(T)

Government of Madras.

E. & P. H. (1948) Department.

3½

Ms. Series.

G. O. No 1580 (A) Edn

Dated 17th June 1948.

(42)

Abstract.

Government Press – Grant of Holidays with pay under the Factories Act – Orders passed.

O | RS

M 65 674 } copy [illegible]

E. & P.H. (1947)

G.O. Ms. P.H.

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2 A 21

THE MADRAS GOVERNMENT PRESS WORKERS' UNION.

Govt. Press Buildings, Mint,
Madras, 4th December 1946.

VERY URGENT.

SECRETARY, EDN. AND P.H. DEPT. GOVERNMENT OF MADRAS

ASSISTANT SECRETARY TO GOVERNMENT 9 - DEC 1946 PUBLIC HEALTH DEPARTMENT

To

The Chief Inspector of Factories,
Chepauk,
Madras.

Sir,

The 10 days recuperative leave made available to the workers under the amended Factories Act has not yet been granted to the workers of the Government Press, Madras, even though 11 months of the year have already passed.

There are some workers who have put in more than 12 months' service in the Government Press, Madras, and they are entitled to the 10 days leave under the amended Factories Act. The Union requests you to kindly arrange immediately for the grant of the leave to the workers as the year is about to expire and also to direct the Superintendent, Government Press, Madras, to notify the concerned workers that if they choose they may defer taking leave during 1947 as permitted by the Act.

The Union requests the favour of an early reply.

Yours faithfully,

for President.

Copy to the Superintendent, Government Press, Madras.
" the Joint Secretary to Government, Edn. & P.H.
" Hon. the Minister for Education.
" Hon. the Minister for Industries and Labour.

To Secretary, E. & P.H. for enquiry and report.

TSA
7.12.46

H.M. Education.

Bulletin No. 1. 3 Read & Pass on. 9 3

The Madras Government Press Workers' Union, Madras.

(Registered and Recognized by Govt.)

3

Of late, all kinds of mischievous rumours are afloat in the Press disturbing the equanimity of the workers and distracting their minds from their work. It has been brought to the notice of the Union that some interested persons are deliberately and systematically spreading these alarmist rumours to serve their own ends. The probable decisions of the Cabinet Salaries Committee and the possible nature of their proceedings are the subject matters of these disturbing rumours. It is a pity that the rank and file of the workers are easily moved by such rumours. The Union therefore desires to issue this notice in this connexion.

The Union has represented to the Cabinet Salaries Committee on Revision of Salaries the points of view of all classes of workers in the Press. Every possible step has been taken to protect and advance their interests. The officers of the Union have been in touch with the Minister in charge of the Press as well as the Members of the Cabinet Salaries Committee. The Committee have not come to any decisions yet. It is too early to say anything about the matter; it would be silly, mischievous and improper to indulge in misleading conjuctures or be responsible for spreading unfounded rumours.

The Union has not directly or indirectly agreed to or acquir~~es~~esce with any proposal for introduction of bonus or piece-work system in any shape or form. Those who are indulging in rumours to the contrary are warned against their disruptive activities The rank and file of the workers are advised not to believe or be misled by such rumours. The Union has protested aginst any proposal to introduce bonus or piece-work and has requested that the Government should consult its representatives before passing any final orders on the recommendation of the Cabinet Salaries Committee regarding Revision of salaries for the workers of the Press. Workers are requested to go about their work undisturbed by any silly rumours and with faith and confidence in the Union that their interests are being duly protected.

(By order of the Executive Committee)

P. Balakrishnan.
Secretary.

Union is strength! Every member get a new member!!!

A. D. Press, Wpt, Madras. P. I. C. No. M.S, 168 (4.12-46) 1000

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அறிக்கை நெ. 1

சர்க்கார் அச்சுக்கூடத் தொழிலா[illegible] ச

(ரிஜிஸ்டரானது, கவர்ன்மெண்டாரால் அங்கிகா[illegible]ற)

எச்சரிக்கை!

சர்க்கார் உத்தியோகஸ்தர்கள் சம்பள சீர்திருத்த விஷயத்[illegible] [illegible]மிக்கப்பட்ட மந்திரிகளின் உப-கமிட்டியார் ஆலோசித்து வருகிறா[illegible] என்பது அனைவரும் அறிந்த விஷயம். சர்க்கார் அச்சுக்கூடத்தில் பல டிபார்ட்மெண்டுகளில் வேலை செய்யும் பலதரப்பட்ட சகல தொழிலாளர்களின் நன்மையையும் முன்னேற்றத்தையும் பாதுகாக்கவேண்டிய ஆலோசனைகளை சங்கம் ஆலோசித்து மேற்கண்ட கமிட்டியாருக்கு அனுப்பி வைத்திருப்பதும் அனைவரும் உணர்ந்ததே. சங்க உத்தியோகஸ்தர்கள் மேற்படி கமிட்டியாரையும் அச்சுக்கூட மந்திரி அவர்களையும் சம்பந்தப்பட்ட மற்றவர்களையும் அடிக்கடி சந்தித்து தொழிலாளர்களின் அபிப்பிராயங்களை சரியாகவும் தீவிரமாகவும் எடுத்துரைத்துக் கொண்டிருக்கிறார்கள். எந்தவித முடிவும் இன்னும் ஏற்படவில்லை. சீக்கிரத்தில் ஏற்படக்கூடுமென்று எதிர்பார்ப்பதற்கும் ஆதாரமில்லை. இப்படி இருக்கையில். சில விஷமபிரசாரத் தோழர்கள் அச்சுக்கூடத்தொழிலாளர்களுக்குள் வீண் வதந்திகளை பிடிவாதமாய் பரப்பி வீண் குழப்பங்களையும்-குட்டிக்கலகங்களையும் அதிருப்தியையும் விளைவித்துக்கொண்டிருப்பது மிகவும் வருந்தத்தக்கது. இந்த விஷம பிரசாரத்தை சங்கம் வன்மையாக கண்டிப்பதோடு இந்நடவடிக்கைகளில் சம்பந்தப்பட்டவர்களின் மேல் ஒழுங்கு நடவடிக்கையும் எடுத்துக்கொள்ளப்படுமென்று எச்சரிக்கை செய்ய விரும்புகிறது. திடீர் திடீரென்று பல பொய் வதந்திகள் கிளப்பபடுகின்றன. இப்பொய் வதந்திகள் தொழிலாளர்கள் மனதை புண்படுத்துகின்றன. போனஸ் திட்டமோ, பீஸ்வொர்க் திட்டமோ சங்கத்தில் யாராலும் பிரேரேபிக்கப்படவில்லை, யாராலும் சம்மதிக்கப்படவும் இல்லை. எந்த அளவிலும், ரூபத்திலும் இம்முறைகள் ஏற்றுக்கொள்ளப்படமாட்டாதென்றும், தீவிரமாய் மறுத்து எதிர்க்கப்ப[illegible]மென்றும் மாதச்சம்பள திட்டத்தை சீர்திருத்தி தக்கவாறு அமைத்து நிர்வாகம் நடத்[illegible] வேண்டுமென்றும் சங்கம் தெளிவாய் சர்க்காரை பலமுறை வற்புறுத்தி கேட்டுக்கொண்டிருக்கிறது. இப்படி இருக்க சில சுயநல விஷமிகள் சங்கம் போனஸ் பிரஸ்தாபத்தில் பாராமுகமாய் இருந்துவிட்டதாயும், தாங்கள் அங்குமிங்கும் வேலைவிட்டு ஓடிதிரிந்து போராபத்து சம்பவிக்காமல் தடுத்துவிட்டதாயும் தாறுமாறாய் பொருப்பற்ற முறையில் கிளர்ச்சிகள் செய்து தொழிலாளர்களிடை சச்சரவுகளையும் குழப்பங்களையும் உண்டாக்கிக்கொண்டிருக்கிறார்கள். சிலர் இதற்காக பணம் வசூலிக்கிறதாயும் தெரிகிறது. இப்படிப்பட்ட கிளர்ச்சியை சங்கம் எதிர்த்து போராடவேண்டிய அவசியம். தொழிலாளர்கள் எந்த வதந்திகளுக்கும் பொய் பிரசாரங்களுக்கும் செவி சாய்க்காமல் கட்டுப்பாடாய் சங்கத்தினிடம் பூரண நம்பிக்கையுடன் நடந்துக்கொள்ள வேண்டியது அவசியம். மேற்கண்டவாறு விஷம பிரசாரம் செய்யும் தோழர்களையும் எச்சரிக்கை செய்யவேண்டியது அவசியமாய் இருக்கிறது.

சம்பள திருத்த உப-கமிட்டியார் எந்தவித முடிவுக்கும் இன்னும் வரவில்லை. அவர்கள் கூறக்கூடிய முடிவுகளைப்பற்றி இருதியாக உத்திரவு போடுமுன் சங்கப் பிரதிநி[illegible]களை அழைத்து அவர்களுடன் கலந்து ஆலோசித்து அதற்குப் பின்னரே முடிவா[illegible] ஏற்பாடுகளை செய்ய வேணுமென்றும் சங்கம் அச்சுக்கூட மந்திரியையும், சர்க்காரையு[illegible] கேட்டுக்கொண்டிருக்கிறது. மந்திரி அவர்களும் அதற்கு இசைந்துள்ளார். ஆகவே விஷமிகள் பொய் பிரசாரங்களுக்கு இடம் தராமல் சங்கத்தில் பூரண நம்பிக்கையுடன் தங்கள் தங்கள் வேலைகளை அமைதியாக கவனித்துக்கொண்டு குறைகள் தீரவும் முன்னேற்றமடையவும் சங்கத்துடன் திடமாய் ஒத்துழைக்கும்படி பொருப்பு வாய்ந்த சகல தொழிலாளர்களையும் சங்கம் வேண்டிக்கொள்ளுகிறது குண்டுனியாய் புரங்கூறி திரிகிறவர்களை அந்த சுயநாச பாதையிலிருந்து திரும்பி நல்வழி படும்படியாய் சங்கம் கேட்டுக்கொள்ளுகிறது. நிர்வாக கமிட்டியின் உத்திரவுப்படி “சேர்ந்து வாழ்வதே சிறந்த வலிமை” ஒவ்வொருவரும் ஒரு புதிய அங்கத்தினரை சேருங்கள்.

