

THE WEST BNEGAL WORKMEN'S HOUSE-RENT ALLOWANCE RULES, 1975

*[Published under the Government of West Bengal, Labour
Department, Notification No. 14-E1 LEILIR-3/75-IR, of
27th September 1975.]*

1. Short title and commencement.—(1) These rules may be called the West Bengal Workmen's House-rent Allowance Rules, 1975.

(2) They shall come into force on and from the first day of October, 1975.

2. Definitions—(1) In these rules, unless there is anything repugnant in the subject or context,—

(a) "Act" means the West Bengal Workmen's House-rent allowance Act, 1974 (West Bengal Act 56 of 1974);

(b) "Appellate Authority" means the State Government or such other authority as may be appointed by the State Government in this behalf under sub-section (4) of Section 5;

(c) "Form" means form appended to these rules;

(d) "Inspector" means any person appointed as Inspector under sub-section (1) of Section 7; and

(e) "Section" means a Section of the Act.

(2) All words and expressions used in these rules, unless otherwise defined, shall have the same meaning as assigned to them in the Act.

3. Manner and time of payment of house-rent allowance—The house-rent allowance payable to a workman under Section 4 for any month shall be paid within ten days of the month next following.

4. Maintenance of register of house-rent allowance.—Every employer shall maintain a register of house-rent allowance in Form A:

Provided that it will be sufficient compliance with the provision of this rule if the employer maintains record of payment of house-rent allowance in any other register relating to payment of wages which he is required to maintain under any other law for the time being in force and the fact of maintenance of such register is intimated to the Controlling Authority concerned.

5. Application for recovery of House-rent Allowance.—

(1) The application under sub-section (1) of Section 5 for recovery of unpaid house-rent allowance shall be in form B and each workman shall submit a separate application :

Provided that where a large number of workmen are involved a single application may be made by a person authorised by different workmen or their legal representatives.

(2) The application in Form B shall be served on the Controlling Authority

concerned in triplicate either by personal service with receipt therefore or by registered post with acknowledgement due.

6. Procedure for dealing with applications for recovery of Houserent Allowance.—(1) On receipt of an application under Rule 5 the Controlling Authority shall, by issuing a notice in Form C, call upon the applicant as well as the employer concerned to appear before him on a date specified in the notice, not being less than 14 days after the date of service of the notice, either personally or through his authorised representative together with all relevant documents and witnesses, if any :

Provided that the date fixed for hearing may be extended by the Controlling Authority either *suomotu* or on application by either of the parties.

(2) Any person desiring to act on behalf of an employer or a workman, his authorised representative or legal representative, as the case may be, shall present to the Controlling Authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act, together with a written statement explaining his interest in the matter and praying for permission so to act and the Controlling Authority, shall record thereon an order either according his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal.

(3) After completion of hearing on the date fixed under sub-rule (1), or after such further evidence, examination of documents or witnesses and hearing, as may be deemed necessary, the Controlling Authority shall record his finding as to whether any amount is payable to the applicant under the Act and a copy of the finding shall be given to each of the parties.

(4) If the employer concerned fails to appear on the specified date of hearing without sufficient ground, the Controlling Authority may proceed to hear the application *ex-parte* and if the applicant fails to appear on the specified date of hearing without sufficient ground, the Controlling Authority may dismiss the application :

Provided that an order under this sub-rule may, on good cause being shown within thirty days of the said order, be reviewed and the application reheard after giving 14 days' notice to the opposite party of the date fixed for rehearing of the application.

7. Direction for payment of house-rent allowance.—If a finding is recorded under sub-rule (3) of Rule 6 that the applicant is entitled to payment of house-rent allowance under the Act, the Controlling Authority shall issue a notice to the employer concerned in Form D specifying the amount payable and directing payment thereof to the applicant under intimation to the Controlling Authority within thirty days from the date of receipt of the notice and a copy of the notice shall be endorsed to the applicant employee, his authorised person or his legal representative, as the case may be.

8. Appeal from the orders of Controlling Authority.—(1) The appeal under sub-section (4) of Section 5 shall be in the form of a memorandum setting forth concisely the facts of the case, grounds of objection to the order or direction against which the appeal is preferred and the relief sought for, and every such memorandum of appeal shall be accompanied by a certified copy of the Controlling Authority's order or direction, which is the subject matter of the appeal.

