

The Payment of Wages (Procedure) Rules, 1937

CONTENTS

<i>Rules</i>	<i>Pages</i>
1. Short title	114
2. Definitions	114
3. Form of application	114
4. Authorisation	114
5. Permission to appear	114
6. Presentation of documents	115
7. Refusal to entertain application	115
8. Appearance of parties	115
9. Record of proceedings	115
10. Signature on Forms	116
11. Exercise of powers	116
12. Appeals	116
12-A. Order or direction when to be made	116
13. Inspection of documents	116
FORMS	

The Payment of Wages (Procedure) Rules, 1937¹

In exercise of the powers conferred by sub-section (1) of Section 26 of the Payment of Wages Act, 1936 (IV of 1936), read with Section 22 of the General Clauses Act, 1897 (X of 1897), the Governor-General-in-Council is pleased to make the following rules, the same having been previously published as are required by sub-section (5) of Section 26 of the first-named Act, namely:—

1. Short title.—(1) The Rules may be called the Payment of Wages (Procedure) Rules, 1937.

(2) They extend to the whole of India.

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

- (a) “the Act” means the Payment of Wages Act (4 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 15;
- (f) “section” means a section of the Act;
- (g) “Form” means a form appended to these rules;
- (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 sub-section (3) or sub-section (4) of that section kept in Form ‘F’;
- (h) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

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

4. Authorisation.—The authorisation to act on 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 person 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.

1. *vide* Noti. No. L. 3067, dated 24-2-1937

R. 10]

6. Presentation of documents.—(1) Applications or other documents relevant to an application may be presented in person to 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 reason 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 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 presentation shall be deemed to be the date of presentation for the purpose of the proviso 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 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 re-hearing.

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

(2) In 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 order or direction.

10. Signature on Forms.—Any form, other than the record of order or 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.

11. 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 alteration 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 dismissing either wholly or in part an application made under sub-section (2) of Section 15 or a direction made under sub-section (3) or sub-section (4) of that section, as the case may be, and shall be accompanied by a certified copy of the said order or direction.

(2) When an 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.

²[**12-A. Order or direction when to be made.**—The Authority or the Court, as the case may be, after the case has been heard, shall make the order or direction either at once or, as soon thereafter as may be practicable, on some future day; and when the order or direction is to be made on some future day, it shall fix a date for the purpose of which due notice shall be given to the parties or their pleaders.]

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 to 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 the payment of such fees as may be prescribed.

*FORM A

Form of Individual Application

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

In the Court of the Authority appointed under the Payment of Wages Act, 1936 (IV of 1936), for

_____ area.

Application No. _____ of 19.

Between A. B. C. _____ Applicant;

through

_____ a legal practitioner

Union)

_____ an official of

_____ (which is a registered Trade

2. Ins. by S.O. 2410/PWA/Pro. Rules/Am., dt. July 6, 1970.

* For position in Madhya Pradesh see below Section 13-A of the Act, above.

And X. Y. Z. _____ opposite party.

The applicant states as follows:

1. A. B. C. is a person employed _____ in _____ the _____ on _____

Factory

Railway

entitled _____ industrial establishment and resides at _____

The address of the applicant for the service 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 date(s)]. 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 the employed person, or legal practitioner, or official of a registered trade union duly authorised

FORM B

Form of Group Application

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

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

Application No. _____ of 20 .

Between A. B. C. and (state the number) _____ applicants; others, _____ a legal practitioner

through

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

And X. Y. Z. _____ opposite party.

The applicants state as follows:

1. ³[The applicant whose names and permanent addresses] appear in the attached schedule are

_____ factory

_____ railway

persons employed in the _____

on _____ industrial establishment entitled

The addresses 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 notice and processes is:

3. The applicants' wages have not been paid for the following wage-period(s):

4. The applicants estimate the value of the relief sought by them at the sum of rupees _____.

5. The applicants pray that a direction may be issued under sub-section (3) of Section 15 for:

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

(b) Compensation amounting to _____

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

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

SCHEDULE⁴

Sl. No.	Name of Applicant	Permanent address
1	2	3

3. Subs. by S.O. 2334, dt. Sept. 14, 1960.

4. Subs. by S.O. 2334, dt. Sept. 14, 1960.

FORM D]

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 the Authority appointed under the Payment of Wages Act, for _____ area.

Application No. _____ of 20 .

Between

A. B. C., (designation) _____, an Inspector under the Payment of Wages Act] or a person _____ permitted by the authority _____ to act under sub-section (2) of

authorised

Section 15] _____ applicant.

And

X. Y. Z. _____ the opposite party.

The applicant states as follows:

1. X. Y. Z., the opposite party, is the person responsible under the Act for the payment of wages to the following [persons whose names and permanent addresses are given below].⁵

(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 relief sought for the persons(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

a legal practitioner

I

_____ employed person(s) hereby authorise _____

5. Subs. by S.O. 2334, dt. Sept. 14, 1960.

We _____ an official of _____ which is a registered trade union to act on my behalf under Section 15, and Section 17 of the

our _____
Payment of Wages Act, 1936 (IV of 1936), in respect of the claim against _____
on account of the delay in payment _____ my wages for _____

_____ our
illegal deduction from

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

I accept the authorisation.

Signature
Legal practitioner

Official of a registered trade union

FORM E

Notice for the Disposal of Application

To

Whereas under the Payment of Wages Act, 1936 (IV of 1936), a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person or by any person duly instructed and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the _____ day of _____ 20_____ at _____ o' clock in the fore noon to answer the claim; and as the day fixed for your appearance is appointed for the final after

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 on in support of your defence.

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

Given under my hand and seal, this day _____ 20 .

Authority
SEAL

FORM F

Record of Order or Direction

(1) Serial

(2) Date

of

Number
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 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 _____
- 6[(12) Date by which the amounts awarded shall be paid.]

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 _____ area, dated the _____ day of _____ 20 .

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 _____ 20 .

Judge