இப்படிக்கு,

சென்னை,
29-11-1946

P. பாலகிருஷ்ணன், காரியதரிசி.

E R 7·11·46. 4

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B.L.P.H(J.)

very urgent

Memo No 7543/Emp D/ 12.12.46

Government Press – Workers – Recuperation leave – Eligibility – Representation from the Union D/4.12.46.

Referred to the S.S.P. for very early ~~He is requested to offer his~~ remarks ~~by return without delay~~.

OSM
10/12/46

To ~~Desk~~
The S.S.P.
with c.f. in order to be retd with reply.

KRB
10.12.46

10/12

5. 7

NT STATIONERY STORES [illegible]

Garden Club, Pembium,
Perambur, 9th December 46.

[illegible] Inspector of Factories,
Chepauk,
Madras.

79223

SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPT.
23 DEC 1946

Sir,

The 10 days recuperative leave made available to the workers under the amended Factories Act has not yet been granted to the workers of the Government Stationery Stores, Madras, even though 11 months of the year have already passed.

There are more than 50 workers who have put in more than 12 months' service in the Government Stationery Stores, Madras, and they are entitled to the 10 days leave under the amended Factories Act. The Association requests you to kindly arrange immediately for the grant of the leave to the workers as the year is about expire and also to direct the Superintendent of Stationery, Madras, to notify the concerned workers that if they choose they may defer taking leave during 1947 as permitted by the Act.

The Association requests the favour of an early reply.

Yours faithfully,

President.

Copy to the Superintendent of Stationery, Madras.
" the Joint Secretary to Government, Edn.& P.H.
" Hon. the Minister for Education.
" Hon. the Minister for Industries and Labour.

To the Secretary, E. & P.H. for enquiry and report.

TSA 20.12.46
H.M. Education.

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S.O.B. 14/1

The matter has been referred to the S.S.P. for remarks and his reply is awaited. A reminder is placed below for approval

K.A.B.
6/1/47

6/1

B.M.
7/1/47

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6 A 699

From
A. Lepper Esq.,
Superintendent,
Government Press,
Madras.

To
The Secretary to Government,
Education & Public Health Department,
Fort St. George,
Madras.

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No. S.B.C dated 7-1-1947.

ASST. SECRETARY TO GOVERNMENT
8 JAN 1947
EDUCATION AND PUBLIC HEALTH DEPT.

15 ~~cuts~~

Sir,

Sub:--Government Press - Workers - Recuperative leave - Eligibility.

Ref:--Education & Public Health Memo.No.75143-1-F.1 dated 10-12-1946.

I have the honour to state that proposals for exemption on the above subject have been submitted to Government through the Commissioner of Labour, a copy of which is enclosed. The current file in original is returned herewith.

1260 A

Superintendent.

Enc. 4.

7/1.

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E&PH(71)

May lie over till 20.1.47 with reference to A arrangements.

KAB
9.1.47

9/1/47

10/1/47

May continue to lie over till 5.2.47

21/1/47

KAB
20.1.47

20/1

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M.F. 32.

In reply, please quote number, date and short title.*

________ DEPARTMENT.

Received ________ *Registered* ________

From (Name) A. Lepper Esq.,

(Designation) Superintendent,
Government Press,
Post Box ________, (STATION) ________ Madras.

Telegraphic Address ________

To

The ~~Joint~~ Secretary to Government, Education and
Public Health Department, Fort St. George, Madra

Thro' The Commissioner of Labour, Madras.

No. SBC, *dated* ~~17~~ 18th December 1946.

Sir,

* Sub: Factories - Holidays with pay - exemption of the Government Press - requested -
Ref: G.O.Press 3238 Development dated 24-8-1946.

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ENCLOSURES ________

SPARE COPIES ________

I have the honour to state that the workers of the Government Press brought under the Factories Act are already governed by leave rules as contained in the Fundamental Rules, Simplified Leave Rules, Madras Leave Rules and Industrial Employees' Leave Rules, the applicability of the different rules being with reference to the date of entry into the service or option exercised by individuals where allowed.

2. A brief summary of leave concessions under the different rules is annexed to this letter.

3. Those coming under Fundamental Rules and Simplified Leave Rules are further eligible for 15 days Casual Leave under executive instructions - The menials paid from contingencies though they are not governed by any leave rules are granted casual leave but not subject to the limitation of 15 days - vide instruction 6, Appendix 9 - Audit Manual.

4. It may be noted from the summary of existing leave concessions that the privileges referred to under items 1 to 3 of para 3 of G.O.No.Press 3238 Development, dated 24-8-46 are covered fully by these rules except in the following two classes of employees.-

(i) Day-extra establishment.
(ii) Establishment paid from contingencies.

(a) The Day-extra establishment has now therefore to be granted the annual holidays prescribed in the Factories Act to comply with which the following notice is being issued. This may be ratified by Government.

"All employees in the Day-extra establishment who have completed a continuous service of twelve months within the meaning of the explanation under section 49-B of the Factories Act shall be allowed during the subsequent period of 12 months holidays for a period of ten days inclusive of the day or days, if any, on which he is entitled to a holiday under section 35(i) (Section 49-B(i)) either at a stretch, or in more than one spell, if the worker so chooses. They will further be allowed to accumulate their leave as in section 49(B)(2) subject to monetary benefit admissible under section 49-C of the Act.

(b) As regards men paid from contingencies they are already owed casual leave privilege which is more than what is enjoined er the Act but as the other conditions of the annual holidays not fulfilled the same concession in regard to accumulation of leave as in the case of day-extra establishment may also be extended to them.

5. The application of privision in section 49(D) would I think, infringe the provisions under Art 72(a) Madras Financial Code Volume I by which pay and leave salaries would become due for payment only on the expiry of the month to which they relate. To get over this difficulty I would suggest that the payment of leave salary in advance may be treated as one of the classes of special advances recoverable under Art.246 - Madras Financial Code Volume I - as a distinct item "Advance of leave salaries recoverable".

6. As already stated in para 4 above the first three items of privileges are amply covered by the existing leave rules in the case of all employees with the two exceptions. As for the other two items of privileges it may be possible to give effect to them provided the existing procedure under code rules on the subject are modified, but in their practical application especially with reference to the provision under section 49-D there will be tremendous difficulties. This office has a strength of about 1,700 employees with an average daily absence of 200. The advance payment of half the total pay contemplated under Section 49-D may lead to petty claims extending from fractions of a day to 10 days. The daily average settlement of nearly 200 demands and their adjustments eventually from their respective monthly bills will be a task in itself which could not be taken up without adequate independant staff sufficiently large in strength.

7. Provision in section 49-B(3) contemplates payment after discharge. Under Fundamental Rule 52 the pay and allowances cease from the date of removal from Government service and this has been relaxed in para 2 of G.O.No. Press 3238, Development, dated 24-8-46, but the procedure to be followed in the settlement of such claims has to be prescribed by Government. Cases may possibly also arise for payment to the claiments of accrued benefit under this section of the Factories Act on the death of employees. The pay, etc. due to a deceased Government servant is restricted to the day of his death under Art 80(a) Madras Financial Code Volume I and no claims could become sustainable for any period after his death. This article may also have to be amended to make exception in the of workers covered by the Factories Act. To comply with the provision of the Act it is suggested that the final date of discharge may be advanced by the number of days of leave due to the employee under the Act.

8. Payments under section 49-B(3) of the Act may also be treated as advances on the same conditions as advance half pay and regularized in due course.

9. In view of the above circumstances and considering the abnormal difficulties that may have to be experienced the application of Chapter IV A of the Act to the Government Press with regard to item 4 and 5 of para 3 of G.O. Press No.3238, Development dated 24-8-46 and as the first three conditions have already been complied with far better concessions I request that Government may be pleased to exempt the Government Press from the provisions of Chapter IV A of the Act under the powers vested in them under section 49-G of the Act. The task involved in maintaining their leave accounts under the various rules applicable to the employees of the Government Press has already become

too

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too intricate and laborious to be managed without falling into chronic arrears. Besides, whenever an employee goes on leave his average rate of pay will have to be worked out and if an employee takes leave piecemeal, say on an average, 3 times, then about 5,000 average daily rate should be worked out, checked and pay claimed in advance The grant of exemption to the Government Press, Madras from the provisions of Chapter IV A of the Factories Act subject of course to the leave concessions now proposed for the Day-Extra employees and Establishment paid from contingencies is therefore a necessity.

Sd/ A. Lepper,

Superintendent.

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SUMMARY OF LEAVE CONCESSIONS TO EMPLOYEES SERVING UNDER THE VARIOUS SERVICE RULES.

Permanent salaried men (superior and inferior) serving under Simplified Leave Rules.

1. Privilege leave at the rate of one month for every eleven months duty up to four months at any one time. Furlough at the rate of two months for every year's service up to two years, without medical certificate extended up to three years on medical certificate If combined with privilege leave and commuted furlough up to two years only. Five years' furlough for the whole service.

2. Leave on full pay at any one time is limited to eight months (privilege leave and commuted furlough).

3. Total commuted furlough on medical certificate (double the ordinary furlough) in the whole service is one year.

FUNDAMENTAL RULES.

1. Leave on average pay at one-eleventh of duty up to four months without medical certificate and leave on average pay for one year on medical certificate in the whole service. Leave account at two-elevenths of duty.

2. Continuous leave of 28 months (leave on average pay and leave on half average pay at any one time.)

TEMPORARY SALARIED MEN GOVERNED BY THE FUNDAMENTAL RULES.

Leave on average pay up to four months without medical certific (one-eleventh of duty) or leave on half average pay up to three months on medical certificate at a time.

MADRAS LEAVE RULES.