(2) A copy of the memorandum of appeal under sub-rule (1) shall be served by the appellant on all the opposite parties including the Controlling Authority, either by personal service after obtaining receipt or by registered post with acknowledgement due.

(3) Within fourteen days of the receipt of a copy of the memorandum of appeal—

- (a) the Controlling Authority shall forward all the records of the case against which the appeal has been preferred, to the appellate authority; and
- (b) the opposite party shall submit his written statement containing comments on each paragraph of the memorandum of appeal and additional pleas, if any, to the appellate authority and the opposite party shall serve a copy of his written statement on the appellant either by personal service after obtaining receipt or by registered post with acknowledgement due.

(4) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard and shall forward a copy of the decision to the parties concerned and the Controlling Authority and the records of the Controlling Authority received under sub rule (3) shall be returned to him by the appellate authority while forwarding a copy of the decision to him under this rule :

Provided that if the appeal is disposed of *ex-parte* or struck out or dismissed for default, the Appellate Authority can, within 30 days from the date of the order, restore it to file if sufficient cause be shown for non-appearance on the date of the hearing of the appeal of the respondent or of the appellant, as the case may be.

(5) On receipt of the decision of the appellate authority, the Controlling Authority shall, if required under that decision, modify his direction under Rule 7 and issue a notice in **Form E** specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the Controlling Authority within fifteen days of receipt of the notice by the employer and a copy of the notice shall be endorsed to the applicant workman, his authorised person or legal representative, as the case may be, and to the appellate authority.

9. Maintenance of records of cases by the Controlling Authority.—(1) The Controlling Authority shall record the particulars of each case in **Form F** and at the time of passing order shall sign and date the particulars so recorded.

(2) The Controlling Authority shall, while passing orders in each case, also record the substance of the evidence adduced in the case as an appendix to the order.

(3) Any record, other than a record of any order or direction which is required by these rules to be signed by the Controlling Authority, may be signed on his behalf and under his direction by any subordinate officer appointed in writing for this purpose by the Controlling Authority.

10. Copies of decision, records and documents.—(1) Any workman or employer or a representative of the workman or a employer shall be entitled to inspect any application, document or record filed with the Controlling Authority in relation to a case on payment of the requisite fees specified in the **Schedule** appended to these rules.

(2) An application for copy under sub-rule (1) shall be in **Form G** and shall be presented in person to the Controlling Authority or shall be sent to him by registered post and shall be accompanied with a fee of seventy-five paise, which shall be paid in court-fee stamp affixed to the application.

(3) All copies shall be prepared on folios, and if it be not possible at once to inform the applicant what court-fee stamp and folios will be required in respect of the copies applied for, the requisite information shall be communicated to the applicant as soon as may be possible thereafter, but not later than seven days from the date on which the application is received by noting on the counterfoil portion of the application.

(4) In the case of certified copies, the court-fee chargeable under the West Bengal Court-fees Act, 1970 (West Bengal Act X of 1970), shall be levied affixing the necessary stamp to the first folio of the copy.

(5) On receipt of the information referred to in sub-rule (3), the applicant shall present the requisite folios and court-fee stamps to the controlling authority along with the counterfoil of his original application, on which the receipt of the court-fee stamps and folios filed shall be acknowledged, and the date on which the copy will be ready for delivery noted and the counterfoil shall then be returned to the applicant.

(6) If the requisite folios and court-fee stamps are not filed within seven days from the date on which the information referred to in sub-rule (3) is communicated to the applicant, the application shall be liable to be struck off and an application so struck off shall not be revived, but in such case, a fresh application may be made.

(7) Urgent copies shall ordinarily be ready on the day following the date of payment of the urgent fees specified in this behalf in the Schedule and compliance with other requisites.

11. Register of application for copies.—Application for copies shall be numbered consecutively and entered in a register maintained for the purpose in **Form H**.

12. Register of Court-fees.—(1) A Court-fee Register shall be maintained in **Form I** by the Controlling Authority.

(2) Court-fee stamps shall be cancelled by punching in the manner laid down in sub-section (2) of Section 44 of the West Bengal court-fees Act, 1970 (West Bengal Act X of 1970).

