

No. L-41025/01/2017-IR-B1
Government of India
Ministry of Labour and Employment

Shram Shakti Bhawan, New Delhi
Dated: 18.07.2017

Subject: Proposed Online Proforma for raising Industrial Disputes under
Section 2-A and 2-K of Industrial Disputes Act, 1947-reg.

Sir,


With the aim to achieve the objectives of simplifying procedures for raising Industrial Disputes by individual workmen or trade unions, easily, hassle-free and quickly, two proforma are developed for filing of Industrial Disputes online by workmen or trade unions under Section 2-A and 2-K of the ID Act, 1947.

2. The salient features of the online Performa are:

- i) These are user friendly, simple and easy to understand;
- ii) A Workman/Trade Union can file their dispute by themselves online without any outside help;
- iii) Initially it is proposed to be in English and Hindi and gradually, Performa in English and translation in all scheduled languages is proposed, so that the workmen/trade union can file one's dispute in one's language; and
- iv) Facility of SMS alert will also be provided to the workmen as and when necessary to disseminate the required information.

3. You are therefore, requested to send your comments/suggestions to this Ministry within 15 days from the date of issue of this letter or through e-mail to pk.bidua@gov.in.

Yours faithfully,



(P.K. Bidua)

Deputy Director (IR-B1/LRC)

Tele No: 011-23710706

Email: pk.bidua@gov.in.

Encl: Proforma on the Section 2-A and 2-K.

To,

Director, NIC, MoLE with the request that this letter along with Proforma 2A, 2K and background note be uploaded on web-site of MoLE for inviting comments/suggestions of Stakeholders.

**MOLE/SHRAM SUVIDHA PORTAL
GOOD GOVERNANCE
JUSTICE TO WORKMAN MADE SIMPLE, EASY & QUICK
Proforma for Industrial Dispute of workman online**

PART I-INFORMATION TO BE FILLED BY WORKMAN

(Case will be rejected for any false information & Action under IPC will be taken)

*Section 2(g) Employer Means:-

#Section 2(j) Industry Means:-

@Section 2(s) Workman Means:-

Language

Hindi, English

ID No./Date

No. /Date

Dispute under Sec.

2A

Termination

Dismissal

2K

-Take a reference from FORM II

1. Name of workman
2. Date of Birth
3. Name of Father/Husband/Guardian
4. Post held
5. Residential Address
6. Mobile No.
7. Email ID
8. UAN No. Allotted, if any _____ Link UAN (for Verification of information)
9. Name of Establishment where employed (principle Employee)
10. Address of Establishment
11. Email ID of Establishment
12. Mobile No. of HR Manager/Head of Establishment
13. Whether employed through contractor Yes/No

(In case No (a) to (d) will not be visible)

(a) If yes, Name of Contractor

(b) Address of Establishment

(c) Email ID of Establishment

(d) Mobile No./Landline No. of HR Manager/Head of Establishment (O)

14. Period of employment FromTo.....

15. Employment Regular Contract Casual

16. Whether terminated from service Yes/No

17. Whether Notice for termination given by Management Yes/No

18. Whether compensation given for termination Yes/No

19. If yes, indicate amount Rs.....

20. In case of dismissal whether enquiry held Yes/No

21. Date of Dismissal _____

22. Whether Appeal/Filed Yes/No

23. Date of Appeal _____

24. Decision on appeal Accepted/Rejected

25. Whether review petition filed Yes/No

26. Date of review petition _____

27. Decision on review petition Accepted/Rejected

28. Relief sought in brief

(Columns 20 to 26 will be visible in case of dismissal option is exercised)

(Scan and upload representation, if any, Proof of Employment, i.e. muster roll, payment voucher, Appointment letter, supporting documents, if any relating to employment of casual/contract worker and Charge sheet Enquiry proceedings, Appeal, Review Petition etc. in case of dismissal)

Submit

Draft

(On Submission ID No. with date will be generated and information will be considered as final, Draft option can be used many times to change information before submission)

29. Whether dispute referred to Grievance Redressal Committee (GRC) under section 9 (c) for settlement of dispute, if yes, details thereof be uploaded
Yes/No

30. Conciliation Officer

CLC (C)/Addl. CLC(C)/ DeputyCLC (C)
Upward/Downward forwarding

(SMS Alert/email will go to the Dy. CLC (C) who in turn will allot the dispute immediately by SMS or E-mail to the Conciliation Officers under whose jurisdiction the case falls)

31. Whether the workman wants to file the dispute directly to CGIT

Yes/No

(Option is available to workman to go to CGIT directly after the expiry of 45 days from the date he has submitted the application online for conciliation of the dispute. Upon exercising the option, the case will be dealt by CGIT and conciliation proceedings will be stopped and no reference to CGIT is required from the Central Government, a certificate will be generated as per Section 2A(2) of the ID Act. As per Section 2A(3) of the Act, the option is available before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section(1).