1. Earned leave at 1/11 of duty up to 90 days (Leave salary pay or average for 36 months whichever is more). Fractions of half and or over counted as one day.

P.T.O.

2. 1 year in all on medical certificate (Leave Salary equal to half pay) extension by six months on recommendation by medical authority.

3. Six months in all on private affairs - 3 months at a time Leave salary equal to half pay.

LEAVE UNDER THE INDUSTRIAL EMPLOYEES LEAVE RULES OF 1933
PERMANENT AND ACTING SALARIED MEN (SUPERIOR).

1. Leave on average pay at the rate of one month for every eleven months duty up to four months at any one time.

2. Leave on half average pay on medical certificate for three months which may further be extended by three months on a fresh medical certificate from the Chief Medical Officer of the district. Leave on medical certificate during the whole service not to exceed two years.

3. Leave on half pay limited to two years at any one time for each disability and five years in the whole service in cases of injury giving rise to claims for compensation. Leave salary in such cases to be reduced by the amount of compensation payable under section 4(1)(d) of the Workmen's Compensation Act.

4. Fractions of a day and parts of a day for late attendance are counted against the leave due.

ALL EMPLOYEES INCLUDING DAY-EXTRA MEN AND MEN PAID FROM CONTINGENCIES.

1. Hospital Leave under the subsidiary rules to Fundamental Rule 101(b) except salaried employees who are governed by the Industrial Employees leave rules.

2. Special casual leave (under paragraph 7 of G.O.No.406, Finance, dated 7th May 1923) for contact with infectious diseases.

3. Special casual leave for 15 days for anti-rabic treatment (except men paid from contingencies).

4. Members of the Auxiliary and Indian Territorial Forces

treated

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treated as on duty for periodical and annual training.

5. Leave without pay when no other leave is admissible.

REVISED INDUSTRIAL EMPLOYEES LEAVE RULES 1936.

1. Leave on full pay at the rate of one month for every complete period of 11 months duty up to 90 days at any one time. (rounding of fractions of a day not permissible vide para 2 of G.O.No.677 Edn., dated 2-5-44).

2. For one year in all - on medical certificate recognised under any rule or order of Government, leave on half-pay up to 3 months and a further extension of leave on half pay not exceeding 3 months on the production of a fresh medical certificate granted by the officer the Chief medical ~~Officer in~~ charge of the District in which the employee is residing.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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Exp. H (21)

Government Press- Workers-
Recuperative Leave- Eligibility.

EA 4/3/47

U.O. No 1260 & from the S.S.P. No S.B.C. d/ 7.1.47

Memo No 75143-271 C.D. d/ 17.2.47

The Commissioner of Lahore is requested to return to Govt with his remarks the letter of the S.S.P. No S.B.C. d/ 18.12.46 said to have been submitted to Govt thro' the Commissioner of Lahore.

NIC.2

K.A.B.
16.2.47

O.M.
14/2/47

To
The C. of L.

dfd
20/2

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E.P.H.(D.11)

Government Press - Workers - Recuperative leave - Eligibility -

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Refce Govt Memo No. 75143-23, Edn dt 17.2.47 and E.R. dt 4.3.47

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Memo Dt -.3-47.

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12 B.29.21/46

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C.F. 32.

In reply, please quote number, date and short title.

DEPARTMENT.

Received Registered

12

From (Name) A. Lepper Esq.,

(Designation) Superintendent,
Government Press,
Post Box , (STATION) Madras.

Telegraphic Address

19.12.46

10 DEC 1946

To

The ~~Joint~~ Secretary to Government, Education and Public Health Department, Fort St. George, Madras

Thro' The Commissioner of Labour, Madras.

No. S.B.C., dated 18th December 1946.

Sir,

* Sub: Factories - Holidays with pay - exemption of the Government Press - requested -
Ref: G.O.Press 3238 Development dated 24-8-1946.

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ENCLOSURES 2 sheets.

SPARE COPIES

I have the honour to state that the workers of the Government Press brought under the Factories Act are already governed by leave rules as contained in the Fundamental Rules, Simplified Leave Rules, Madras Leave Rules and Industrial Employees' Leave Rules, the applicability of the different rules being with reference to the date of entry into the service or option exercised by individuals where allowed.

2. A brief summary of leave concessions under the different rules is annexed to this letter.

p 25-27 infra

3. Those coming under Fundamental Rules and Simplified Leave Rules are further eligible for 15 days Casual Leave under executive instructions - The menials paid from contingencies though they are not governed by any leave rules are granted casual leave but not subject to the limitation of 15 days - *vide* instruction 6, Appendix 9 - Audit Manual.

p 271, Bk 61

4. It may be noted from the summary of existing leave concessions that the privileges referred to under items 1 to 3 of para 3 of G.O.No.Press 3238 Development, dated 24-8-46 are covered fully by these rules except in the following two classes of employees.-

(i) Day-extra establishment.
(ii) Establishment paid from contingencies.

(a) The Day-extra establishment has now therefore to be granted the annual holidays prescribed in the Factories Act to comply with which the following notice is being issued. This may be ratified by Government.

"All employees in the Day-extra establishment who have completed a continuous service of twelve months within the meaning of the explanation under section 49-B of the Factories Act shall be allowed during the subsequent period of 12 months holidays for a period of ten days inclusive of the day or days, if any, on which he is entitled to a holiday under section 35(i) (Section 49-B(i)) either at a stretch, or in more than one spell, if the worker so chooses. They will further be allowed to accumulate their leave as laid down in section 49(B)(2) subject to monetary benefit admissible under section 49-C of the Act."

(C) or, if an adolescent, fourteen

vide para (C) on p.32 infra

P.T.

compulsory under the Factories Act. It has since been reported by the Superintendent that the present payment of leave salary amply covers the concession prescribed in section 49-C of the Factories Act and it is not, therefore, necessary that provision should be made in the leave rules for the payment of leave salary as prescribed in section 49-C of the said Act. The other suggestions made by the Superintendent may be accepted and he may be advised to revise the existing leave rules suitably and then apply for exemption under section 49-G of the Factories Act by enclosing four copies of the old and the new leave rules.

ASST. SECRETARY TO GOVERNMENT
6 - MAR 1947
EDUCATION AND PUBLIC HEALTH DEPT.

(8405
4/3/47.

for COMMISSIONER OF LABOUR &
CHIEF INSPR. OF FACTORIES.

To the Secretary to Government, Education & Public Health Dept.,
Madras.

pvr

Enclosure.

28

14

SUMMARY OF LEAVE CONCESSIONS TO EMPLOYEES SERVING UNDER THE VARIOUS SERVICE RULES.

Permanent salaried men (superior and inferior) serving under Simplified Leave Rules.

1. Privilege leave at the rate of one month for every eleven months duty up to four months at any one time. Furlough at the rate of two months for every year's service up to two years, without medical certificate, extended up to three years on medical certificate. If combined with privilege leave and commuted furlough up to two years only. Five years' furlough for the whole service.

2. Leave on full pay at any one time is limited to eight months (privilege leave and commuted furlough).

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26

2. 1 year in all on medical certificate (Leave Salary equal to half pay) extension by six months on recommendation by medical authority.

3. Six months in all on private affairs - 3 months at a time Leave salary equal to half pay.

LEAVE UNDER THE INDUSTRIAL EMPLOYEES LEAVE RULES OF 1933 PERMANENT AND ACTING SALARIED MEN (SUPERIOR).

1. Leave on average pay at the rate of one month for every eleven months duty up to four months at any one time.-

2. Leave on half average pay on medical certificate for three months which may further be extended by three months on a fresh medical certificate from the Chief Medical Officer of the district. Leave on medical certificate during the whole service not to exceed two years.

3. Leave on half pay limited to two years at any one time for each disability and five years in the whole service in cases of injury giving rise to claims for compensation. Leave salary in such cases to be reduced by the amount of compensation payable under section 4(i)(d) of the Workmen's Compensation Act.

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2. Special casual leave (under paragraph 7 of G.O.No.406, Finance, dated 7th May 1923) for contact with infectious diseases.

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4. Members of the Auxiliary and Indian Territorial Forces

treated

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15 27

treated as on duty for periodical and annual training.

5. Leave without pay when no other leave is admissible.

REVISED INDUSTRIAL EMPLOYEES LEAVE RULES 1936.

1. Leave on full pay at the rate of one month for every complete period of 11 months duty up to 90 days at any one time: (rounding of fractions of a day not permissible vide para 2 of G.O.No.677 Edn., dated 2-5-44).

2. For one year in all - on medical certificate recognised under any rule or order of Government, leave on half-pay up to 3 months and a further extension of leave on half pay not exceeding 3 months on the production of a fresh medical certificate granted by the officer ~~the~~ in Chief medical ~~Officer in~~ charge of the District in which the employee is residing.

~~[illegible]~~

3. Leave on half pay limited to two years at any one time for each disability and five years in the whole service in cases of injury giving rise to claims for compensation. Leave salary in such cases to be reduced by the amount of compensation payable under section 4(i) (d) of the Workmen's Compensation Act.

R.N.
17/12/46.

62/3/5

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Memo no. 75143 - 47 Eon / 3547.

29/9

E&P.H.(71)

16

Factories - Holidays with pay - Exemption of the Govt. Press.

Ref: From the S.G.P., no. S.B.C. dated 18-12-46. pp. 21-23 cy.

" " Commr of Labour, Endt No. B.2521/46, dated 3-3-47. pp. 23-24 cy.

—

The Govt. accept generally the proposals made by the S.G.P. in his letter read above subject to the suggestions of the Commr. of Labour in his Endt referred to above a copy of which is herewith enclosed. The Supdt is requested to ~~suitably~~ revise Initially the existing and the proposed leave rules in the light of the Commr's suggestions and apply to Govt for exemption under section 49-G of the Factories Act, ~~[illegible]~~, enclosing four copies of the old and the new

vide H on p. 3 N.F.

pp. 22-24

vide p. 24 cy.

leave 30 rules.

28.4.47.