13. Register of Workmen.—Every employer shall maintain a Register of Workmen in **Form J** showing therein the names of all his workmen and the days of the month on which such workmen were in service or for which such workmen earned wages:

Provided that it will be sufficient compliance with the provision of this rule if the information under this rule is maintained in any other register that the employer is required to maintain under any other law for the time being in force and the fact of maintenance of such register is intimated to the Controlling Authority.

14. Duties of Inspectors.—(1) The duties of an Inspector appointed under Section 7 shall be, generally to make such inspection as may appear to him to be necessary for satisfying himself that the provisions of the Act and these rules and of any orders issued by the Government under the Act are duly observed within the local area for which he is appointed, and it shall also be the duty of an Inspector to satisfy himself that—

- (i) the registers required to be maintained under the Act or these rules are properly maintained; and
- (ii) the provisions of the Act and these rules regarding payment of house-rent allowance are duly observed.

(2) For the purpose of making such inspection, the Inspector may interrogate such persons as he may deem necessary, at any premises or place where, he has reason to believe, there is an industry:

Provided that no such person shall be required under this rule to answer any question the answer to which might tend to incriminate him.

(3) An Inspector shall inspect every industry within the local area for which he is appointed at least once in every three months.

15. Submission of diary by Inspector.— Every Inspector shall keep a file of the records of his inspections and maintain a diary in **Form K** and shall

submit a copy thereof to the Controlling Authority of his area by the fifteenth day of the month following the month to which the diary relates.

16. Visit Book.— (1) Every employer shall maintain a Visit Book in which an Inspector visiting the industry may record his remarks regarding any defect that may come to light at the time of his visit regarding any documents required to be maintained or produced under the provisions of the Act or these rules, and if the Inspector has no remarks to pass he will simply sign the Visit Book giving the date and time of his visit.

(2) The Visit Book shall be a bound book the pages of which shall be consecutively numbered;

Provided that no separate Visit Book shall be necessary in the case of an employer who is required to maintain a Visit Book under the provisions of the West Bengal Shops and Establishments Rules, 1964.

FORM A
(See Rule 4)

Register of House-rent Allowance

Name of Industry.....

Name of employer

Address in full.....

Month and year to which the house-rent allowance relates—

Sl. No.	Name of workmen	Wages for the month for which house-rent allowance is payable	House-Rent allowance paid	Signature of workmen	Remarks
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This is to certify that I have today in the presence of witnesses testifying herewith paid the amount of Rs.....in house-rent allowance to the workmen employed by me and that each workman has received from me the amount of house-rent allowance specified against his name above.

Witnesses

1.

2.

Signature of employer

Note: When the payment is made by money order the fact may be stated in the remarks column.

FORM B
(See Rule 5)

Application for Recovery of House-rent Allowance

Before the Controlling Authority under the West Bengal Workmen's House-rent Allowance Act, 1974 (West Bengal Act. LVI of 1974).

Application No..... Date.....

Between

(Name in full of the Applicant with full address)

and

(Name in full of the employer concerned with full address)

The applicant is a workman of the above-mentioned employer/ a person authorised by shri....., a workman of the above-mentioned employer, the legal representative of the late....., who was a workman of the above mentioned employer, and is entitled to the payment of house-rent allowance under Section 4 of the West Bengal Workmen's House-rent Allowance Act, 1974 (West Bengal Act LVI of 1974).

2. The House-rent allowance due to him/the aforesaid workman for the period from.....to.....has not yet been paid.

3. The applicant estimates the value of relief sought by him/her at the sum of Rs as per details below:—

(Here insert the details as to how the amount is arrived at)

4. The Applicant prays for recovery and payment of the house-rent allowance due to him/the aforesaid workman from the aforesaid employer.

5. A separate statement explaining why the application could not be made within one year from the date on which the money became due to me/the aforesaid workman is enclosed.

6. Necessary documents (true copies to be enclosed) to prove that the applicant is the person authorised by the aforesaid workman/ the legal representative of the aforesaid workman is enclosed.

Dated, the.....

Signature or thumb impression of
the Applicant,

FORM C

(See sub-rule (1) of Rule 6)

Notice for Appearance before the controlling Authority

From:—

The Controlling Authority under the West Bengal Workmen's House-rent Allowance Act, 1974 (West Bengal Act LVI of 1974).

To:—

Name and address of.....

(1) Employer.....

(2) Applicant.....

