

**GOVERNMENT OF WEST BENGAL**  
**LABOUR DEPARTMENT**  
**I.R. Branch**

No. 1806-IR

Dated: 12th November, 1993.

**NOTIFICATION**

In exercise of the power conferred by section 38 of the Industrial Disputes Act, 1947 (14 of 1947), the Governor is pleased hereby to make, after previous publication, as required by sub-section (1) of the said section, the following amendments in the West Bengal Industrial Disputes Rules, 1958, as subsequently amended (hereinafter referred to as the said rules):—

**Amendments**

**In the said rules,—**

**(1) after rule 12, insert the following rule,—**

**"12A. Settlement of dispute on representation from individual workman—**

- (1) The Conciliation Officer, on receipt of a representation relating to an individual workman, shall investigate the matter and if he is satisfied that an industrial dispute exists, he shall take all such steps as he thinks fit and proper for the purpose of inducing the parties to come to a speedy, fair and amicable settlement of the dispute.
- (2) If no settlement of the industrial dispute mentioned in sub-rule (1) is arrived at within a period of 60 days from the date of raising of the dispute, the party raising the dispute may apply to the Conciliation Officer personally or by registered post with acknowledgement due in Form P-4 for a certificate about the pendency of the conciliation proceedings before such Conciliation Officer.
- (3) The Conciliation Officer, on receipt of the application referred to in sub-section (1B) of section 10, shall, within 7 days from the date of receipt of such application, issue a certificate about the pendency of conciliation proceedings to the applicant in Form S.

(4) The party may, within a period of 60 days from the date of receipt of such certificate or, when such certificate has not been issued within 7 days under sub-rule (3), within a period of 60 days commencing from the day immediately after the expiry of 7 days as aforesaid, file an application in Form T to such Labour Court or Industrial Tribunal as may be specified by the State Government by notification in the Official Gazette."\*

**(2) in the Schedule,—**

(a) in Form P-2, after item 2, *insert* the following items:—

"2A. The list of workmen whose services are proposed to be terminated on account of closure, showing against each workman the date of his entry into employment, the rate of wages and other allowances payable at the time of closure notice and the details of the quantum of compensation, including other legal dues, that will be paid to him, and the modes, manner and time of payment of such compensation, is enclosed.

2B. An attested copy of the bank guarantee against the payment of the aforesaid compensation and other statutory dues to the workmen is enclosed.";

(b) after Form P-3, *insert* the following Form:—

"FORM P-4

[See rule 12A(2)]

Before Shri.....,  
Conciliation Officer,

In the matter of an industrial dispute  
Between

.....,  
....., the applicant,  
and  
....., the opposite party.

\*Please refer to Notification No. 1085-IR, dt. 25.7.97, in Appendix III.

The above mentioned applicant begs to submit that an industrial dispute relating to.....(individual's name) was raised on.....and the dispute has not yet been settled.

Your applicant, therefore, prays that a certificate be issued about pendency of conciliation proceedings to enable your applicant to seek relief before the authority as provided in section 10(1B) of the Industrial Disputes Act, 1947.

.....  
*Signature of the applicant.*

*Date*.....";

(c) after Form R-I, *insert* the following Forms:—

"FORM S

[See rule 12A(3)]

WHEREAS an industrial dispute relating to.....  
was raised by.....*vide*  
representation, dated.....;

AND WHEREAS the conciliation proceeding in respect of the aforesaid dispute was started but no settlement could be arrived at as yet;

AND WHEREAS the party raising the dispute filed an application on.....  
for a certificate as per section 10(1B) of the Industrial Disputes Act, 1947, in the prescribed Form P-4;

NOW, THEREFORE, in pursuance of the provisions of section 10(1B) of the Industrial Disputes Act, 1947, this is to certify that the aforesaid conciliation proceeding is still pending before the undersigned.

.....  
*Conciliation Officer.*

*Date*.....";

"FORM T

[See rule 12A(4)]

Before the.....Labour Court/Industrial Tribunal (specified under the Government of West Bengal Labour Department, Order No. ...., dated.....).

In the matter of an industrial dispute  
Between

....., the applicant,  
and  
....., the opposite party.

Your above mentioned applicant begs respectfully to submit as follows:—

THAT WHEREAS by a representation, dated..... your applicant has raised an industrial dispute relating to.....;

AND WHEREAS the Conciliation Officer started conciliation proceeding but failed to arrive at a settlement within a period of sixty days from the date of raising of the dispute;

AND WHEREAS the said Conciliation Officer has issued a certificate about the pendency of conciliation proceeding (copy enclosed) as provided in section 10(1B)(b) of the Industrial Disputes Act, 1947;

NOW, THEREFORE, your applicant prays that cognizance be taken of this application and notices be issued to the parties for hearing the matter and for framing issues for adjudication thereof as provided in section 10(1B)(d) of the Industrial Disputes Act, 1947.

.....  
*Signature of the applicant.*

*Date*..... " ;

By order of the Governor.

P. CHAUDHURI

*Secretary to the*

*Government of West Bengal*

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