29-4-47

To

The S.S.P. (with encls)

" Commr. of Labour

" Dev. Dept

(with encl 6891)

6/5

B.2921/46

17 31 31

SPECIAL.

From
A. Lepper Esq.,
Superintendent, Government Press,
Madras.

To
The Secretary to Govt.,
Education & Public Health
Department, Fort St.George.

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No. 2/Mis/SBC. Dated:- 11th August 1947.

18 SEP 1947

Recd 15/8/47

15/8/47

66384 pscf

2 6 AUG 1947

MADRAS

Sir,

Sub:- Factories - Holidays with pay - exemption of the Government Press, Madras from the provisions of Chapter IV-A of the Factories Act subject to certain conditions -

1. In Memorandum No. 75143-4-F1, Edn., dated 3rd May 1947, Government accept in general the proposals put forth in my letter No. SBC dated 18th December 1946 subject to the suggestion of the Commissioner of Labour made in his Endorsement No. B-2921/46 dated 3rd March 1947. The Commissioner's suggestions are-

pp 23-24

2.(i) that Fundamental Rule 67 should not be made applicable in respect of statutory leave with pay, as the grant of such leave is compulsory under the Act;

(ii) that the leave rules (Simplified, Fundamental, Industrial Employees' and the Madras) applicable to the workers in the Government Press, Madras, should specifically provide for the grant of statutory leave with pay either at a stretch or in more than one spell, if the workers so choose.

(iii) that provision should be made in these rules for reckoning continuous service of the workers as laid down in the explanation to section 49-B of the Act.

(iv) that the leave rules proposed for the day-extra establishment in para 4(a) of this office letter No. SBC da 18th December 1946 will have to be amended so as to provide for the grant of 14 holidays with pay for children and adolescents either at a stretch or in more than one spell, if they so choose;

p. 22

(v) that the suggestion in para 7 of this office letter No. SBC dated 18th December 1946 that the final discharge may be advanced by the number of days of leave with pay due to the employee under the Act may not be accepted as it will not be possible in cases of workers, who having applied for leave and having been refused the leave, quit their services of their own accord before they have been allowed the leave.

3. With reference to the above five suggestions, I have the honour to offer the following remarks itemwar.

(A) (i) and (ii).- On a reading of section 49 B(3) it is clear that the employer has the power to refuse the holidays under the Act subject to the condition that the holidays so refused shall be added to those allowed in the succeeding period of twelve months and subject to the further restrictio in such carrying over prescribed under section 49 B(2). Th has been conceded by the Commissioner of Labour also when dealing with the question of grant to discharged men of such holidays refused. It will be evident from the above that no special provision under the leave rules (Simplified, Fundamental, Industrial Employees' and Madras) which already provide for more advantageous conditions for the grant of statutory holidays with pay seems necessary. If, however, Government consider otherwise a note to the following effect may be made under F.R. 67.

"Leave to the workers in the Government Press, Madras who come within the purview of Chapter IV-A of the Factories Act and who have completed a period of twelve months' continuous service within the meaning of the explan tion under section 49 B of this Act shall not, however, b

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refused leave to the extent provided in section 49 B(1) of this Act". If the position taken by me as above, i.e. the right to refuse leave is conceded, the right of the employee to have the 10 or 14 days, as the case may be, at a stretch will also lapse in case, after the refusal, he chooses to avail himself of the leave under the leave rules admissible to him piecemeal with pay for 10 days or 14 days in all, as the case may be.

(B) (iii) The question does not arise in the case of workers who by virtue of their date of entry into service are governed by the Simplified and Fundamental Leave Rules and by virtue of their permanent status in the superior service by the Industrial Employees Leave Rules and also in the case of permanent workers in the inferior service who are governed by the Madras Leave Rules. If the relaxation made in para 2 of G.O. Press No. 3238, Development dated 24th August 1946 is not sufficient to cover the case of the remaining workers in the salaried establishment, viz., non-permanent men in the superior or inferior serfice the following proviso may be added at the end of rule 27 of the Madras Leave Rules, 1933, as subsequently amended in the case of non-permanent Government servants who are governed by these rules.

(V)

"Provided that in the case of non-permanent workers in the Government Press, Madras who come within the purview of chapter IV-A of the Factories Act [illegible] service should be reckoned as continuous within the meaning of the explanation under section 49 B of the Act.", the rules re: [illegible] completion of probation will not apply for purposes of earning leave.

p. 50 infra

(C) (iv) Children are not employed in the Government Press, Madras. The words "or, if an adolescent fourteen" may be inserted after the words "holidays for a period of ten" in the draft notice under para 4(a) of my letter No. SBC dated 18th December 1946.

p. 21 ante

(D) (v) In general no employee of the Government Press, Madras fails to avail of the maximum leave admissible to him and is not at all worried about refusal which is not generally done unless he is a chronic absentee without permission. I do not see any other way than to advance the final date of discharge. If a worker chooses to leave service of his own accord without giving any notice it is not understood how he can claim protection under the Act. The employer cannot hunt after him and force payment on him.

4. Four copies of the summary of leave concessions applicable to the workers under the various leave rules with the proposed amendments inserted therein are enclosed. The new leave rules proposed for the day-extra and contingent establishment are also inserted therein for sanction.

p/p 33

Encl. 4

Superintendent.

E&PH (71) Dept 7

Endt No. 75143-F1/47-5 Edn. d/22.8.47

Referred to the Commissioner of Labour for remarks.

I. B. [illegible]
Asst. Secy. to Go
B. 21.8.47

B/13/8

To
The Commr of Labour,
Madras.

SUMMARY OF LEAVE CONCESSIONS TO EMPLOYEES SERVING UNDER THE VARIOUS SERVICE RULES.

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Permanent Salaried men (superior and inferior) serving under Simplified Leave Rules.

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1. Privilege leave at the rate of one month for every eleven months duty upto four months at any one time. Furlough at the rate of two months for every year's service upto two years, without medical certificate extended upto three years on medical certificate. If combined with privilege leave and commuted furlough upto two years only. Five years' furlough for the whole serice.

2. Leave on full pay at any one time is limited to eight months (privilege leave and commuted furlough).

3. Total commuted furlough on medical certificate (double the ordinary furlough) in the whole service in one year.

FUNDAMENTAL RULES.

1. Leave on average pay at one eleventh of duty upto four months without medical certificate and leave on average pay for one year on medical certificate in the whole service. Leave account at two elevenths of duty.

2. Continuous leave of 28 months (leave on average pay and leave on half ~~pay~~ average pay at any one time).

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3. 6 months in all on private affairs 3 months at a time - Leave salary equal to half pay.

Non-permanent Government servants (in inferior service) Governed by the Madras Leave Rules.

Leave on medical certificate calculated at 10 days for every completed year of service.

Temporary salaried men governed by the Fundamental Rules.

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Leave Under the Industrial Employees' Leave Rules of 1933 Permanent and acting salaried men (superior).

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for each disability and five years in the whole service in cases of injury giving rise to claims for compensation. Leave salary in such cases to be reduced by the amount of compensation payable under section 4 (i) (d) of the Workmen's Compensation Act.

4. Fractions of a day and parts of a day for late attendance are counted against the leave due.

All employees including Day-extra men and men paid from Contingencies.

1. Hospital leave under the subsidiary rules to Fundamental Rule 101 (b) - Except salaried employees who are governed by the Indistrial Employees' Leave Rules.

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5. Leave without pay when no other leave is admissible.

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Menials paid from Contingencies.

Men paid from contingencies are granted such casual leave as would be given to private servants, the ordinary limit of 10 days at a time and fifteen days not being applicable.

Employees borne on the Day Extra Establishment - Proposed leave under Chapter IV-A - of the Factories Act.

All employees of the Day Extra establishment who have completed a continuous service of twelve months within the meaning of the explanation under Section 49-B of the Factories Act shall be allowed during the subsequent period of twelve months, holidays for a period of ten or, if an adolescent fourteen days, inclusive of the day or days, if any, for which he is entitled to a holiday under sub section (i) of Section 35 either at a stretch, or in more than one spell, if the workers so choose. They will further be allowed to accumulate their leave as in section 49-B (2) subject to the monetary benefit admissible under section 49 (c) of the Act.

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Permanent Salaried men (superior and inferior) serving under Simplified Leave Rules.

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Leave on medical certificate calculated at 10 days for every completed year of service.

Temporary salaried men governed by the Fundamental Rules.

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for

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All employees including Day-extra men and men paid from Contingencies.

1. Hospital leave under the subsidiary rules to Fundamental Rule 101 (b) - Except salaried employees who are governed by the Indistrial Employees' Leave Rules.

2. Special casual leave (under paragraph 7 of G.O. No.406, Finance dated 7th May 1923 for contact with infectious diseases.

3. Special casual leave for 15 days for anti-rabic treatment (except men paid from contingencies).

4. Members of the Auxiliary and Indian Teritorial Forces treated as on duty for periodical and annual training.

5. Leave without pay when no other leave is admissible.

Revised Industrial Employees' Leave Rules 1936.

1. Leave on full pay at the rate of one month for every complete period of 11 monthsduty up to 90 days at any one time. (Rounding of fractions of a day not permissible vide para 2 of G.O No.677 Edn., dated 2-5-1944).

2. For 1 year in all - on medical certificate recognized unde any rule or order of Government leave on half pay up to 3 months and a further extension of leave on half pay not exceeding 3 mont on the production of a fresh medical certificate granted by the officer in Chief Medical charge of the district in which the emplo is residing.

3. Leave on half pay limited to two years at any one time for each disability and five years in the whole service in cases of injury giving rise to claims for compensation. Leave salary in su cases to be reduced by the amount of compensation payable under section 4 (i) (d) of the Workmen's Compensation Act.

Menials paid from Contingencies.

Men paid from contingencies are granted such casual leave as would be given to private servants, the ordinary limit of 10 days at a time and fifteen days not being applicable.

Employees borne on the Day Extra Establishment - Proposed leave under Chapter IV-A - of the Factories Act.

