



DE PONDICHÉRY
PUBLIÉE PAR AUTORITÉ
EXTRAORDINAIRE

N^o 19 PONDICHÉRY LE VENDREDI 14 MAI 1965 (24 VAISAKHA 1887)

GOVERNMENT OF PONDICHERRY.

LABOUR DEPARTMENT.

S. O. No. 49.

Pondicherry, the 22nd February, 1965.

NOTIFICATION.

In exercise of the powers conferred by sub-section (2) and (3) of section 26 of the Payment of Wages Act 1936 (Act No. IV of 1936), the Lieutenant Governor, Pondicherry hereby makes the following Rules, the same having been previously published as required by sub-section (5) of section 26 of the said Act, viz.

THE PONDICHERRY PAYMENT OF WAGES RULES 1964.

In exercise of the powers conferred by sub-section (2) and (3) of section 26 of the payment of Wages Act 1936 (IV of 1936) the Lieutenant Governor, Pondicherry, is pleased to make the following rules, namely:--

1. TITLE & EXTENT: (1) These rules may be called the Pondicherry payment of Wages Rules, 1964.

(2) They shall extend to the whole of the Union Territory of Pondicherry:

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) 'Administrator' means Administrator of a Union Territory appointed by the President of India under Article 239 of the Constitution.

(c) 'the authority' means the authority appointed under sub-section (i) 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 (63 of 1948);

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

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

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

(h) 'form' means a form appended to these rules;

(i) 'inspector' means the Inspector authorized by or under section 14 of the Act.

(j) 'Paymaster' means an employer or other person responsible under section 3 of the Act for the payment of wages;

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

(l) 'section' means a section of the Act; and

m) 'pleader' or 'legal practitioner' means a pleader or legal practitioner eligible to practice in the courts of the Union Territory of Pondicherry.

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

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 facts and omissions in respect of which fines may be imposed the pay master shall maintain a Register of Fines in Form 1.

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

(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. The vouchers or receipts in respect of the amounts so expended shall be serially numbered and kept separately, the serial number of each voucher or receipt and the amount to which it relates being noted in the remarks column of the register. 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 paymaster shall maintain the register required by sub-section (2) of section 10 in Form 11.

5. REGISTER OF WAGES:— A Register of wages shall be maintained in every factory and may be kept in such form as the paymaster finds convenient but shall include the following particulars:—

(a) The gross wages earned by each person employed for each wage period.

(b) The total of all deductions made from those wages.

(c) the wages actually paid to each person employed for each wage period.

6. PERIOD OF MAINTENANCE OF REGISTERS:— The registers referred to in rules 3, 4, 5 and 18 shall be preserved

for a period of twelve months from the date of the last entry noted in them and shall always be readily available in the factory for inspection during all working hours of the factory.

7. In every factory the paymaster shall display at or near the main entrance of the factory notices in Form VI specifying the rates of Wages payable to different classes of workers employed therein. The notices shall be in French English and in the language of the majority of the persons employed in the factory.

Provided that in the case of factories wherein one hundred or more persons are employed notices in Form VI shall be displayed separately for each section in the departments concerned instead of at or near the main entrance of the factory.

8. 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 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 Madras Weights and Measures (Enforcement) Act, 1958 as extended to the Union Territory of Pondicherry 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.

9. NOTICE OF DATES OF PAYMENT:— The paymaster shall display in a conspicuous place at or near the main entrance of the factory a notice in French, English and in the language of the majority of the persons employed, therein, giving for not less than two months in advance, the days on which wages will ordinarily be paid.

10. 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.

11. APPLICATION IN RESPECT OF FINES:— Every paymaster 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 French and in English, in duplicate, clearly defining such acts and omissions; and

(b) in case where the employer himself does not intend to be the sole person empowered to impose fines, a list, in French and in English, in duplicate, showing those appointments in his factory the incumbents of which may pass

orders imposing fines and the class of establishment on which the incumbent of each such appointment may impose fines.

12. APPROVAL OF LIST OF ACTS AND OMISSIONS :— The authority appointed under rule 10 may, on receipt of the list prescribed in clause (a) of the preceding rule, after such enquiry as he considers necessary, pass orders either.

(a) disapproving the list or

(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 paymaster shall have been given an opportunity of showing cause orally or in writing why the list as submitted by him should be approved.

