

closed

①

Education Department

Gr. no. 2518 dated 8.9.50

17

Copy of letter No.B.472/50, dated 9-5-50 of the Chief Inspector of Factories, Madras. 3

Sub: Factories' Act, 1948 - Leave with wages - Engineering College, Workshop, Guindy - Exemption under Section 84 of the Act.

Ref: Your letter Rc.No.225-A2/50, dated 27-4-50.

mp 5/6 mfr
The rules sent by you are in order ~~except~~ the last part of Rule 1. The portion scored out may be deleted and a new portion added as follows: Subject to a minimum of ten days ordinarily and to a minimum of 15 days in the case of workers with over ten years service. This leave may be taken in one spell or in more than one spell as the worker, so chooses, subject of course to the exigencies of work in the Factory.

x/37
Please amend the rule 1 as above and get the revised rules approved by Government in the Education and Public Health Department. If a final application for exemption is made after the leave rules are so approved, I will take further action with Government in the Development Department in regard to the exemption to be granted to your Factory under section 84 of the Act.

(True copy)

M. S. S. S. S.

For Director of Public Instruction

2/3/56

1. Every worker in the Engineering College Workshop, Guindy, who has put in a period of twelve months continuous service shall be allowed during the subsequent period of twelve months, leave with wages, calculated at the rate of one day for every twenty days of work performed by him during the previous period of twelve months, subject to a minimum of ten days ordinarily and to a minimum of 15 days in the case of workers with over 10 years service. The leave may be taken in one spell or in more than one spell, as the worker, so chooses, subject of course to the exigencies of work in the factory.

Provided that the period of leave shall be inclusive of any holiday which may occur during such period. This leave may be availed of either at a stretch or in more than one spell.

2. If the employment of a worker, who has completed a period of four months continuous service in the workshop is terminated before he has completed a period of twelve months continuous service, he shall be deemed to have become entitled to leave for the number of days, calculated at the rate of one day for every twenty days of work performed by him during the period, and wages for the leave due calculated as per Section 80 of the Factories 1948, will be paid before the expiry of the second working day after the date of discharge.

3. If the worker does not, in any one period of twelve months, take the whole of the leave allowed to him under rule 1 above, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding period of twelve months. The total number of leave which may be carried forward to a succeeding period shall not exceed 15, provided that the worker who has applied for leave with wages but has not been given such leave, shall be entitled to carry forward the unavailed leave with out any limit.

4. If a worker entitled to leave under rule 1, is discharged from service before he has taken the entire leave to which he is entitled or having applied for and not been granted such leave he quits service before he has taken the leave due, he shall be paid the amount payable in respect of leave not taken and calculated at the rate specified in Section 80 of the Factories Act 1948 before the expiry of the second working day, after the date of discharge.

5. (a) Explanation:- A worker shall be deemed to have completed a period of continuous service notwithstanding any interruptions in service during that period brought about by:-

- (i) Sickness, accident or authorised leave not exceeding in the aggregate, one-sixth of the period or
- (ii) A strike which is not an illegal strike or a lockout or
- (iii) one or more periods of involuntary unemployment not exceeding in the aggregate one-twelfth of the period or
- (iv) leave granted or admissible under any other law.

(b) Authorised leave shall include any casual absence to any reasonable cause.

Provided that the worker within a week from the commencement of the absence gives the reasons for the absence in writing to the manager of the workshop and may include periods of unauthorised leave not exceeding in the aggregate one thirty-sixth of the period of continuous service, but shall not include any weekly holidays allowed, which occurs at the beginning or end of an interruption brought about by the leave.

(c) Illegal strike means a strike which is illegal within meaning of Section 24 of the Industrial Disputes Act 1947 (XIV of 1947) or of any other law for the time being in force relating to Industrial Disputes.

6. (a) For the leave allowed under rule 1 above, a worker will be paid at a rate equal to the daily average of his total full time earnings exclusive of any overtime earnings and bonus but inclusive of dearness allowance, for the days on which he worked during the months immediately proceeding his leave.

(b) A worker who has been granted leave for not less than four days under rule 1 above, shall be paid the wages due for the period of leave before his leave begins.

(7) These leave rules shall come into ^{force} from 30-8-1948.) 2

(True Copy).

JP.25.5.

7/30/50

Plc.f.

vide p6 c.f.

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x (X)

pl (X)

2/50
Memo. No. 14714-1/50 g dated 29-6-50. ^{Edn. (g)}
Sub: Colleges - Engg. College, Grindy Workshop
employees Liberalisation of leave rules.
Approval of draft leave rules.
from the D.P.I. No 225 A2/50 d. 3-6-50.