All employees of the Day Extra establishment who have completed a continuous service of twelve months within the meaning of the explanation under Section 49-B of the Factories Act shall allowed during the subsequent period of twelve months, holidays for a period of ten or, if an adolescent fourteen days inclusive the day or days, if any, for which he is entitled to a holiday und sub section (i) of Section 35 either at a stretch, or in more than one spell, if the workers so choose. They will further be allowed to accumulate their leave as in section 49-B (2) subject to the monetary benefit admissible under section 49 (c) of the Act.

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SUMMARY OF LEAVE CONCESSIONS TO EMPLOYEES SERVING UNDER THE VARIOUS SERVICE RULES.

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Permanent Salaried men (superior and inferior) serving under Simplified Leave Rules.

--

1. Privilege leave at the rate of one month for every eleven months duty upto four months at any one time. Furlough at the rate of two months for every year's service upto two years, without medical certificate extended upto three years on medical certificate. If combined with privilege leave and commuted furlough upto two years only. Five years' furlough for the whole serice.

2. Leave on full pay at any one time is limited to eight months (privilege leave and commuted furlough).

3. Total commuted furlough on medical certificate (double th ordinary furlough) in the whole service in one year.

FUNDAMENTAL RULES.

1. Leave on average pay at one eleventh of duty upto four months without medical certificate and leave on average pay for one year on medical certificate in the whole service. Leave account at two elevenths of duty.

2. Continuous leave of 28 months (leave on average pay and leave on half ~~pay~~ average pay at any one time).

MADRAS LEAVE RULES.

1. Earned leave at 1/11 of duty upto 90 days (leave salary-pay or average for 36 months whichever is more). Fraction of hal and or over counted as one day.

2. 1 year in all on medical certificate (leave salary equal to half pay) extension by six months on recommendation by medical authority.

3. 6 months in all on private affairs 3 months at a time - Leave salary equal to half pay.

Non-permanent Government servants (in inferior service) Governed by the Madras Leave Rules.

Leave on medical certificate calculated at 10 days for every completed year of service.

Temporary salaried men governed by the Fundamental Rules.

Leave on average pay up to four months without medical certificate (one eleventh of duty) or leave on half average pay upto 3 months on medical certificate at a time.

Leave Under the Industrial Employees' Leave Rules of 1933 Permanent and acting salaried men (superior).

1. Leave on average pay at the rate of one month for every eleven months duty upto four months at any one time.

2. Leave on half average pay on medical certificate for thre months which may further be extended by three months on a fresh medical certificate from the Chief Medical Officer of the distric Leave on medical certificate during the whole service not to exceed two years.

3. Leave on half pay limited to two years at any one time

for

for each disability and five years in the whole service in cases of injury giving rise to claims for compensation. Leave salary in such cases to be reduced by the amount of compensation payable under section 4 (i) (d) of the Workmen's Compensation Act.

4. Fractions of a day and parts of a day for late attendance are counted against the leave due.

All employees including Day-extra men and men paid from Contingencies.

1. Hospital leave under the subsidiary rules to Fundamental Rule 101 (b) - Except salaried employees who are governed by the Indistrial Employees' Leave Rules.

2. Special casusl leave (under paragraph 7 of G.O. No.406, Finance dated 7th May 1923 for contact with infectious diseases.

3. Special casual leave for 15 days for anti-rabic treatment (except men paid from contingencies).

4. Members of the Auxiliary and Indian Teritorial Forces treated as on duty for periodical and annual training.

5. Leave without pay when no other leave is admissible.

Revised Industrial Employees' Leave Rules 1936.

1. Leave on full pay at the rate of one month for every complete period of 11 monthsduty up to 90 days at any one time. (Rounding of fractions of a day not permissible vide para 2 of G. No.677 Edn., dated 2-5-1944).

2. For 1 year in all - on medical certificate recognized unde any rule or order of Government leave on half pay up to 3 months and a further extension of leave on half pay not exceeding 3 mont on the production of a fresh medical certificate granted by the officer in Chief Medical charge of the district in which the emp is residing.

3. Leave on half pay limited to two years at any one time fo each disability and five years in the whole service in cases of injury giving rise to claims for compensation. Leave salary in s cases to be reduced by the amount of compensation payable under section 4 (i) (d) of the Workmen's Compensation Act.

Menials paid from Contingencies.

Men paid from contingencies are granted such casual leave as would be given to private servants, the ordinary limit of 10 days at a time and fifteen days not being applicable.

Employees borne on the Day Extra Establishment - Proposed leave under Chapter IV-A - of the Factories Act.

All employees of the Day Extra establishment who have completed a continuous service of twelve months within the mean of the explanation under Section 49-B of the Factories Act shall allowed during the subsequent period of twelve months, holidays for a period of ten or, if an adolescent fourteen days inclusive the day or days, if any, for which he is entitled to a holiday u sub section (i) of Section 35 either at a stretch, or in more tha one spell, if the workers so choose. They will further be allow to accumulate their leave as in section 49-B (2) subject to the monetary benefit admissible under section 49 (c) of the Act.

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OFFICE OF THE CHIEF INSPECTOR OF FACTORIES, CHEPAUK, MADRAS.

Endorsement No.B.2921/46, dated the 6th September, 1947.

11 SEP 1947

Sub:- Factories Act - Chapter IV-A - Holidays with pay - Government Press, Madras - Adaptation of Leave Rules -

Ref:- Endt. No.75143-F-I/47-5, dated the 22nd August, 1947 on letter No.2/Mis/SBC, dated the 11th August, 1947 of the Superintendent, Government Press, Madras -

- - -

Re-submitted to the Secretary to Government, Education & Public Health Department, Fort St. George, Madras.

p.31 ante

Para 3A:- The Superintendent, Government Press has misinterpreted Section 49-B of the Act. Once the qualifying period of service is put in, the worker gets a statutory right for the holidays with pay, and he alone and not the employer, has the option of refusing the holidays and carrying them over to the next period of 12 months. Unless the factory is exempted under Section 49-G the 10 holidays have further to be given in one spell.

Para 3(B):- The Act does not make any difference between permanent and non-permanent workers. The qualifying period of service alone is the criterion for the grant of the holidays with pay.

Para 3(C):- The amendment may be accepted.

Para 3(D):- Payment of wages in lieu of holidays have to be made only when claims are made by discharged workers. The suggestion to advance the final date of discharge cannot be accepted and provision has to be made in the leave rules as per the provisions of Section 49-B(3).

The Superintendent may be requested to frame one complete set of revised Leave Rules applicable to all workers in his factory whether temporary or permanent on the lines indicated in this Office Endorsement to Government No.B.2921/46, dated the 3rd March, 1947.

pp.23-24 ante

rm.9/9.

for Commissioner of Labour &
Chief Inspector of Factories, Madras.

To
The Secretary to Government,
Education & Public Health Department,
Fort St. George, Madras.

27

51 42 27

E&P.H.(71)

Memo No. 75148-F1/46-6. Edn. D. 30-9-47

Factories Act – Chapter IV-A – Holidays with pay – Govt. Press, Madras – Adaptation of leave rules.

Ref: From the S.G.P., No. 2/Mis/SBC, dated 11-8-47.
" " Commr. of Labour, Endt. No. B. 2521/46, dated 6-9-47.

10/1/10 By

p. 31 c
p. 41 c

× p. 31 c

(T)/3

With reference to his ~~ref~~ ~~re~~ remarks in reply to para 3A of the S.G.P's letter cited above, the Commr. of Labour is informed that section 49-B(3) of the Factories Act, 1934, as amended, does imply a right on the part of the employer to refuse holidays to a worker, though not absolutely but at the particular time it is applied for owing to administrative inconvenience with a view to its being given later on during the prescribed period; no reference to this section has been made by the Commr. in his reply referred t

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~~with reference to this sec~~
above. The Commr is requested to examine the suggestion made by the S.S.P. in the light of this section and offer his remarks thereon.

30.9.47

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To ✓ 8/10
The S. Commr of Labour

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28

FACTORIES DEPARTMENT.

From
R. M. Sundaram, Esq., O.B.E., I.C.S.,
Commissioner of Labour & Chief Inspector of Factories,
Chepauk, Madras.

SECRETARY TO GOVERNMENT
19 NOV 1947
AND PUBLIC HEALTH DEPT.

To
The Secretary to Government,
Education & Public Health Department,
Fort St. George, Madras.

B.No.2921/46-47, dated the 15th November, 1947.

Sir,

9107

Sub:- Factories Act - Chapter IV-A - Holidays with pay - Government Press, Madras - Adaptation of leave rules -

Ref:- Government (Education & Public Health Department) Memo No.75143-47-6 dated the 30th September, 1947 and Government's Endorsement No.83778-F1/47-I, dated 30-10-1947.

p 42-43 cp

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p 31 ante

The Superintendent's suggestion to add a note under Fundamental Rule 67 may be accepted. The note may read as follows:- 'The workers in the Government Press, Madras, who come within the purview of Chapter IV-A of the Factories Act and who have completed a period of twelve months' continuous service within the meaning of the explanation under Section 49-B of this Act shall not, however, be refused leave to the extent provided in Section 49-B(1) of this Act'. The Superintendent is however not correct when he states that if the right to refuse the leave is conceded, the right of the employee to have the 10/14 days at a stretch will also lapse. The employer may refuse the leave at the particular time it is wanted by the employee for valid reasons of administrative inconvenience but if the leave is granted, the full period of 10/14 days has to be given. If however, an exemption under Section 49-G has been granted by the Government, the leave may either be given in one stretch or in more than one spell if the worker so chooses.

A

for Commissioner of Labour &
Chief Inspector of Factories.

rn.17/11.

17-11-47

46/55

p-31y from the S.G.P. No. 2-Mis-SBC-D 11.8.47.
From the C.G.L. No B-2921-46 Dt 6.9.47 + 15.11.47
pages 41 to 44 y.

E.H.A. (71)

5/6

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Memo 75143-F1/47-8. Edu. D 7-1-48

Govt. Press - Holidays with pay - Exemption from Chapter IVA of the Factories Act.