13. POSTING OF LIST :— The paymaster shall display at or near the main entrance of the factory a copy in French, English, together with a correct translation thereof in the language of the majority of the persons employed therein, of the list approved under rule 12.

14. PERSONS AUTHORIZED TO IMPOSE FINES :— No fine may be imposed by any person other than a paymaster or a person holding an appointment named in a list submitted under rule 11.

15. 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 the fine or deduction which it is proposed to impose, and shall hear his explanation. The charge in respect of which it is proposed to impose the fine or deduction, and the explanation of the person concerned shall be reduced to writing, the signature of such person being obtained to the latter.

16. INFORMATION TO PAYMASTER.— The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the paymaster of all particulars so that the register prescribed in rule 3 or rule 4 may be duly completed.

17. 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 fifteen years.

(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 the employee to give notice of the termination of such employment and the period of notice does not exceed either.

(i) fifteen days or the wage-period, whichever is less; or
(ii) the period of notice which the paymaster is required to give of the termination of that employment;

(b) this rule has been displayed in French, English and in the language of the majority of the employed persons 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 and.

(c) a notice has been displayed at or near the main entrance of the factory giving the names of the persons from whose wages 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 section 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 the wages of any person who has complied with those conditions.

48. 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 proceeding two calendar months, or if he has not been employed for that period, twice the wages he is likely to earn during the subsequent calendar month.

(2) Any advance may be recovered in instalments by deduction from wages, spread over not more than twelve months;

Provided that this sub-rule shall not apply to the case of an advance made before the commencement of the Act and particulars relating to which are communicated before the 1st July, 1964 to the Inspector of Factories having jurisdiction over the factory.

Provided further that this sub-rule shall not apply to the case of an advance made, in which the employer, either at the instance or with the consent of the employed person, and with the approval of the Chief Inspector of Factories postpones, its recovery for a specified period on exceptional grounds. (Such as when full work could not be provided for the workers for causes beyond the control of the employer) which in the opinion of the Chief Inspector of Factories merit such postponement.

(3) No instalment by which an advance is repaid shall exceed one-third, or where the wages for any wage period are not more than twenty rupees, one fourth of the wages for any wages period in respect of which the deduction is made.

(4) The amounts of all advances, whether made before the commencement of this Act or sanctioned after such commencement and all repayments of such advances, shall be entered in a register in Form. III.

19 ANNUAL RETURN. — Every paymaster of a factory or an industrial establishment shall send a return in Form IV so as to reach the Inspector of Factories within whose jurisdiction the factory or the industrial establishment, as the case may be, is situated, not later than the 31st January following the end of the calendar year to which the return relates.

20. Copies of notices referred to in rule 7 shall be sent in duplicate by the paymaster to the Inspector of Factories within whose jurisdiction the factory or industrial establishment is situated, every year not later than the 15th January.

Provided that any alteration in the notice that may be made in the course of the year shall be communicated to such Inspector not later than a fortnight from the date on which the alteration was made.

21. COSTS. — (1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event the reasons for the direction shall be stated in writing by such Authority or Court.

(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. 40 provided that the Authority or the Court as the case may be, may in any proceedings reduce the fee to a sum not being 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 pleaders' fees only.

22. The Authority or the Court, as the case may be, may fix the fees on the payment of which any person entitled to do so may obtain copies of any document filed with such Authority or Court;

Provided that such authority or Court may, in consideration of the poverty of the applicant, grant copies free of cost.

23. COURT-FEES: The Court fee payable in respect of proceeding under the Act shall be as follows:

i.) for every application to summon a witness. 25 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. 25 naye paise for each member of the group, subject to a 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.

24. ABSTRACT: The abstract of the Act and of the rules made thereunder required to be displayed by section 23 shall be in Form V.

25. PENALTIES: Any contravention of rules 3, 4, 5, 6, 7, 9, 13, 16, 19 and 20 of these rules shall be punishable with fine which may extend to two hundred rupees.

26. The provisions of the foregoing rules as to factories except the proviso to sub-rule (2) of rules 18 shall MUTATIS MUTANDIS apply to all industrial establishments to which the provisions of the Act have been extended under sub-section (3) of section 4.

Provided that the provisions of rules 7, 9 and 13 and clauses (b) and (c) of sub-rule (2) of rule 17 shall not apply to an industrial establishment having no building:

(2) The provisions of rules 3, 4 and 5 shall apply to an industrial establishment having no building with the modification that the registers specified in those rules shall be maintained in the house of the paymaster and produced at the office of the Inspector having jurisdiction, when required.

