



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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GOVERNMENT OF PUDUCHERRY LABOUR DEPARTMENT

No. 23/AIL/Lab./G/2020.

Puducherry, dated 26th June 2020.

NOTIFICATION

The Notification in G.S.R.235(E), dated 16th March, 2018 of the Ministry of Labour and Employment, Government of India, New Delhi, published in the Gazette of India, dated 16th March, 2018, Extraordinary, No. 145, Part-II, Section-3-Sub-section (i), is hereby republished for general information of the public.

(By order)

S. MOUTTOULINGAM,
Under Secretary to Govenment (Labour).

MINISTRY OF LABOUR AND EMPLOYMENT**NOTIFICATION**

New Delhi, the 16th March, 2018

G.S.R. 235(E).— Whereas, certain Draft Rules further to amend the Industrial Employment (Standing Orders) Central Rules, 1946 were published, as required by sub-section (1) of section 15 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), *vide* notification of the Ministry of Labour and Employment number G.S.R. 17(E), dated the 8th January, 2018, in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), for inviting objections or suggestions from the persons likely to be affected thereby on or before the expiry of a period of thirty days from the date of publication of the said notification in the Official Gazette;

And whereas, the copies of the said Gazette were made available to the public on the 8th January, 2018;

And whereas, the objections or suggestions received from the public on the said Draft Rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 15 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Central Government hereby makes the following rules further to amend the Industrial Employment (Standing Orders) Central Rules, 1946, namely:—

1. (1) These rules may be called the Industrial Employment (Standing Orders) Central (Amendment) Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), in Schedule, in item 1, for the words “fixed term employment workmen in apparel manufacturing sector”; the words “fixed term employment” shall be substituted;

3. In the Industrial Employment (Standing Orders) Central Rules, 1946,—

(a) after rule 3, the following rule shall be inserted, namely:—

(3A) No employer of an industrial establishment shall convert the posts of the permanent workmen existing in his industrial establishment on the date of commencement of the Industrial Employment (Standing Orders) Central (Amendment) Rules, 2018 as fixed term employment thereafter.”,

(b) in rule 5, for item (6A) and the entries relating thereto, the following item and entries shall be substituted, namely:—

“(6A) Number of fixed term employment workmen”;

(c) in Schedule 1,—

(i) in paragraph 2,—

(A) in sub-paragraph (a), for item (3A) and the entries relating thereto, the following item and entries shall be substituted, namely :—”

“(3A) fixed term employment workmen”;

(B) for sub-paragraph (h), the following sub-paragraph shall be substituted, namely:-

(h) A “fixed term employment workman” is a workman who has been engaged on the basis of a written contract of employment for a fixed period:

Provided that—

- (a) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman; and
- (b) he shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even if, his period of employment does not extend to the qualifying period of employment required in the statute';;

(ii) in paragraph 13, for sub-paragraph (2), the following sub-paragraph shall be substituted, namely:—

“(2) Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947),—

- (i) no notice of termination of employment shall be necessary in the case of temporary workman whether monthly rated, weekly rated or piece rated and probationers or badli workmen; and
- (ii) no workman employed on fixed term employment basis as a result of non-renewal of contract or employment or on the expiry of such contract period without it being renewed, shall be entitled to any notice or pay *in lieu* thereof, if, his services are terminated:

Provided that the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the matter prescribed in paragraph 14.”;

(d) (i) in Schedule 1A, in paragraph 3,—

(A) in sub-paragraph (a), after item (iii), the following item shall be inserted, namely:- “(iiia) fixed term employment;”;

(B) after sub-paragraph (d), the following sub-paragraph shall be inserted, namely:—

“(da) A “fixed term employment” workman is a workman who has been engaged on the basis of a written contract of employment for a fixed period:

Provided that—

- (a) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman;

(b) he shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even if, his period of employment does not extend to the qualifying period of employment required in the statute.';

(ii) in paragraph 13, for sub-paragraph (b), the following sub-paragraph shall be substituted, namely:—

“(b) Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947),—

(i) no notice of termination of employment shall be necessary in the case of temporary and badli workmen;and

(ii) no workman employed on fixed term employment basis as a result of non-renewal of contract or employment or on the expiry of such contract period without it being renewed, shall be entitled to any notice or pay *in lieu* thereof, if, his services are terminated:

Provided that a temporary workman, who has completed three months continuous service, shall be given two weeks notice of the intention to terminate his employment if, such termination is not in accordance with the terms of the contract of his employment:

Provided further that when the services of a temporary workman, who has not completed three month's continuous service, are terminated before the completion of the term of employment given to him, he shall be informed of the reasons for termination in writing and when the services of a badli workman are terminated before the return to work of the permanent incumbent or the expiry of his (badli's) term of employment, he shall be informed of the reasons for such termination in writing.”.

[F. No. S-12011/1/2016-IR(PL)]

KALPANA RAJSINGHOT,
Joint Secretary.