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pages 41 to 44 y.

Extracts from the remarks of the Commr. of Labour on the proposals contained in the Supt's letter are forwarded to the S.G.P. The Supt. is requested to submit revised proposals for leave for all workers ~~[illegible]~~ permanent or temporary in the Govt. Press in the light of the Commissioner's Observations

C. 75143/47

2 / 47

observations - The proposals may show in one view the leave rules which are now in force for the workers and the amendments which are, now necessary in those Rules -

7/12/47

5.12.47

To
The S.G.P
[With extracts from the Commr.'s letters of 6.9.47 (as edited) and 15.11.47]
Copy to the C of L.

pages

10-1-48

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30 57/48

C. 75143/47

Govt. Press - Holidays with pay - Exemption from Chapter IV. A of the Factories Act.

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Ref: Memo. No. 75143-F1/47-8. Edn. d. 7-1-48.

Memo. No. 75143-F1/47-9 Edn. D. 24-2-48

The attention of the S.G.P is invited to the above memo and he is requested to expedite his reply to it.

To.
The S.G.P.

23/2/48

23.2.48

24/2/48

25/2

27/2/48

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From
A. Lepper Esq.,
Superintendent,
Government Press, Madras.

To
The Secretary to Government,
Education and Public Health Department,
Fort St. George, Madras.

-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-

No.2/Mis/S.B.C., dated 3rd March 1948.

Sir,

Asst. Secretary to Government
4 MAR 1948
Education and Public Health Dept.

Sub: Government Press, Madras - Holidays with pay - Exemption from Chapter IV-A of the Factories Act.

With reference to Government Memorandum No.75143.F1/47-48 dated 7-1-48 on the subject indicated above, I have the honour to offer the following further remarks on certain points raised by the Commissioner of Labour in his Endorsement No. 32921/46 dated 6th September 1947 and letter No.B.2921/46-47 dated 15th November 1947.

2. Para 3(i) and (ii) of this Office letter No.2/Mis/S.B.C., dated 14th August 1947. The proposed amended Note to the Fundamental Rule 67 may be accepted. But, granting that the employee's right to have the 10/14 days at a stretch will not lapse even though he would have had this or ~~more~~ longer period of leave in all in broken periods of less than 10/14 days after the refusal of the original application, it will be subject to his having leave to this extent at his credit. This situation will not however, arise if exemption under Section 49-G is granted.

16838

3. Para 3(iii) of this office above letter.- On the presumption that, because of the more advantageous terms of leave rules to the workers in the Government Press than those enjoined by the Act, exemption from Section 49-G of the Act will be granted, I had to make mention of the different kinds of leave rules applicable to them depending upon the date of entry and confirmation in the service. It is only in the case of non-permanent workers in the salaried establishment, who, though they may satisfy the conditions of continuous service within the meaning of the explanation under section 49-B of the Act even after giving the construction to it in the light of the instructions issued by the Inspector of Factories, First Circle in his Circular letter No.Pdl.18/47-C 3749/47 dated 27-9-47 (copy enclosed) are governed by the Madras Leave Rules, there will arise account difficulties. It was, to overcome these, that the proviso was proposed to be inserted as the relaxation made in para 2 of G.O.Press No. 3238, Development dated 24-8-46 is not sufficient. The amendment previously proposed may be amended as follows:-"Provided that in the case of non-permanent workers in the Government Press, Madras who come within the purview of Chapter IV-A of the Factories Act and who have completed a period of twelve months' continuous service within the meaning of the explanation under Section 49-B of the Act, the rules regarding completion of probation will not apply for purposes of earning leave."

4. Para 3(v) of this office letter.- The contingency will arise only when claims are made by discharged workers and that provided they had not already had 10/14 days leave in all for a continuous period of service of 12 months. My suggestion to advance the final date of discharge will apply only to those eligible cases when applications are received on the date of discharge. The extension of final date of discharge is only to cover this leave period for the drawal of leave salary and at the same time for treating the post thereof as supernumerary. It has not been stated as to how long the employer is to wait for claims from discharged persons who leave of their own accord to entitle them to the benefit. If Government do not agree to my proposals for advancing the date of discharge under the above circumstances the other alternative is to treat such expenditure as contingent charges debitable to a distinct head viz., "56 Stationery and Printing (d) Government Presses - B. Productive Branches - 3. Other charges - Honoraria and Miscellaneous charges.

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3. I have covered in the above all the grounds of further objections raised by the Commissioner of Labour. Inasmuch as by the insertion of the necessary provision in the Code rules and in view of the exemption Government propose to sanction under Section 49-G, there is no necessity for the framing of unified rules on the same lines as already contained in the respective codified rules. If Government still consider that this is necessary, I would request Government to place the work with the Finance Department as the compilation and codification of a unified set of rules from the various Chapters, Articles and rules contained in the C.S.R., F.R., and I.E.L. Rules are beyond the scope of this office which has not got enough experienced staff to undertake the work. The sections of various rules already summarised and furnished to Government with my letter No.2/Mis//S.B.C., dated 14-8-47 will I think be sufficient to satisfy the Statutory provisions regarding the grant of holidays with pay under the Factories Act.

P 41 Para

pp 31-40 ante

Superintendent.

R 3/3.

E.o.1.

ENCLOSURE.

3.2

32 ~~52~~ 61

Copy of Circular letter No.Pdl.18/47/C.3749/47 dated 27-9-47.

1. It has been represented that in many cases workers have not been allowed holidays in respect of their service prior to 1-1-46 on the ground that proper records do not exist to establish whether the provisions of the law have been complied with or not. It is suggested by the Government of India that the provisions of the law should be interpreted in a broad spirit and that the workers should be given the benefit of the holidsya except in cases where it is clear that they are not entitled to it.

2. The interpretation of the explanation under Section 49-B of the Act has also given rise to discontent. It has been represented that a strict construction is being placed on the text of the explanation and that workers who for one reason or another, have absented themselves for very short periods without obtaining leave are not allowed the benefit of holidays. This again will lead to considerable hardship. The general concensus of opinion is that workers who absent themselves without authorised leave should not be held to have forfeited their previous service provided

a) Such unauthorised absence does not in the aggregate exceed 20 days and

b) such unauthorised absence together with absence on account of sickness, accident, or authorised leave does not in the aggregate, exceed 90 days.

3. Pending amendment of law, the Government of India have requested that these suggestions should be given effect to, as its adoption would go a considerable way towards allaying discontent among workers in regard to the application of the provisions relating to Holidays With Pay.

4. The Manager of Factories are requested to give effect to the suggestions of the Government of India.

R 3/3.

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63

FACTORIES DEPARTMENT.

From

R.M.Sundaram Esq., O.B.E., I.C.S.,
Commissioner of Labour, and Chief Inspector
of Factories, Chepauk, Madras.

To

The Secretary to Government,
Education and Public Health, Madras.

ASST. SECRETARY TO GOVERNMENT
12 JUN 1948
EDUCATION AND PUBLIC HEALTH DEPT.

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43431

Sir,

No. B.2921/46 dated 9-6-48.

Sub:- Factories (Amendment) Act 1945 - Holidays with pay-Government Press, Madras-Exemption under Section 59-G.

Ref:- This office letter No.B.2921/46 dated 15th November 1947.

- - - -

I request that the orders of Government in the matter may kindly be communicated to me.

for Commissioner of Labour, and
Chief Inspector of Factories, Madras.

AD/9.6.

9/6

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As orders are being issued, this may be filed.

Sh
14-6-48.

Government Press - Grant of Holidays with pay under the Factories Act - Orders passed.

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pp.21-23 cf From the S.G.P. No.S.B.C. dated 18-12-46.

pp. 23 24 cf " Commissioner of Labour and Chief Inspector of Factories Endt. No. B.2921/46 dated 3-3-47.

page 41 cf " Chief Inspector of Factories No.B.2921/46 dated 6-9-47.

page 44 cf " " dated 15-11-47

page 31 cf " S.G.P. No. 21 Mis/SBC dated 11-8-47.

page 50-52 cf " -do- No. 2/Mis/SBC dated 3-3-48.

ORDER/MS. NO. 1580 A 2056 ~~P.H.~~ DT. 17/6/48

2/9/6
18

page 22-23 cf

The S.G.P. has represented to the Government the difficulties which may be experienced in the application of Chapter IV A of the Factories Act, 1934 to the Government Press, and has, therefore requested the Government to exempt the Government Press from the operation of the provisions of Chapter IV A of the Act. He has also stated that the existing rules applicable to the workers of the Government Press provide the first three privileges referred to in para 3 of G.O.No.3238 Dev., dated 24-8-46, except in the case of two classes of employees namely "Day extra establishment' and 'establishment paid from contingencies'. He has submitted proposals to extend leave privileges to these two classes of workers also.

page 21 cf

2. The Government approve the following draft notice submitted by the S.G.P. to provide for the grant of annual holidays prescribed in the Factories Act to the day-extra establishment.

'C' on page 21 cf

"All employees in the Day extra establishment who have completed a continuous service of twelve months whithin the meaning of the explanation under section 49-B of the Factories Act shall be allowed during the subsequent period of 12 months holidays for a period of ten or, if an adolescent, fourteen days, inclusive of the day or days, if any, on which he is entitled to a holiday under section 35(i) [Section 49-B(i)] either at a stretch, or in more than one spell, if the worker so chooses. They will further be allowed to accumulate their leave as laid down in section 49(B)(2) subject to monetary benefit admissible under section 49-C of the Act."

They also approve the proposal of the S.G.P. that persons paid from contingencies, who are already allowed casual leave privilege which is more than what is mentioned in the Factories Act may be given the same concession in regard to accumulation of leave as in the case of day extra establishment.

par 4(b) on page 22 cf.

3. In order to preserve the rights to leave to the extent provided in section 49-B(1) of the Factories Act in the case of the permanent salaried establishment and to grant such leave to non-permanent workers in the salaried establishment of the Government Press, the S.G.P. has submitted the following proposals:-

paras 5&8 on page 22 cf.