FORM I.

(See Rule 3).

REGISTER OF FINES

FACTORY/INDUSTRIAL ESTABLISHMENT.

1. Serial number.
2. Name.
3. Father's or husband's name or workshop, departmental or gang number

4. Department or gang.
5. Act or omission for which fine imposed.
6. Whether workman showed cause against fine or not and if so, date on which cause was shown.
7. Total wages for the wage-period in which fine imposed.
8. Amount of and date on which, fine imposed.
9. Date on which fine realised.
10. Remarks.

FORM II.

(See Rule 4).

REGISTER OF DEDUCTION FOR DAMAGE OR LOSS
CAUSED TO THE EMPLOYER BY THE NEGLECT
OR DEFAULT OF EMPLOYED PERSONS.

FACTORY/INDUSTRIAL ESTABLISHMENT.

1. Serial number.
2. Name.
3. Father's or husband's name or workshop, departmental or gang number.
4. Department or gang.
5. Damage or loss caused.
6. Whether worker showed cause against deduction or not and if so, date on which cause was shown.
7. Amount of, and date on which deduction imposed.
8. Number of instalments, if any.
9. Date on which total amount realised.
10. Remarks.

FORM III.

(See Rule 18).

REGISTER OF ADVANCES MADE TO EMPLOYED
PERSONS FACTORY/INDUSTRIAL ESTABLISHMENT

1. Serial number.
2. Name.
3. Father's or husband's name or workshop departmental or gang number.
4. Department or gang.
5. Amount of, and date on which advance made.
6. Purpose (s) for which advance made.
7. Number of instalment by which advance to be repaid.

8. Postponements granted.
9. Date on which total amount repaid.
10. Remarks.

FORM IV
(See Rule 19).

Return for the year ending 31st December 19.
Name of the Factory/Industrial Establishment.
Address.
Industry.

WAGES AND DEDUCTIONS FROM WAGES.

Particulars	PART I.	PART II
	Information in respect of the persons earning of Rs. (two hundred) per mensem & below	Information in respect of the persons earning about Rs. 200 per mensem and below Rs. 400 per mensem.
4	2	3
1. Number of days worked during the year.		
2. Averaged daily number of persons employed during the year Adults Children.		
3. Gross amount paid as remuneration to these persons including deduc- tions under section 7(2) on the following Accounts:		
i) Basic wages.	Rs.	
ii) Overtime wages.	Rs.	
iii) Dearness & other allowances in cash	Rs.	
iv) Money value of concession.	Rs.	
v) Arrears of pay in respect of the previous years paid during the year.	Rs.	
vi) Profit-sharing bonus.	Rs.	

No. of cases	Amount. realised. Rs.	Number of cases.	Amount realised. Rs.
4. Number of cases & amounts realized as—			
i) Fines.			
ii) Deduction, for damage or loss.			
iii) Deductions for breach of contract.			
5. Disbursement from the fines fund.			
Purposes.	Amount		Amount
(a)	Rs.		Rs.
(b)	Rs.		Rs.
(c)	Rs.		Rs.
(d)	Rs.		Rs.
6. Balance of fine fund on hand at the end of the year.			

Signature.
Designation.

- NOTE: (1) Average daily number of persons required to be noted under item 2 is obtained by dividing the aggregate number of attendances during the year by the number of working days.
- (2) Money value of concessions shall be obtained by taking the difference of 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.

FORM V.

(See Rule 24)

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 this Factory/Industrial Establishment receiving less than Rs. 400/ a month.
2. No employed person can give up by contract, or agreement, his rights under the Act.

DEFINITION OF WAGES.

3. 'wages' means all remuneration (Whether by way of salary, allowances or otherwise) payable to a person employed in respect of his employment or of work done in such employment.

If includes any remuneration (a) payable under any award or settlement between the parties or order of court, (b) to which the person employed is entitled in respect of overtime work or holidays or any leave period, (c) additionally payable under the terms of employment and also (d) being any sum payable under any law contract or instrument by reason of the termination of the employment of the person employed and (e) to which the person employed is entitled under any scheme framed under any law for the time being in force.