The D.P.I. is requested to report the addl. cost involved to the Govt. ^{in the introduction} of the ^{revised} leave rules, for which approval of the Govt. is now sought.

2. Rule 7 of the revised leave rules received with the Director's letter cited provides that these rules shall come into force from 30-8-48. The Director is requested to state why they should be given effect to from 30-8-48, when the ^{Factories Act, 1948} which necessitated these revised rules, came into force only from 23-9-48, when it received 1.4.49

0-T.O.

2/8
to assist of the Government General the
Director is requested to state why the
revised rules should not be given in
effect to from the date of the order approving
them.

24.6.50.
R. 26/7/50.

28/6/50

vide (X)/1

3/7
To the D.P.G.

EDUCATION DEPARTMENT
From The Director of Public Instruction,
Madras.

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

RC. No. 225 A2/50 dated 1/8/50.

Sir,

Sub: COLLEGES - Engineering College, Guindy
Workshop employees - Liberalisation of
leave rules - Approval of draft leave
rules.

Ref: Government Memorandum No. 14714-1/50-G
Education dated 29/6/50.

With reference to the above Memorandum, I submit
herewith a copy of the letter Rc. 135/46 dated 20/7/50
from the Principal, College of Engineering, Guindy.
The revised leave rules may be given effect to from
the date of the orders approving them.

Yours faithfully,

M. S. Srinivasan

KPN: 1/8.
15/8/50

For DIRECTOR OF PUBLIC INSTRUCTION.



pp 7-8 ante

MEMORANDUM



From: The Director of Public Instruction,
Madras.

To: The Secretary to Government,
Education Department,
Fort St. George, Madras.

Re: No. 225 A2/50 dated 1/8/50.

Sub: COLLEGES - Engineering College, Guindy
Workshop employees - Liberalisation of
leave rules - Approval of draft leave
rules.

Ref: Government Memorandum No. 14714-1/50-G
Education dated 29/6/50.

With reference to the above memorandum, I submit
herewith a copy of the letter No. 135/46 dated 20/7/50
from the Principal, College of Engineering, Guindy.
The revised leave rules may be given effect to from
the date of the orders approving them.

Yours faithfully,

Copy of letter No. Rc. 135/46 dated 20/7/50 from the Principal,
College of Engineering to the Director of Public Instruction.

Ref: Proceedings Rc. 225 A2/50 dated 11/7/1950.
Sub: Engineering College-Workshop employees-
Liberalisation of leave rules-Approval of
draft leave rules.

pp 7-8 ante

The revised leave rules may, in the circumstances mentioned
in para 2 of Government Memorandum No. 14714-1/50 G Education dated
29/6/50 communicated in the above proceedings, be given effect to
from the date of the order approving them.

G/
24.26

pp 5-6 ante

According to G.O. No. Ms. 2140 A Edn. dated 30/8/48 communicated
with proceedings Rc. 6094-A 2/46 dated 30/1/50 on the liberalisa-
tion of the leave rules sanctioned for the employees of the
College Workshop, at Guindy, every worker who has put in 12 months
continuous service is allowed during the subsequent period of 12
months, 10 days leave with wages and 15 days leave with wages for
employees with over ten years of service. As per revised draft
rules pending approval with Govt. every worker who has completed
12 months continuous service shall be allowed during the sub-
sequent period of 12 months, leave with wages calculated at the
rate of one day for every 20 days of work performed by him during
the previous period of 12 months subject to a minimum of 10 days
and in the case of workers with over 10 years service, the minimum
leave with wages shall be 15 days. It would appear that the revis-
ed draft leave rules benefit workers below 10 years of service.
As on 1-7-50 there are in the roll 15 workers who have completed
12 months continuous service but have not p.t.o.

Colleges - Engg.College, Guindy, Workshops-
Revised Leave Rules - - - A P P R O V E D.

Read again: G.O.No.2140 A.Edn. dated 30-8-1948

~~Ex. No. 2140~~ From the Director of Public Instruction
No.225 A2/50 dated 3-6-50 and 1-8-50.

ORDER/Ms. 2518 Edn. d/ 8.9.50.

