM VIII

[*See* rule 27]

Form of Group Application

[*See* sub-section (2) of section 15, and section 16 of the Payment of Wages Act. 1

In the Court of the Authority Appointed Under the Payment of Wages Act (IV of 1936) for.....Area

Application No. ..... of 19. .

BETWEEN

ABC and (state the number) other..... *Applicants*

(Through.....a legal practitioner/an official of.....which is a registered Trade Union.....

AND

XYZ..... *Opposite Party.*

The applicants state as follows:—

1. The applicants whose names appear in the attached schedule are persons employed in/on the factory/industrial establishment entitled.

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

2. X,Y,Z, 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. (1) (a) The applicant's wages have not been paid for the following wage period(s)..... ..(give dates).

(b) A sum of Rs.....has been unlawfully deducted from his wages of.....(amount) for the wage period(s) which ended on.....(give date).

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

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 applicant's delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

(b) Compensation amounting to.....

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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 the applicants or official of a registered trade union duly authorised.

SCHEDULE

Names of applicants

FORM IX

[*See* rule 27]

Form of application by an Inspector or person permitted by the authority or authorized to Act.

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

In the Court or the Authority appointed under the Payment of Wages Act, for.....Area.

Application No. ..... of 19.

BETWEEN

ABC (Designation).....an (Inspector under the Payment of Wages Act) (or a person permitted by the authority authorised to act under sub-section (2) of section 15).

Applicant

AND

XYZ ..... *Opposite Party*

The applicant states as follows:—

1. XYZ, the opposite party, is the person responsible under the Act, for the payment of wages to the following person(s):—

(1)
(2)
(3)

2. His address for the service of all notices and processes is—

3. (i) 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 deductions :-

(ii) Here give any further claim or expenses.

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

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FORM X

[*See* rule 28]

Certificate of Authorization

I/We employed person(s) hereby authorise.....a legal practitioner/an 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.....

On account of the delay in payment of/illegal deductions from my/our wages for.....

Witnesses	Signature
(1)	(1)
(2)	(2)
(3)	(3)
(4)	(4)

I accept the authorisation.

Signature.....
Legal practitioner.
Official of a registered trade union.

FORM XI

[*See* rule 32]

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 forenoon/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 documents 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 XII

[*See* rule 33]

Record of 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 Rs.

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(a) as delayed wages Rs.
(b) as deducted from wages Rs.

(6) Plea of the employer and his examination (if any).

(7) Finding, and, in the case of a direction under sub-section (3) or (4) of section 15, a brief statement of the reasons therefor.

(8) Amounts awarded—
(a) Delayed wages
(b) Deducted wages

(9) Compensation awarded

(10) Penalty imposed

(11) Costs awarded to–
(i) Court-fee charges
(ii) Pleader's fee
(iii) Witnesses expenses

Dated *(Signed.)*

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

FORM XIII

Notice to respondent of the day fixed for the hearing of the appeal under section 11 of the 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 X. Y. Z. (and others) and registered in this court, and that the ..... day of ..... 19 ..... has been fixed by this court for the hearing of the appeal.

If no appearance is made on your behalf by yourself, or by someone by law authorised 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 ..... .

SEAL Judge.

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