It excludes:

(1) any bonus which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a Court;

(2) the value of any house-accommodation or of the supply of light, water, medical attendance or other amenity or any service excluded from the computation of wages by a general or special order of the Administrator;

(3) any contribution paid by the employer to any pension or provident fund and the interest accrued thereon;

(4) any travelling allowance or concession or any other special expenses entailed on him by the nature of his employment; and

(5) any gratuity payable on the termination of employment other than any sum payable under any law, contract or instrument on such termination.

RESPONSIBILITY FOR & METHOD OF PAYMENT.

4. The manager of the factory/Industrial establishment is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.

5. Wage-periods 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 employed):

The wages of person who is discharged shall be paid not later than the second working day after his discharge.

7. Payments in kind are prohibited.

FINES AND DEDUCTIONS.

8. No deductions shall be made from wages except those authorized under the Act (See paragraph 9-15 below).

9. (1) Fines can be imposed only for such acts and omissions as the employer has with previous approval of the Labour Commissioner, specified by a notice displayed at or near the main entrance of the factory/Industrial Establishment and after giving the employed person an opportunity for explanation.

(2) Fines.

(a) shall not exceed three naye paise in the rupee;

(b) shall not be recovered by instalments, or after six days of the date of impositions:

(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 and

(d) shall not be imposed on persons who are under the age of fifteen years.

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

(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 the age of fifteen years.

(2) There must be a provision in writing forming part of the contract of employment, and requiring the employee to give notice of the termination of such employment the period of such notice not exceeding either:—

(i) fifteen days or the wage-period, whichever is less; or

(ii) the period of notice which the employer is required to give of the termination of that employment.

(3) The above provision must be displayed at or near the main entrance of the factory/Industrial Establishment.

(4) No deduction of this nature can be made until a notice that this deduction is to be made has been pasted at or near the main entrance of the factory/Industrial Establishment.

(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:

(1) for house-accommodation supplied by the employer or by the Administrator or any statutory housing board or any other specified authority engaged in the business of subsidizing housing accommodation.

(2) for amenities or services (other than tools and raw materials) supplied by the employer:

Provided that the house-accommodation, amenities of services have been accepted by the person employed as a part of the terms of his employment or otherwise and have, in the case of amenities or services, been authorized by order of the Administrator.

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.

(c) Advances of unearned wages can be made at the pay-master'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 instalments, 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.

14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the Administrator or to the postal insurance, subject to any conditions imposed by the Administrator for payment of any premium on life insurance policy to the Life Insurance Corporation of India or for the purchase of securities of the Government of India or any State Government for being deposited in any Post Office Saving Bank in furtherance of any savings scheme of any such 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.

17 (1) Where irregular deductions are made from wages for 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 Administrator for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, who is eligible to practice in the Courts of the Union Territory of Pondicherry, 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/Industrial establishment the payment of whose wages has been delayed.

ACTION BY THE AUTHORITY.

48. 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.

APPEAL AGAINST THE AUTHORITY.

49. An appeal in the prescribed form against an order or a direction made by the Authority may be preferred, within thirty days in the Tribunal de Premiere Instance, Pondicherry and Karikal and Juge de Paix, Mahe and Yanam, as the case may be:

(a) by the paymaster, if the total amount directed be paid exceeds Rs. 300.

(b) by an employed person or any official of a registered trade Union authorised in writing if the total amount of wages withheld from him or from the unpaid group to which he belongs exceeds Rs. 50 and.

(c) by a person directed to pay a penalty for a malicious or vexatious application.

CONDITIONAL ATTACHMENT OF PROPERTY
OF EMPLOYER OF OTHER PERSON
RESPONSIBLE FOR PAYMENT OF WAGES.

20. The authority or the court, as the case may be, if it is satisfied that the employer or other person responsible for the payment of wages is likely to evade payment of any amount that may be directed to be paid by it, may direct the attachment of so much of the property of the employer or other person responsible for the payment of wages, as in the opinion of the authority or court sufficient to satisfy the amount which may be payable under the direction.

PUNISHMENTS FOR BREACHES OF THE ACT.

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

22. 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/Industrial Establishment this Abstract in French, English and in the language of the majority of the 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.

(See Rule 7).

Serial Number	Class of worker	Maximum and minimum rates of wages.
(1)	(2)	(3)

R. KAMICHETTY,

Deputy Secretary to Government.

GOVERNMENT OF PONDICHERRY.

LABOUR DEPARTMENT.