(1) that a note as below may be inserted under F.R.67,

> "The workers in the Government Press, Madras, who come within the purview of Chapter IV-A of the Factories Act and who have completed a period of twelve months' continuous service within the meaning of the explanation under section 49-B of this Act, shall not, however, be refused leave to the extent provided in Section 49-B(1) of this Act".

'A' on p44 cf

an(2) that a proviso as below may be added at the end of rule 17 of the Madras Leave Rules.

> "Provided that in the case of non-permanent workers in the Government Press, Madras who come within the purview of Chapter IV-A of the Factories Act and who have completed a period of twelve months continuous service within the meaning of the explanation under Section 49-B of the Act, the rules regarding completion of probation will not apply for purposes of earning leave".

'B' on page 59 cf

The Government approve the above proposals. Necessary amendments to F.R. and the Madras Leave Rules will be issued by the Finance Department.

4. In order to provide for the remaining privileges, (4) and (5) mentioned in para 3 of G.O.No.3238 Devt. dated 24-8-46, the S.G.P. has proposed (1) that the payments under sections 49 D and 49 B(3) of the Factories Act may be treated as special advances recoverable under Article 246 of the M.F.C. Vol.I and (2) that the expenditure in meeting claims made by discharged workers may be treated as contingent charges debitable to a ~~district~~ distinct head i.e. "56 stationery and printing (d) Govt. press- B Production Branches- 3 Other charges. Honoraria and Miscellaneous charges". ~~The above~~ These proposals of the S.G.P. are also approved ~~by the Government~~.

(D)

paras 5&8 on p22 cf

'D' on page 50 cf.

p.t.o.

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page 8 N.F.

5. The S.G.P. is requested to apply now for exemption formally through the Commissioner of Labour with a copy of the revised leave rules to the Government in the Development Department.

To the S.G.P.
" " Commr. of Labour.thro' Devt.Dept.
" " A.G.thro' Fin.

" " Finance Dept. (with relevant extracts of cf and notes)
" " Devt.Dept.
(c y of .6-13 NF. and pp 31-34, 41, 50-52 cf)
2 s/c

Gr 31-5-48 2-6-48

OSM 3/6/48

desp'd 8 26/6/48

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SECRETARY, EDN. AND P. H. DEPT.
9 - DEC 1946
GOVERNMENT OF MADRAS

[illegible] urgently

Please [illegible] the Hon. urgently

Submitted that the recuperative leave referred to in the Unions letter is evidently with reference to the orders in G.O. 3238 Dev. Dated 24-8-46. It has been ascertained from the P.A. to the Supdt, Govt. Press that the concession granted in the above G.O. has not yet been made applicable to the workers in the Govt. Press and that the S.G.P. is separately addressing the Govt. in the matter. The Communication will be received here in a day or two. In the meanwhile it is for consideration whether the present representation of the union may be referred to the S.G.P. who may be requested to send his reply by return.

For Orders.

OSM
10/12/46

A draft memo is submitted for approval

KRB
10/12/46

OSM
10/12/46

[Memo No. 75743-171 Edn dated 10-12-46]

70

18-12-46 p.21 c.f.

From the S.G.P.No.S.B.C. dated ~~7th Jany. 1947~~ ~~G.No.1260~~

From the Commissioner of Labour, Endt.No.B.2921/46 dated 3-3-1947. C.No.18485.

Under the Factories Act, 1934, as amended by the Amendment Act of 1945 (Central Act III of 1945) the employees of the Government Press should be granted holidays with pay as per the provision laid down in Chapter IV-A of the Act. Under Section 49-F of the Act the S.G.P. has in this connection to maintain certain registers, etc., unless the Government Press is exempted from the provisions of Chapter IV-A of the Act. The Superintendent has pointed out the enormous difficulties that will be experienced in following the provisions of the rules issued under section 49-F of the Act in regard to the maintenance of registers, etc. He therefore requests that the Government Press may be exempted from the provisions of Chapter IV-A of the Act. Such exemptions in the case of particular factories can be granted only if the leave rules applicable to the workers in those factories provide for the five privileges mentioned in para 3 of G.O.No.3238 Dev. dated 24-8-1946. The Superintendent states that the existing leave rules applicable to the workers of the Government Press provide for the first three privileges referred to above except in the case of two classes of employees, namely 'Day-extra establishment' and establishment paid from contingencies. In the case of the day extra establishment the Superintendent has now issued a notice extending similar privileges and he proposes that the same concessions may be extended also to establishment paid from contingencies. With reference to the privileges (4) and (5) referred to in para 3 of G.O.No.3238 Dev., dated 24-8-1946, he suggests that the payment of half leave salary in advance under section 49-D and the leave salary under the provisions of section 49-B(3) may be treated as one of the classes of special advances recoverable under Article ~~247~~ 246 of the Madras Financial Code Volume I. He also suggests that in order to comply with the provisions of Section 49-B(3) of the Act, the final date of discharge of a worker may be advanced by the number of days of leave due to the worker under the Act. The Commissioner of Labour agrees with the suggestions made by the Superintendent, except with the one

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pp.22-23 c.f.

p.23 c.f.

p.21 c.f.

ibid

x para 4 (b) on p.22 c.f.

paras 5, + 8 on p.22 c.f.

A para 7, p.23 c.f.

p.24 c.f.

35 71

37

referred to at "A" ~~above~~ in page 2 ante. He states that it will not be possible to adopt this suggestion, in the case of workers who, having applied for leave and having been refused the leave, quit ~~their~~ service~~s~~ of their own accord before they have been allowed to leave. The Commissioner also states that the existing leave rules and also the leave rules now proposed for the day-extra establishment should be amended as suggested by him at 'X' on p.23 c.f. It is for orders whether the proposals made by the Superintendent may be generally accepted subject to the suggestions of the Commissioner of Labour referred to above. The Commissioner's suggestion may be put to the Superintendent and he may be asked to revise suitably the existing and the proposed leave rules and apply for the necessary exemption under section 49-G of the Act. The case may be sent to Dev. and Finance u.o. for remarks.

p.23 c.f.

21 c.f.

A2

14-3-

pp.23-24 c.f.

M

T/3

9/4/47 S

9/4/47

Dev.

Fin.

Edn. U.O. 75143-37/Edn

10.4.47

34046

Devt. Dept.

The proposal of E & P.H at M above may be agreed to and the file passed on to Finance.

16/4/47 Finance

14/4/47

15/4/47

Devt. U.O. 34046 P.IV/47-1

16-4-47

Fin (CSR)

The remarks on pp 21-24 c.f and the notes on pp 2-3 above may be perused. This Dept may accept the proposal at M on p3 above.

18/4

E.P.H.

ASST. SECRETARY TO GOVERNMENT
16 APR 1947
FINANCE DEPARTMENT

F. No. 22834 CSR
18.4.47

17-4-47.

17/4/47

ASST. SECRETARY TO GOVERNMENT
21 APR 1947
30334
EDUCATION AND PUBLIC HEALTH DEPT.

~~Previous~~ notes ~~on pages 1-3 above~~ of Dev and Finance on page 3 ante. E&P.H(71).
A draft memo to the S.S.P. is ~~placed below for~~ submitted.
~~approval with reference to 'A' on page 3 ante~~

May be circulated to H.M. (Edn.) for approval. Vide minute on p. 1+7 cf.

29.4.47 29.4.47 29-4-47 S

H.M. (Edn.) TSA 2.5.47

[Memo No. 75143-4-71, Edn dated 3-5-47]

From the S.S.P., No. 2/Mis/SBC, dated 11-8-47 — p. 31 cf.

Secretary, Edn. and P.H. Dept.
2 MAY 1947
Government of Madras

Please see the S.S.P's letter and its encls at pages 31-34 cf. The S.S.P. has offered his remarks on the 5 suggestions made by the Commr of Labour in his Endt on pages 23-24 cf. The Supdt's reply may first be referred to the Commr of Labour for remarks. A draft endt is submd on page 32 cf. for approval.

21.8.47 21/8/47 S

[Endt No. 75143 71/47-5 Edn dated 22-8-47] — p. 32 cf.

From the Commr of Labour, Endt No. B-2921/46, dated 6-9-47. — p. 41 cf.

Please see the Commr of Labour's reply at page 41 cf. The Commr's views at P, Q and R on page 41 cf. seem correct and they may be approved. The amendment to the draft notice at page 21 cf proposed by the S.S.P. — para (c) on p. 32 cf — and accepted by the Commr of Labour x may be approved. x p. 41 cf.

A draft memo is submd for approval. Dev. and Finance may see before issue.

17.9.47 17-9-47 S

I am not sure that 'P' on p. 41 is correct. 45 B.3 [illegible] things — not absolutely, but as the particular time of the officer [illegible] administration [illegible], with a view to its being given later or during the prescribed period. No reference has been made to 45 B.3 in 'P'. Refer to him further to him.

Secretary's orders on page 4 ante

A draft memo is submd for approval

29.9.47 30.9.47

pages 29-30 cf. [Memo No. 75143-47-6 Edn. Dt 30.9.47]

From the Commr of Labour No. B-2941-46-47 — Dt 15.11.47.

Secretary's note at the bottom of the previous page.

The Commissioner's modified views in his letter on p44 cf. seem to be correct. Extracts from his observations may be communicated to the S.S.P. The Supt. may be asked to submit proposals for revised leave rules in accordance with the suggestions of the Commr., showing in one view the existing leave rules applicable to the workers and the amendments which have now become necessary.

After these proposals are received the suggestion for the insertion of a note under F.R.-67, the amendment of the Madras Leave Rules & the question of exemption may be pursued.

A draft memo is submitted for approval. Devt. & Fin. may again see.

page 44 cf.

Z on p. 32 cf.

under sec. 49-G.

Fourth Assistant Secretary to Govt.
9 DEC 1947
Development Department

5.12.47 7/12/47 S

E&P.H. No. 75143-F/46-7.

121528.

