

# THE PAYMENT OF WAGES (PROCEDURE) RULES, 1937

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## THE PAYMENT OF WAGES (PROCEDURE) RULES, 1937

I exercise of the powers by sub-section (1) of section 26 of the Payment of Wages Act, 1936), read with section 22 of the General Clauses Act, 1897 (10 of 1897), the Governor- General-Council is pleased to make the following rules, the same having been previously published as required by sub-section (5) of section 26 of the first named Act, namely:-

**1. Short title.-** [(1)] These rules may be called the Payment of Wages (Procedure ) rules, 1937.

[(2) They extend to the whole of India except the State of Jammu and Kashmir.]

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

(a) ‘the Act’ means the Payment of Wages Act, 1936 (4 of 1936);

(b) ‘Appeal’ means an appeal under section 17;

(c) ‘the Authority’ means the court mentioned in sub-section (1) of section 17;

(d) ‘the Court’ means the court mentioned in sub-section (1) of section 17;

(e) ‘employer’ includes the persons responsible for the payment of wages under section 3;

(f) ‘section’ means a section of the Act;

(g) ‘form’ means a form appended to these rules;

[(gg) record of order or direction’ means the record of an order dismissing either wholly or in part an application made under sub-section (2) of section 15 or of a direction made under sub-section

(3) or sub-section (4) of that section kept in Form F;]

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

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

**4. Authorisation.-** The authorisation to act on behalf of an employed person or persons, under section 15, shall be given by a certificate in Form D, shall be presented to the authority hearing the application and shall form part of the record.

**5. Permission to appear.-** Any person desiring the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement which in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

**6. Presentation of documents.-** (1) Applications or other documents relevant to an application may be presented in person to the Authority at any time during hours to be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall not at once endorse, or cause to be endorsed, on each document the date of the presentation or receipt , as the case may be.

**7. Refusal to entertain application -** (1) The Authority may refuse to entertain an application presented under rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reason to be recorded in writing that-

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

(b) the application is barred by reason of the provisions in the provisos to sub-section (2) of section 15; or

(c) the applicant shows no sufficient cause for making a direction under section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or otherwise incomplete and, if he so refuses, shall return it at once with an indication of the defects. If the application is presented again, after the defects have been made good, the date of representation shall be deemed to be the date of presentation for the purpose of the proviso to sub-section (2) of section 15.

**8. Appearance of parties.-** (1) If the application is entertained, the Authority shall call upon the employer by a notice in Form E to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2). If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *ex parte*.

(3) If the application fails to appear on the specified date, the Authority may dismiss the application:

Provided that an order passed under sub-rule (3) may be set aside and the application re-heard on good cause being shown within one month of the date of the said order, notice being served on opposite party of the date fixed for rehearing.

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

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the Authority shall record the substance of the evidence and shall append it under his signature to [the record of order or direction.]

**10. Signature on forms.-** Any form, other than [the record of order or direction], which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him, appointed by him, in writing for his purpose.

**11. Exercise of powers. -** In exercising the powers of a Civil Court conferred by section 18, the Authority shall be guided in respect of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alternations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Act or these rules.

**12. Appeals.-** [(1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the prescribed court-fee, setting forth concisely the grounds of objection to the order dismissing either wholly or in part an application made under sub-section (2) of section 15 or a direction made under sub-section (3) or sub-section (4) of that section, as the case may be, and shall be accompanied by a certified copy of the said order or direction.]

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

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

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

**13. Inspection of documents.-** Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the Authority or the Court, as the case may be, in a case to which he is a party and may obtain copies thereof on the payment of such fees as may be prescribed.