The Govt. approve the proposal of the
D.P.I. that the leave rules laid down in G.O.2140 A.
Edn. dated 30-8-48 for the workshops of the Engineering
College, Guindy may be revised as follows ^{so as to bring them} in
conformity with the provisions of Sections 79 to 81 of
the Factories Act, 1948:—

1. Every worker in the Engineering College Workshop,
Guindy, who has put in a period of twelve months con-
tinued service shall be allowed during the subsequent
period of twelve months, leave with wages, calculated
at the rate of one day for every twenty days of work
performed by him during the previous period of twelve
months, subject to a minimum of ten days ordinarily
and to a minimum of 15 days in the case of workers
with over 10 years service. The leave may be taken
in one spell or in more than one spell as the worker,
so chooses, subject of course to the exigencies of work
in the ~~factory~~ workshops.

Provided that the period of leave shall be
inclusive of any holiday which may occur during such
period. This leave may be availed of either at a
stretch or in more than one spell.

2. If the employment of a worker, who has com-
pleted a period of four months continuous service in
the workshop is terminated before he has completed
a period of twelve months continuous service, he shall
be deemed to have become entitled to leave for the
number of days, calculated at the rate of one day
for every twenty days of work performed by him during
the period, and wages for the leave due calculated

12

put in over 10 years of service.
The average number of working days in a calendar year is 293
or say 300. The above 15 workers become eligible for leave
with wages for 15 days which is 15 days more than what was
allowed in the previous years. The expenditure for one day
to 15 workers comes to Rs. 30/- and therefore for 5 days
the extra additional cost to Govt. is Rs. 150/- per calendar year.

Sd. xxxs

Principal.

/True Copy/

Kpn.1/8.

For Director of Public Instruction.

To As

The draft order on pp 1-3 above may be perused and the file passed on to Sec. Dept.

14.8.50
14.8.50

MW.
14.8.50

Dec.
P2

83506
12/8

To As

The draft order on pp 1-3 above and the notes of Edn. and P.W. Depts on pp 3-4 above may be perused. As the intention is to revise the Factory Act, 1948 (Central Act LXIII of 1948) have come in to force from 1.4.49, this Dept may suggest that the revised rules shall take effect from 1.4.49.

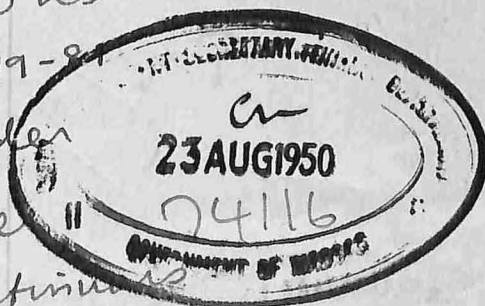
21/8/50
21/8/50

22/8/50

22.8.50

Finance (C.R.)

The leave rules of the Engineering College Workshop, Guindy which were liberalised in G.O. 2140 A Edn. D30-8-48 @ 23/8/50 have now been revised further so as to conform to the provisions of Secs 79-81 of the new Factories Act, 1948. Under the revised draft rules, every worker who has completed 12 months continuous service, will be allowed during the subsequent period of 12 months leave with wages calculated at the rate of one day for every 20 days of work performed by him during the previous period of 12 months, subject to a



Rule 1, art. 1, draft

365/20 = 18.25 days



minimum of 10 days and in the case of workers with over 10 years service, the minimum leave with wages shall be 15 days in a year against 10 days leave with wages for every worker for twelve months continuous service. The liberal leave rules benefit workers below 10 years service as they can earn leave at the rate of 1 day for every 20 days of work about 18 days a year against 10 days previously allowed in G.O. at @. As the present revised leave rules are framed under the new factories Act of 1948, Fin may agree to the leave terms proposed.

One draft order may be accepted subject to the remarks of Sec at A and Ph.

24/8/50
25-250

The case has been submitted by Finance in their notes above. The suggestion that the revised leave terms may be given effect to from 1.4.49, the date from which the Factories Act, 1948, came into force, instead of from the date of the order, proposed by this Dept, may be accepted.

For orders as to circulation to H.M. (P.W.), H.M. (Ind) and H.M. (Finance)

20/8/50
31-8-50

1/9/50

Draft at pp 1-3 ante may issue

1.9.50



H.M. (P.W.) M.B. 2.9.

H.M. (Ind) 2/9

H.M. (Fin)

7.9

From
The Director of Public Instruction,
Madras.

To
The Secretary to Government,
Education Department,
Madras.

Sir,

Subject: Engineering College, Guindy - Workshop - Exemption from Chapter VIII of
Factories Act 48.

Ref: G.O. 2518 Education dated 8-9-1950.

The Chief Inspector of Factories in his letter No. B2/472/50 dated 28-9-50
(copy enclosed) has pointed out that no provision has been made for the mode of application
as required by section 79(3) and that this provision has also to be included in the leave
rules if exemption is required from the provisions of section 79 to 81 under section 84
of the Factories Act.