To AS

Devt Dept

The previous notes of this dept are on page 3 ante. Further notes may be perused and the file passed on to Finance.

10/12/47

10.12.47

17/12/47 Finance

Dev. U.O. 121588 P.W./47-1
18/12/47

ASST. SECRETARY TO GOVT.
18 DEC 1947
77108 C.S.R
FINANCE DEPARTMENT

Fin (C.S.R)

(Previous Fin. note on p.3. above)

The further notes from p.5 above and the draft memo. below may be perused and the file returned to EPH.

19.12.47

28/12/47

ASSISTANT SECRETARY TO GOVERNMENT
EPH
3 - JAN 1948
172
EDUCATION AND PUBLIC HEALTH DEPARTMENT

Fin. U.O. 77108 C.S.R-1
28.12.47
EPH Dt (7-1)

The draft memo below may now issue -

3.1.48

5/1/48 S/11

5/1/48

T.S.A
7.1-48

09/30 5/1

SECRETARY, EDN. AND P.H. DEPT.
7 - JAN 1948
GOVERNMENT OF MADRAS

[Memo No. 75743-71-47-Edn Dt 7.1.48

Cw 16838 from the S.G.P. No 21/cis S.B.C. dated 3.3.48 | pp 50-52 cf pafs

46-47

The S.G.P. has now offered his further remarks with reference to the letters of the Commissioner of Labour dated 6-9-47 and 15-11-47 at pp 41 and 44 cf. | pp 50-52 cf

The S.G.P. agrees to the draft note under F.R 67 suggested by the Commr of Labour at 'A' on p 44 cf. He has modified his draft proviso ~~at~~ proposed at the end of rule 27 | p 32 cf

rm.

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of the Madras Leave Rules, 1933 as at 'B' on p 50 cf. ~~Two two proposals are in respect of~~. The first proposal is to preserve the right of the workers to leave to the extent provided in section 49-B(1) of the Factories Act. The second proposal is to provide for the grant of such leave to non-permanent workers in the salaried establishment, viz. non-permanent men in the superior or inferior service. (T)

As regards ~~to~~ the grant of this leave to day-extra establishment, ~~and establishments~~ the S.G.P. ~~states~~ has proposed ~~the draft~~ notice allowing the grant of annual holidays prescribed in the Factories Act. The draft notice as finally amended ~~by~~ is at 'C' on p 21 cf.

The S.G.P. also proposes that ~~persons~~ paid from contingencies who are already allowed casual leave privilege which is more than what is mentioned in the Act, may be given the same concession in regard to accumulation of leave as in the case of day-extra establishment.

In the circumstances stated the above proposals may be approved / Necessary amendments to the F.R and the Madras Leave Rules may be issued by Finance. The S.G.P. has not sent a unified set of rules applicable to all workers in the Press as called for as he is not able to prepare one. He suggests that if such a set is to be codified, it may be done by the Finance Dept. It does not seem necessary to prepare a unified set of rules. After the rules are amended as proposed above, sections of various rules applicable to all may be summarised by the S.G.P and sent to the Commr of Labour. For orders

For complying with the provisions of sec. 49-B(3) of the Factories Act, the S.G.P proposed that the actual date of discharge be advanced by the number of days of leave due to the employee under the Act. ~~The~~ The Commr of Labour does not agree to this. The S.G.P. has now proposed as an alternative that such expenses may be treated as contingent charges

CGP

charges debitable to the head proposed by him at 'D' on p 50 cf. In the circumstances stated his revised proposal may be supported. ly M

If the leave concessions (which sho be given under the Factories Act) are provided for as proposed above in the case of all workers in the Press who come within the purview of chap. ~~VI~~ IV A of the Act, exemption under section 49 G of the Act may be given as ~~proposed~~ suggested by the S.G.P. It is presumed that final orders in this matter of exemption will have to be issued in Devt. Dept. ly

Devt and Finance ~~and Dr~~ may see for remarks.

av 18348

JM 19/3/48

Dev. Fin.

E&P.H. UO. No. 75143/F1/48-10 20/3/48

Devt Dept.

The file relates to the proposal to exempt the Govt Press, Madras from Chapter IV A of the Factories Act under section 49 G of the Act. The previous notes of this dept are at pages 3 and 6 above. Further notes on pages 6-8 above may be perused.

This dept may accept the proposed revision of the leave rules as suggested in the notes on pp 7, 8 above. E&P.H. may be requested to ask the Supdt Govt Press to apply for exemption formally through the Commr of Labour with a copy of the revised leave rules. N

The file may be passed on to Fin.

22/3/48 22/3/48

22/3/48 Finance

Dev. U.O. 34099 P.IV 26.3.48

31099
FIFTH ASSISTANT SECRETARY TO GOVERNMENT
-2 MAR 1948
DEVELOPMENT DEPARTMENT

ASST. SECRETARY TO GOVERNMENT
19915
24 MAR 1948
FINANCE DEPARTMENT

Finance (C.S.R)

(Finance last noted on p. 6 above)

Please see the further notes on pp. 6-8 above.

This dept. also may agree to the proposals of E&P.H. in their notes on pp. 6-8 above subject to the remark of Devt. at N on P. 8 above.

Sey 31348 1/4/48.

Thro' B.G. 2.4.48 p. 4 above

cf Sections 48-B(3) & 49(C) of the Act - (T).

Para 4 of S.G.P's letter on p. 50 C.F: The S.G.P's suggestion is that when payments are made under the Factories Act in the case of discharged workers and workers who ~~h~~ had stopped on their own accord and who had not already had 10/14 days leave in all for a continuous period of service of 12 ~~years~~ months, such expenditure may be treated as contingent charges and debited to "56. Stationery and Printing - d. Govt. Presses - B. Productive Branches - 3. Other charges - Honoraria and Miscellaneous charges". As it will not be in order ~~to~~ to debit the allowances paid to an ex-worker to the sub head "Pay of Establishments", the S.G.P's suggestion to treat them as contingent charges and to debit them to "Other charges - Honoraria and Miscellaneous charges" may be accepted. There is also one other advantage in the S.G.P's suggestion viz that claims can be quickly paid as and when they are preferred. If these payments are to be shown under "Pay of Establishments" there will be considerable delay in making payments as the amounts will have to be drawn on supplementary Pay Bills.

'D' on p. 50 CF

R 9.4.48

2. The S.G.P. has also raised the question regarding the time upto which the Govt. should wait for claims from discharged persons who left service on their own accord. It is stated that it would be difficult to examine and verify the claims if they are received after ~~extending~~ a long period. Finance may perhaps sugge

'H' on p. 50 CF

78

That claims preferred after a lapse of three months (i.e. three months after the worker had stopped away from work) need not be paid. | A

Legal may be consulted as to whether this can be done under the Act.
8.4.48
9.4.48
9.4.48

DS

16/4

E-PH
71

Fin. 19915 CSR 1
10-4-48

ASST. SECRETARY TO GOVERNMENT
27085
14 APR 1948
EDUCATION AND PUBLIC HEALTH DEPT.

Please see the remarks of Dept and Finance above. They agree to the proposals of this dept at pp 7-8 ante subject to the remark at 'A' in p. 8 ante. Finance however suggest that a time limit ~~of three~~ months (i.e. three months after the worker had stopped away from work) may be fixed for preferring claims for leave concessions from discharged persons. Legal may see for remarks whether this can be done under the Factories Act.

av
16.4.48

18/4/48 Legal

XXX E&P.H. U.O. No
75143/F1/46-11
19/4/48

O 4708
s/A

ASSISTANT SECRETARY
20 APR 1948
LEGAL DEPARTMENT

Legal Dept.

The Factories Act, 1934, applies to factories belonging to the Crown – see section 80 of that Act. Section 49-B (3) of that Act casts an obligation on the employer to pay the amount payable under section 49-C in respect of the holidays to which the worker is entitled but has not been allowed and consequently the worker is given a right under that section to recover that amount from the employer, even without the intervention of the Inspector on his behalf under section 49-E. As such recovery can be made within the period of limitation prescribed viz 3 years under Article 102 of the First Schedule to the Indian Limitation Act, it is open to the worker to sue for the recovery of the amount due to him under section 49-B (3) within that period. Consequently, it is not open to the Govt. or the S.G.P. to refuse to pay the amount merely on the ground that the claim was made

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CSR — 139
79
41

after the period of three (years) months, even though ~~where~~ it is made within the period of limitation.

XXX

29.4.48

E-PH
EPH 71

Legal u.o. no 4708/48
.4.48

ASST. SECRETARY TO GOVERNMENT
30 APR 1948
31855
EDUCATION AND PUBLIC HEALTH DEPT.

Finance may see the note of Legal above before the file is circulated for orders.

av
1.5.48

1/5/48 Finance

E&P.H. U.O. No
75143/F1/46-12
1-5-48

ASST. SECRETARY TO GOVERNMENT
34
9 - MAY 1948
FINANCE DEPARTMENT

Finance (G.S.R)

With reference to the ~~sen~~ notes of this dept. at A on p. 10 above, please see the note of Legal on pp. 10-11 above.

In the circumstances stated by Legal, ~~it may be laid down that claims preferred after a lapse of 3 years (i.e. three years after the worker had stopped away from work) need not be paid.~~ no time limit need be specified as suggested by this Dept. previously. [Such claims will automatically be governed by the '3 years ~~limit~~ limitation' in the Indian Limitation Act]

Sey.
7.5.48

9/5

Fin 342 46-GSR-1
9-5-48
8.5.48

E-PH
71
Dept

ASST. SECRETARY TO GOVERNMENT
3488
11 MAY 1948
EDUCATION AND PUBLIC HEALTH DEPT.

Please see the remarks of Legal and Finance above. The file relates to the question of exempting the Govt. Press from the provisions of Chapter (T) IV-A of the Factories Act. Such exemptions in the case of individual factories can be granted only if the leave ~~concessions~~ rules applicable to the workers in those factories provide for the five leave privileges specified (U) in para 3 of G.O. No 3238 Dept. dated 24.8.46