Pondicherry, the 22nd February 1965.

NOTIFICATION.

In exercise of the powers conferred by sub-section (1) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), the Lieutenant Governor Pondicherry, hereby makes the following Rules, the same having been previously published as required by sub-section (5) of section 26 of the said Act, viz.

THE PAYMENT OF WAGES (PROCEDURE) RULES 1964.

In exercise of the powers conferred by sub-section (1) of section 26 of the payment of Wages Act, 1936 (IV of 1936), the Lieutenant Governor, Pondicherry is pleased to make the following Rules, namely:—

RULES.

1. SHORT TITLE AND EXTENT: (1) These rules may be called the Payment of Wages (Procedure) rules, 1964.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

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

(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 sub-section (1) of section 15;

(d) 'the court' means the court mentioned in sub section (1) of section 17;

(e) 'employer' includes the persons 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;

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

3. FORM OF APPLICATION:— Application under sub-section (2) of section 15 by or on behalf of an employed person or group of employed person 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 court fee as may be prescribed.

4. AUTHORISATION:— The authorisation to action behalf of an employed person or persons, under section 15, shall be given by a certificate in Form D, shall be presented to the Authority hearing the application and shall form part of the record.

5. 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.

6. PRESENTATION OF DOCUMENTS: (1) Application or other document relevant to an application may be presented in person to the Authority at any time during hours to be fixed by the Authority or may be sent to him by registered post.

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

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

a) the applicant is not entitled to present an application; or

(b) the application is barred 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 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 made good, the date of re-presentation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (2) of section 15.

8. APPEARANCE OF PARTIES : (1) If the application is entertained, the Authority shall call upon the employer by a notice in Form E 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 one month of the date of the said order, notice being served on the opposite party of the date fixed for rehearing.

9. RECORD OF PROCEEDINGS :— (1) The Authority shall in all cases enter the particulars indicated in Form F and at the time of passing orders shall sign and date the form.

(2) In cases 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 direction in Form F.

10. 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 an officer subordinate to him appointed by him in writing for this purpose.

11. EXERCISE OF POWERS :— In exercising the powers of a Civil Court conferred by Section 48 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.

12. APPEALS :— (1) An appeal shall be preferred in duplicate in the form of a memorandum one copy of which shall bear the prescribed court-fee setting forth concisely the grounds of objection to the order or direction and shall be accompanied by a certified copy of that direction.

(2) When appeal is lodged a notice shall issue to the respondent in Form G.

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

13. 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 of the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on the payment of such fees as may be prescribed.

FORM A.

(See sub-section (2) of section 15 of the Payment of Wages Act).

FORM OF INDIVIDUAL APPLICATION IN THE COURT OF THE AUTHORITY APPOINTED UNDER THE PAYMENT OF WAGES ACT (IV of 1936).

For..... ares
Application No..... of 19
Between A, B, C.....
(through the legal practitioner.....
an official of.....
which is a registered trade union).....

APPLICANT

and

X. Y. Z.....

OPPOSITE PARTY

The applicant states as follows :—

1. A. B. C. is a person employed in/on the factory
entitled railway
industrial establishment
and resides at.....

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

2. X. Y. Z., the opposite party, is the person responsible
for the payment of his wages under section 3 of the Act,
and his address for the service of all notices and processes is.....

(3) (1) The applicant's wages have not been paid for the
following wage-period (s) give dates).

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

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

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

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

(a) payment of his delayed wages as estimated or such
greater or lesser amount as the Authority may find to be
due. Or refund of the amount illegally deducted.

(b) Compensation amounting to.....

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

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

FORM B.

(See sub-section (2) of section 13 and section 16
of the Payment of wages Act.).

FORM OF GROUP APPLICATION

IN THE COURT OF THE AUTHORITY APPOINTED
UNDER THE PAYMENT OF WAGES ACT (IV OF 1936).

FOR AREA.

Application No. of 19
Between A B.C. and (state number) others.
(through a legal practitioner
..... an official of
which is a registered trade

union).

APPLICANTS

and

X. Y. Z.

OPPOSITE PARTY.

The applicants state as follows:—

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

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

2. XYZ., the opposite party, is the persons responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is. . .

3. The applicants' wages have not been paid for the following periods:—

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 13 for

(a) payment of the applicants' delayed wages as estimated... or such greater or lesser amount as the Authority may find to be due.