WHEREAS Shri.....a workman under you/a person authorised by shri.....a workman under you/the legal representative of latewho was a workman under you have filed an application under rule 5 of the West Bengal Workmen's House-rent Allowance Rules, 1975 alleging that—

(A copy of the said application is enclosed)

Now, therefore, you are hereby called upon to appear before me at (place).....either personally or through a person duly authorised in this behalf.

for the purposes of answering all material questions relating to the application on the..... day of.....19.....at..... o'clock in the forenoon/afternoon in support of/to answer the allegation.

As the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defence.

Take notice that in default of your appearance on the day before mentioned the application will be dismissed/heard and determined in your absence.

[Given under my hand and seal, this.....day of.....19.....]

Controlling Authority.

Note : Strike out the words and paragraph not applicable.

FORM D
(See Rule 7)

Notice for Payment of House-rent Allowance

To

(Name and address of employer).

Whereas Shri.....of (address.....
.....a workman under you/a person authorised by Shri.....
a workman under you/the legal representative of late.....who was a
workman under you, filed an application under Rule 5 of the West Bengal
Workmen's House-rent Allowance Rules, 1975 before me;

And whereas the application was heard in your presence/*ex-parte* on
(date).....and after hearing I have come to know that the said
Shri.....is entitled to a payment of Rs..... as house-rent
allowance under the West Bengal Workmen's House-rent Allowance Act, 1974
(West Bengal Act LVI of 1974);

Now, therefore, I hereby direct you to pay the said sum of
Rs.....to Shri.....within thirty days of the receipt of this notice
with an intimation thereof to me Given under my hand and seal, this.....
day of.....19.....

Controlling Authority

Copy to

(Applicant under Rule 5).

He is advised to contact the employer for collecting payment.

FORM E

(See sub-rule (5) of Rule 8)

**Notice for Payment of House-rent Allowance as determined
by appellate Authority**

To

(Name and address of employer)

Whereas a notice as given to you on.....(date).....in.....Form D requiring you to make a payment of Rs.....only to Shri.....as house-rent allowance under the West Bengal Workmen's House-rent Allowance Act, 1974 ;

And whereas you/the applicant preferred an appeal before the appellate authority and the appellate authority has decided that an amount of Rs.....only is payable to Shri.....as house-rent allowance under the West Bengal Workmen's House-rent Allowance Act, 1974;

Now, therefore, I hereby direct you to pay the said sum of Rs.....only to Shri within fifteen days of the receipt of this notice with an intimation thereof to me.

Given under my hand and seal, this..... day of.....19....

Controlling Authority

Copy to:

- (1) Applicant. He is advised to contact the employer for collecting the payment.
- (2) Appellate Authority.

Note : The portion not applicable to be deleted.

FORM F

(See sub-rule (1) of Rule 9)

Particulars of application under Section 5

1. Serial
2. Date of the application
3. Name and address of the applicant
4. Name and address of the employer
5. Amount of house-rent allowance claimed
6. Plea of the employer and his examination, if any.
7. Finding and a brief statement of reasons therefor (to be enclosed on a separate sheet of paper, if necessary).
8. Amount awarded.
9. Cost, if any, awarded to the witnesses, expenses.

Dated.....

Signed.....

[Attach on a separate sheet the substance of the evidence)

FORM G

(See sub-rule (2) of Rule 10)

Application for copies

(To be preserved for one year)

To

The Controlling Authority under the West Bengal Workmen's House-rent Allowance Act, 1974.

(Here insert the address)

Sir,

I require a certified/uncertified copy of the documents mentioned below, which may be supplied.

Date.....

Signature of the applicant

Description of document of which copy is required.

Description, Number and year of the case of which it forms part, names of the parties, etc.

Report of the Clerk-in-charge of the records. Folios and Court-fees required.

Signature of the Clerk-in-charge.

Date.....

Received copy and unused folios and stamp.

Signature of the Clerk-in-charge.

Date.....

(Counterfoil of application for copies)

Received application for copies being serial No.....dated.....

Folios and Court-fees required.

Signature of the Clerk-in-charge.

Date.....