A copy of the draft ^{amendment} to the rules as approved by the Chief Inspector of Fact-
ories in his letter No. B4-472/50 dated 5-11-1950 (copy enclosed) is herewith submitted.
Government may kindly amend the revised rules issued in G.O. No. 2518 Education dated
8-9-1950 to incorporate the provision now suggested.

In this connection a copy of the letter Rc. 135/46 dated 11-1-51 from the
Principal, Engineering College, Guindy is also herewith submitted and clarification
is requested on the points raised by the Principal.

20
principal.

Yours faithfully,

M. S. S. S.

for Director of Public Instruction

Copy to the Principal, Engineering College, Guindy.

vkam/24-1.

Office of the Chief Inspector of Factories, Chepauk, Madras-5.

From
The Chief Inspector of Factories,
Chepauk, Madras-5.

To
The Director of Public Instruction,
Madras.

No. B2: 472/50 dated 28-9-50.

Sub: Factories Act, 1948-Leave wages- Exemption--Chapter VIII-Engineering College
Guindy, Workshops, Guindy
Ref: G.O.No. Ms. 2518 Education Department dated 8-9-1950. (15)

In the G.O. cited provision has not been made for mode of application as required by Section 79 (3). This provision has also to be included in the leave rules if exemption is required from the provisions of Section 79 to 81 under Section 84 of the Factories Act.

Please therefore send three attested copies of the leave rules for approval.

/True copy/

vkam/24-1.

22

- 2 -

Rules.

The following shall be the mode of application for the leave sanctioned in G.O.No. Ms. 2518 Education Department dated 8-9-1950.

1. A worker may in any period of twelve months apply in writing to the Manager of the Factory for leave not less than fifteen full working days before the date on which he wishes his leave to begin to take (all the leave or any portion thereof, allowable to him during the period under the sections of the G.O. cited above.)
2. An application for leave which does not contravene the above section shall not be refused subject of course to the exigencies of work in the workshop.

Sd x x x x x
Principal.

vkm/24-1.

27

- 3 -

Copy of the letter from the Chief Inspector of ~~Factories~~, Chepauk, Madras to the Director of Public Instruction, Madras.
No. B2-472/50 dated 5-11-1950.

Subject: The Factories Act, 1948 - Chapter VIII- Leave with wages - Exemption Engineering College--Guindy - Workshops.

Reference: 1. Your Proceedings No. Rc. 934 K2/50 dated 7-10-1950 and letter No. Rc. 135/SK/46 dated 24-10-50 from the Principal, College of Engineering, Guindy.

2. G.O.No.Ms. 2518 Education dated 8-9-1950.

The draft leave rules sent by the Principal in his letter cited are in order. Government in the Education Department may be addressed to amend the G.O. cited incorporating the said rules.

Sd x x x x x
Principal.

/True copy/ f
vkm/24-1.

Copy of the letter No. Rc. 135/46 dated 11-1-1951. from the Principal, College of Engineering, Guindy, Madras.15.

Sub: Workshops Engineering College Guindy- Revised leave rules.

Ref: G.O.No. 2518 Education dated 8-9-1950 communicated with proceedings Rc.225 A2/50 dated 25-9-1950.

It has been ordered in G.O.No. 2518 Education dated 8-9-1950 that the revised leave rules might be given effect to from 1-4-49 and that exemption should be obtained under Section 84 of the Factories Act 1948.

In this office letter of even number dated 8-12-1950 it was requested to have the Government Order amended incorporating the draft rule, approved by the Chief Inspector of Factories, for affording the mode of application as required in Section

24
A 1. 79 (3) of the act. It is submitted for favour of orders whether the revised leave rules might be given effect to from 1-4-49 pending amendment of the G.O. and exemption under section 86 of the Act and if so whether the calendar year may be adopted for purposes of granting the leave as is done for casual leave granted to Government servants.

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In para 1 of the G.O. 2518 Education, dated 8-9-1950, it is mentioned, that every worker who has put in a period of twelve months' continuous service shall be allowed during the subsequent period of 12 months, leave with wages calculated at the rate of one day for every 20 days of work performed by him. 5. (a) Explanation in the same G.O. states that the worker shall be deemed ~~to~~ to have completed a period of continuous service notwithstanding interruptions in service during that period brought by (1) sickness (2) accident or authorised leave not exceeding in the aggregate 1/6th of the period. It is submitted for elucidation whether the 1/6th of the period contemplated in the above explanation refers to the number of working days a worker had worked or to period of his continuous service.

/True copy/

viam/24-1.