(b) Compensation amounting to.....

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

Signature or thumb impression of
two of the applicants or legal practitioner or an official of a registered trade union duly authorised..

SCHEDULE.

Names of applicants :—

- 1.
- 2.
- 3.
- 4.

FORM. C

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

FORM OF APPLICATION BY AN INSPECTOR OR
PERSONS PERMITTED BY THE AUTHORITY OR AUTHO-
RISED TO ACT.

In the Court of the Authority appointed under the Pay-
ment of Wages Act, FOR.....

.....AREA

Application No. of 19

Between

A. B. C. (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

X. Y. Z.

OPPOSITE PARTY.

The applicant states as follows :—

4. X.Y.Z., the opposite party, in 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. 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:—

4. The applicant estimates the value of the relief sought for the person (s) employed at the sum of Rs.

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

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

(b) Compensation amounting to....

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

Signature.

FORM D.

CERTIFICATE OF AUTHORISATION

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 my/illegally deductions from our wages

Or.

Witnesses (1)

(2)

(3)

(4)

*

*

*

Signatures (1)

(2)

(3)

(4)

*

*

*

I accept the authorisation

Legal Practitioner
Official of a registered
trade Union.

FORM E.

NOTICE FOR THE DISPOSAL OF APPLICATION.

To

Where as 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 intended to reply in support or 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
Seal.

Authority.

FORM F.

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.....
(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 there for Rs.
8. Amount awarded:
(a) Delayed wages.....
(b) Deducted Wages.....
9. Compensation awarded.....
10. Penalty imposed
11. Cost awarded to-

- i Court-fee charges.....
- ii Pleader's fee.
- iii Witnesses's expenses.....
- Signed.....
- Dated... ..

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

FORM G.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL UNDER SECTION 17 OF THE PAYMENT OF WAGES ACT, 1936.

Appeal from the decision of the Authority for the aera
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..... aera 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 this appeal.

If no appearance is made on your behalf by yourself or by some one 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 of the court

Judge.

PONDICHERRY PAYMENT OF WAGES (UNCLAIMED AMOUNTS) RULES, 1964.

1. SHORT TITLE AND EXTENT.—

(1) These rules may be called the Pondicherry Payment of Wages (Unclaimed Amounts) Rules, 1964.

(2) They shall extend to the whole of the Union Territory of Pondicherry.

2. DEFINITIONS.—

In these rules, unless there is anything repugnant in the subject or context:—

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

(b) "Government" means Government of the Union Territory of Pondicherry.

(c) "the Authority" means the Authority appointed under section 15, sub-section (1) of the Act.

(d) "Section" means a section of the Act.

3. AMOUNTS UNCLAIMED FOR THREE YEARS TO BE CREDITED TO THE GOVERNMENT;—

Where any worker to whom an amount is directed to be paid under section 15 or any person entitled to claim it on his behalf fails to draw it from the authority within a period of three years from date on which the amount is deposited with or received by the authority for payment to the worker concerned, it shall, at the end of the financial year in which the said period of three years expired, be treated as unclaimed deposit and credited to the Government by book adjustment by the Pay and Accounts Officer.

4. LIST OF AMOUNTS UNCLAIMED TO BE POSTED IN THE OFFICE OF THE AUTHORITY EVERY YEAR. —

(i) In the month of January each year, a list showing the amount which at the end of the financial year will be due for being credited to the Government under rule 3 and the names of persons to whom the said amounts are payable shall be posted up in the office of the Authority and on the notice board of the factory or the industrial establishment concerned.

(ii) If the said amounts are not claimed by any person before the 25th March in that year, the authority shall treat the said amounts as unclaimed deposits and take action to credit the amounts to the Government in the accounts for that year by book adjustment to be made by the Pay and Accounts Officer.

(iii) In the month of April following, the authority shall furnish to the Pay and Accounts Officer, Pondicherry, a statement of all amounts creditable to the Government showing separately the said amounts in serial order and the names of persons to whom they were payable.

5. REFUND.—

If any person proves to the satisfaction of the authority that he is entitled to any amount credited to the Government, under rule 3, the authority shall make an application to the Pay and Accounts Officer, Pondicherry, for the refund the said amount (and the Pay and Accounts Officer shall order the refund of the said amount) to the authority after verifying that it had been credited to Government under rule 3.

R. KAMICHETTY,
Deputy Secretary to Government.