FORM H

(See Rule 11)

Register of Application for copies

(To be preserved for three years)

Serial No.	Date of application	Name of Applicant	Certified or uncertified	Case No.	Description of document to be copied	Date on which number of folios and stamps required were notified
1	2	3	4	5	6	7

Date on which requisits were filed	No. of stamp sheets filed (with price of each)	No. of adhesive stamps filed (with price of each)	Extra fee for urgent copy filed	Amount of Court-fee for authentication filed	No. of stamp sheets (with price of each) used
8	9	10	11	12	13

No. of adhesive stamps used (with price of each)	No. and price of stamp papers returned unused	No. and price of adhesive stamps returned	Court-fee for certified copy used	Extra fee for urgent copy used
14	15	16	17	18

Date on which copy is ready for delivery	Date of Delivery of copy and unused folio, etc.	If application is rejected, the date and causes thereof	Remarks
19	20	21	22

FORM I

(See sub-rule(J)Rule 12)

Register of Court-fees recieved

(To be preserved for three years)

Date	Serial	Nature of document for which filed	Fees for application of copies and all other fees including urgent fees on copies	Total	Remarks
1	2	3	4	5	6

FORM J
(See Rule 13)

Register of Employees

Name of the industry.....

Address.....

Serial No.	Names of Workmen	Dates of appointment	Post held or nature of work performed	Scale of pay, if any	Dearness allowance	Others allowance			
1	2	3	4	5	6	7			
		Dates of each month on which the workman worked and/or earned wages.							
Mode of payment daily/ weekly/monthly etc.		January 19—	February 19—	March 19—	April 19—	May 19—	June 19—	July 19—	August 19—
8		9							
September 19—	October 19—	November 19—	December 19—	Signature of workman		Remarks			
				10		11			

Note : one page should be allowed to every workman.

Signature of employer

Date

FORM K
(See Rule 15)

Diary of Inspector for the month ending

Date	Place	Industry inspected	Purpose of inspection	Remarks of defects found and direction and orders issued
1	2	3	4	5

THE SCHEDULE

(See Rule 10)

The application for copies of documents shall be presented to the Controlling Authority together with fees prescribed in this Schedule.

Category of documents.

Fees payable.

1. Documents containing 150 words or less.

1. An impressed Stamped paper per of 25 paise (i.e. a folio).

West Bengal Workmen's House-Rent Allowance Rules, 1975

Category of documents.	Fees payable.
1. Documents containing 151 to 300 words.	1. An impressed stamped paper 25 paise (i.e. a folio) with an adhesive stamp of 25 paise affixed thereto.
3. Documents containing more than 300 words.	3. In addition to fees payable under item 2 above for the first 300 words, an additional impressed stamped paper of 25 paise (i.e.a. folio) and an adhesive stamp of 25 paise for every 300 words or part thereof in excess of 150 words :

Provided that fees payable for each 150 words or part thereof shall not exceed 25 paise.

Note—(i) Each folio will contain up to 300 words; but when the number of words does not exceed 150, no adhesive stamp of 25 paise need be affixed to it.

(ii) The adhesive court-fee stamps required for the copies shall be affixed to the folio across the perforated line with the figure heads above the perforated line in such a way that the portion below may clearly show the value of the court-fee stamps.

Urgent fee (in addition to normal fees).

Category of documents.	Additional fees payable.
1. Documents containing 600 words or less.	1. Re. 1.
2. Documents containing more than 600 words.	2. 25 paise for every 150 words or any fraction thereof (four figures counting as one word).

GOVERNMENT OF WEST BENGAL

Labour Department

NOTIFICATIONS

Enforcement of the Act from the 1st October, 1975 No. 13-EIL/ IA-10/74, dated, the 27th September, 1975. In exercise of the power conferred by subsection(3) of section (1) of the West Bengal Workmen's House-rent Allowance Act, 1974 (West Bengal Act LVI of 1974), the Governor is pleased hereby to appoint the 1st October, 1975 on and from which the said Act shall come in to force.

Exemption of all classes of industries carried on by or under the authority of the Govt, of India or the management of which has been taken over by the Govt, of India.

No. 15-EIL/IA-10/74, dated, the 27th September, 1975. WHEREAS the Governor thinks fit so to do in the public interest;

Now, THEREFORE, in exercise of the power conferred by section 8 of the West Bengal Workmen's House-rent Allowance Act, 1974 (West Bengal Act LVI of 1974), the Governor is pleased hereby to exempt (i) all classes of industries carried on by or under the authority of any department of the Government of India and (ii) all classes of industries the management of which have been taken over by the Government of India under any law for the time being in force, from the operation of all the provisions of the said Act, with effect from the 1st October, 1975.