M. S. K. S. K.
for Director of Public Instruction.

CM 3555 G
87

From

TM

(by post) to 3555 G/81-1

8/10-2-57

To

The Secy. Ldn Dept

The D.P.I.

3/10/57
1-2

your letter to. das Aa/50 of 23.1.57
re. Engr College, Guindy - workshop -
exemption from Factories Act.

4 cf.

In the draft amendment submitted with the letter read above, the words "the Manager of the Factory," do not appear to be appropriate with ref to the College Workshop. Please state the proper authority to whom the workers should apply for leave.

W.S.

8-2-57

8.2.57.

one
2/11/57

o Government,
tment, Madras.

From
The Director of Public Instruction,
Madras.

Re.No. 225 A2/50 dated 14-3-1951.

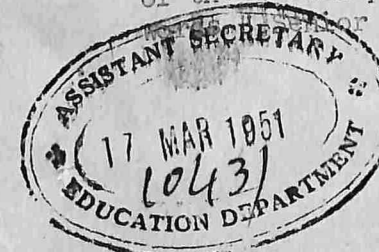
Sir,

Sub: Engineering College - workshops - Guindy - Exemption from Chapter VIII
of the Factory Act.
Ref: Your P.C. of T.M. No. 3555 G/51-1 Edn dated 10-2-1951. *p 7 ante*

The proper authority to whom the workers should apply is the "Senior workshop Instructor" who is solely responsible for the maintenance and conduct of the workshop under the direct control and supervision of the Principal. The "Senior Workshop Instructor" may be substituted in place of the "Manager."

Yours faithfully,

for Director of Public Instruction.



vkm/14-3

8015-3
6/173

28

no 3555 G/51

21/12
13-15
24/12/51

Vide A on pp
1 & 6

U
14

29
10
Fdn
G
Colleges - King College, Arundel
Workshops - Leave Rules

Read again : C.O. No. 2518 Ldn 8.9.50
From the W.P.I. No. 225 A2/50 8.1.51 & 14.3.51
Memo No 3555 G/51-2 Ldn 17.4.51

The following shall be added
to the revised leave rules applicable
to the workers employed in the workshops
of the King College, Arundel, approved
in the C.O. read above, namely:

7. A worker shall apply in writing to the Senior Workshop Instructor for leave not less than fifteen full working days before the date on which he wishes his leave to commence.
8. An application for leave which does not contravene rule (7) shall not be rejected unless under exigencies of work.

2. The W.P.I. is informed that the ~~rev~~ revised leave rules may be given effect to from 1.4.49 pending completion of the workshops under section 84 of the Factories Act, 1948 and that the calendar year should be adopted for purposes of granting the leave.

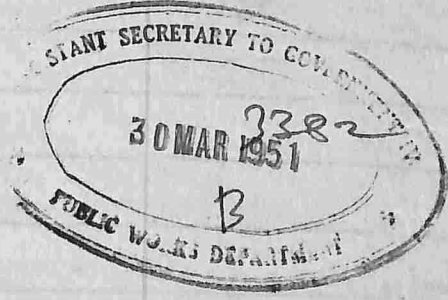
3. According to explanation (1) in rule 5(a) of the rules, a worker shall be deemed to have completed a period of continuous service notwithstanding any interruptions in service during

that period brought about by sickness, accident or authorised leave not exceeding in the aggregate one-month of the period. The Principal, King's College, Coimbatore, has raised the question whether the one-month period contemplated therein refers to the number of working days a workman has worked or to the period of his continuous service. He is informed that it refers to the period of continuous service.



To
 Mr. C. S. Rao
 Commr of Labour
 Secy to Govt
 Copy to Mr. W. C. S. Rao
 18/4/51

Letter no 3555 4/51
 29.3.51



38282
 5/4
 PWD no 3382 4/51
 2.4.51



Dev: 38252/2/51
 10/4

10/3
 26.3.51
 26.3.51

MM
 29/3/51

note: PWD, WCD and Fin may see before issue.

10/3
 26.3.51
 26.3.51

MM
 29/3/51

PWD
 Dev
 Fin

To AS

May be perused and the file passed on to Dev.

8/4
 31/3/51
 31/3/51

MM
 1.4.51

Dev
 12.

May be perused and the file passed on to the Finance Department. (The C.F. has approved the proposed amendments)

for
 Commr
 Dis Fin

9/4/51
 10/4/51

The draft memo. maybe perused and the case returned to con.

10/4/51

MM
 11/4/51
 Edn.

Fin no 27756 CSR-1
 12.4.51

Mar Issue

MM
 17/4/51

17/4