PART II-INFORMATION TO BE FILLED BY CONCILIATION OFFICER

(A report under section 12 (6) shall be submitted within fourteen days of the commencement of the conciliation proceedings or within such shorter period as may be fixed by the appropriate Government: Provided that, subject to the approval of the conciliation officer, the time for the submission of the report may be extended by such period as may be agreed upon in writing by all the parties to the dispute)

32. Whether the Central Government is the appropriate government for the dispute under reference. (If No an intimation via SMS/E-mail will go to the workman to this effect and case will be stopped)

Yes/No

33. If yes, Date of Notice to the parties to the dispute _____
(Format) Auto generated

34. Whether all investigations made relating to the dispute Yes/No

If yes, (Scan & Upload Documents given by the Management)

35. Whether management confirmed the information given by Workman

Yes/No

36. If not, the management has furnished documents in support, relating to employment or otherwise of workman

Yes/No

(In case yes scan & upload documents given by management)

37. Whether the dispute of workman settled Yes/No

(If yes scan & upload settlement arrived)

38. Whether conciliation proceedings have been completed within 14 Days of commencement as per section 12(6) of the ID Act Yes/No

39. In case no, whether extension of time for proceedings have been agreed to by both the parties Yes/No

(If yes, Scan & Upload each agreement)

40. Whether conciliation proceedings resulted in failure Yes/No

41. In case yes, state brief reasons of failure

(a) (Part-I of FOC to be uploaded) Visible to workman

(b) (Part-II of FOC to be uploaded) Visible to appropriate Government

Submit

Draft

(On clicking submit, information will be final & no further information can be added. Draft option can be used may times to change information.)

**PART III-INFORMATION TO BE FILLED BY MINISTRY OF
LABOUR AND EMPLOYMENT**

42. Desk concerned in IR Division

IR (B-I/B-II/C-I/C-II/Misc./DU)

(Auto generated notice by E.Mail/SMS alert will go to Employing Ministry as per Format)

43. Date of sending E-mails/SMS to Employing Ministry _____

44. Whether any reply received from Employing Ministry within 30 days.

Yes/No/No reply

45. Whether any settlement reached at the level of Employing Ministry between union/workman & employer

Yes

/No

(If yes, scan & upload settlement)

46. Processing of file for direction/comments of DO/US/ DS/JS date wise
47. Decision on Dispute Reference to CGIT/
Reference Declined
48. Date of approval for reference or decline. _____

(SMS/Email will go to CGIT conveying reference of dispute. In case of decline, speaking order will be uploaded.)

**PART IV-INFORMATION TO BE FILLED BY PRESIDING OFFICER
OF CGIT**

(Section 10(2A) of the Act: An order referring an industrial dispute to a labour court, Tribunal or National Tribunal under this section shall specify the period within which such labour court, Tribunal or National Tribunal shall submit its award on such dispute to the Appropriate Government: Provided that where such industrial dispute is connected with an individual workman, no such period shall exceed three months:

Provided further that where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, to the Labour Court, Tribunal or National Tribunal for extension of such period or for any other reason, and the presiding officer of such labour court, Tribunal or national Tribunal considers it necessary or expedient to extend such period, he may for reasons to be recorded in writing, extend such period by such further period as he may think fit:

Provided also that in computing any period specified in this sub section, the period, if any, for which the proceedings before the Labour Court, Tribunal or National Tribunal had been stayed by any injunction or order of a civil court shall be excluded:

Provided also that no proceedings before a Labour Court, Tribunal, or National Tribunal shall lapse merely on the ground that any period specified under this subsection had expired without such proceedings being completed.]

(As per Rule 10-B of Part III of the ID Central Rules Sub Section (8) the Labour Court shall not ordinarily grant an adjournment for a period exceeding a week at a time but in any case not more than three adjournments in all at the instance of the parties to the dispute; provided that the Labour Court for the reasons to be recorded in writing grant and adjournment exceeding a week at a time but in any case not more than three adjournments at the instance of any one of the parties to the dispute)

49. Date of reference of the case

50. Date of first hearing
51. Status of the case (update)
52. Date of award
53. Description of award in brief
(Scan & Upload Signed Copy of Award)

PART V-INFORMATION BY GOI Press

54. Date of receipt of award in the Ministry from CGIT
55. Date of sending the award for Publication of Award in official Gazette (E-mail to go to all concerned)

PART VI-INFORMATION BY CLC (C)

56. Date of Published award _____.
57. Date of SMS alert/E.Mail to office of Deputy CLC of concerned _____
58. Whether award implemented or not
59. If not, date of prosecution filed

MOLE/SHRAM SUVIDHA PORTAL
JUSTICE TO WORKMAN MADE SIMPLE, EASY & QUICK
Proforma for Industrial Dispute online

PART I-INFORMATION BY GROUP OF WORKMAN/UNION

(Case will be rejected for any false information & Action under IPC will be taken)

* Section 2(g) Employer Means:-

Section 2(j) Industry Means:-

@Section 2(s) Workman Means:-

I.D.No/Date

No. /Date

Dispute under Sec.

2k

Application filed by

Workmen/Union/Management

1. Name of representative of workmen/Union/Management
2. Registration particular of union
3. Correspondence address
4. Mobile No.
5. Email ID
6. Name of Establishment where employed
7. Address of Establishment
8. Email ID of Establishment
9. Mobile No. of HR Manager/Head of Establishment
10. particulars of Establishment if employed through contractor where worked
11. Email ID of Establishment
12. Mobile No. of HR Manager/Head of Establishment
13. Period of employment FromTo.....
Regular Casual Contract
14. Whether it is relating to public utility service,

If yes, whether provisions of sec.22 is complied with (in case of strike)

15. Nature of demand/dispute

(upload scan copy of charter of demand)

16. Whether dispute referred to Grievance Redressal Committee (GRC)

under Section 9 'C' of I.D. Act, 1947 for settlement of dispute, if yes
details thereof. Yes/No

17. Conciliation Officer

CLC(C)/Adl.CLC(C)/Dy.CLC(C)Hq./Dy.CLC(C)Field Off.
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(SMS Alert/email will go to Conciliation officer)

PART II-INFORMATION BY Conciliation Officer

A report under Section 12(6) shall be submitted within fourteen days of the commencement of the conciliation proceedings or within such shorter period as may be fixed by the appropriate Government:

[Provided that, [subject to the approval of the conciliation officer,] the time for the submission of the report may be extended by such period as may be agreed upon in writing by all the parties to the dispute].

1. If it is strike notice, the date of commencement of proposed strike.
2. Notice to the parties of dispute
3. Whether management endorsed the information given by Union/workman
Yes/No
4. If not, the management has furnished documents in support relating to Charter of Demand of workmen (Scan & Upload Documents given by the Management)
5. Whether the industrial dispute is settled during the course of conciliation, if yes, upload the Memorandum of Settlement
6. Whether conciliation proceedings have been completed within 14 Days of commencement
Yes/No
7. Whether extension of time for proceedings have been agreed to by both the parties
Yes/No

(If yes Scan & Upload the agreement)

8. Whether conciliation proceedings resulted in failure Yes/No
9. In case yes, state brief reasons of failure –
- (a) Part I - Visible to all
- (b) Part-II - Visible to only Ministry

10. Desk concerned in IR Division

IR (B-I/B-II/C-I/C-II/Misc./DU)

(Auto generated notice will go to employing Ministry)—Format.. Annex.

PART III-INFORMATION BY Ministry

1. Whether any reply received from controlling Ministry of the establishment within 30 days Yes/No
2. If yes indicate date
3. Processing a file for direction/comments of DS/JS on the response of the controlling Ministry and date:
4. Whether any settlement reached by controlling Ministry of the establishment between union/workman and employer Yes/No
- (If yes, upload the particulars of settlement)
5. Date of approval for reference/decline.
6. In case of reference, date of reference
7. In case of decline, reason for decline/non-reference with date;

PART IV-INFORMATION BY Presiding Officer of CGIT

10.(2A) An order referring an industrial dispute to a Labour Court, Tribunal or National Tribunal under this section shall specify the period within which such Labour Court, Tribunal or National Tribunal shall submit its award on such dispute to the appropriate Government:

Provided that where such industrial dispute is connected with an individual workman, no such period shall exceed three months:

Provided further that where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, to the Labour Court, Tribunal or National Tribunal for extension of such period or for any other reason, and the presiding officer of such Labour Court, Tribunal or National Tribunal considers it necessary or expedient to extend such period, he may for reasons to be recorded in writing, extend such period by such further period as he may think fit:

Provided also that in computing any period specified in this sub-section, the period, if any, for which the proceedings before the Labour Court, Tribunal or National Tribunal had been stayed by any injunction or order of a Civil Court shall be excluded:

Provided also that no proceedings before a Labour Court, Tribunal or National Tribunal shall lapse merely on the ground that any period specified under this sub-section had expired without such proceedings being completed.]

8. Date of receipt of reference:
9. Date of first hearing :
10. Status of the case to be uploaded

11. Date of Award

12. Description of Award in brief

(Scan & Upload Signed Copy of Award)

PART V-INFORMATION BY GOI Press

1. Date of receipt of award in the Ministry from CGIT
2. Date if sending the award for publication in official gazette (Email to go to all concerned)

PART VI-INFORMATION BY CLC (C)

1. Whether Award implemented Yes/No
2. If not implemented, date of filing prosecution in the Court against the employer _____

The Industrial Disputes Act, 1947

*** Employer Means [Section 2(g)]:-**

- (i) In relation to any industry carried on by or under the authority of any department of [the Central Government or a State Government,] the authority prescribed in this behalf or where no authority is prescribed, the head of the department;
- (ii) In relation to an industry carried on by or on behalf of a local authority, the chief executive officer of that authority.

Industry Means [Section 2(j)]:-

“Industry” means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen.

@ Workman Means [Section 2(s)]:-

“workman” means any person (including an appropriate) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person-

- (i) Who is employed in the police service or as an officer or other employee of a prison; or
- (ii) Who is employed mainly in a managerial or administrative capacity; or
- (iii) Who, being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.