

No. 126/XXXVI(3)/2024/51(1)/2020
Dated Dehradun, March 26, 2024

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'The Uttarakhand (U.P. Industrial Dispute Act, 1947) (Amendment) Act, 2020' (Act No. 10 of 2024).

As passed by the Uttarakhand Legislative Assembly and assented to by the President on 26th February, 2024.

The Uttarakhand (U.P. Industrial Disputes Act, 1947) (Amendment) Act, 2020
(Uttarakhand Act No. 10 of, 2024)

An

Act

Further to amend the U.P. Industrial Disputes Act 1947 (as applicable in the state of uttarakhand)

Be it enacted by the Uttarakhand State Legislative Assembly in the Seventy first year of the Republic of India as follows-

- Short title, extent and Commencement**
1. (1) This Act may be called the The Uttarakhand (U.P. Industrial Disputes Act, 1947) (Amendment) Act, 2020
 - (2) It shall extends to the whole state of Uttarakhand.
 - (3) It shall come into force on the date of its publication in the Gazette.

- Insertion of section 4-KA**
2. After Section 4-K of the U. P. Industrial Disputes Act, 1947 (as applicable in State of Uttarakhand) (hereinafter referred to as the principal Act), section 4-KA shall be inserted as follows, namely :-

"Time limit to raise Industrial dispute

4-KA Notwithstanding anything contained in section 4K, no such dispute or difference between the workman and employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an Industrial dispute if such dispute is not raised in conciliation proceeding within a period of three years from the date of such discharge, dismissal, retrenchment or termination:

Provided that an authority, as may be prescribed by the State Government, may extend the said period of three years if it is satisfied that the applicant workman was prevented by sufficient cause from preferring the dispute in conciliation proceedings within the said period of three years."

Amendment of 3. Section 6-N of the principal Act, shall be substituted as section 6-N follows, namely :-

"6-N. Conditions for retrenchment of workmen:

(1) No workmen employed in any industry (except establishment mentioned in sub-section 2) who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until,-

(a) The workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice wages for the period of the notice:

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service:

(b) The workmen has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months; and

(c) Notice in prescribed manner has been served on the State Government.

(2) No workmen employed in any industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) and in which three hundred or more workmen on an average per working day in the preceding twelve months who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until the workman has been given three months notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice, wages for the period of the notice; and

(a) The prior permission of the State Government or such authority as may be specified by the Government by notification in the official gazette (hereafter in this section referred as the specified authority) has been obtained on an application made on this behalf.

(b) An application for permission under sub-section (2)(a) shall be made by the employer in the prescribed manner stating clearly the reasons for the intended retrenchment and a copy of such application shall also be served simultaneously on the workmen concerned in the prescribed manner.

(c) Where an application for permission under sub section (2)(a) has been made, the State Government or the specified authority, after making an enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen concerned and the person interested in such retrenchment may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(d) In case where retrenchment application is allowed, the State Government or the specified authority shall also mention in order the retrenchment benefits as mentioned in sub-section (1)(b) and all other benefits due under any law, for the time being in force.

(e) Where an application has been made under sub-section (2)(a) and the State Government or specified authority does not communicate the order granting for refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission for which the application is made shall be deemed to have been granted on the expiration of the said period of sixty days.

(f) An order of the State Government or the specified authority granting or refusing to grant permission shall subject to the provisions of sub-section (2)(g) be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.

(g) The State Government or the specified authority may, either on its own motion or on the application made by employer or any workman, review its order granting or refusing to grant permission under sub-section (2)(c) or refer the matter to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(h) Where no application for permission under sub-section (2)(a) is made or where the permission for any retrenchment has been refused, such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchment was given to the workman and the workman shall be entitled to all the benefits under any law for the time being in force, as if no notice had been given to him.

(i) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or the death of the employer or due to other similar circumstances, it is necessary to do so, by order, direct that the provisions of sub-section (2)(a) shall not apply in relation, to such establishment for such period as may be specified in the order.

(j) Where permission for retrenchment has been granted under sub-section (2)(c) or where permission for retrenchment is deemed to be granted under sub-section (2)(e), every workman who is employed in that establishment immediately before the date of application for permission shall be entitled to receive at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months:

Provided that the provision of sub-section (2) shall not be applicable in such case where the retrenchment is under an agreement which specifies a date for the termination of service."

By Order,

DHANANJAY CHATURVEDI,
Principal Secretary.

Statement of objective and reasons

For Ease of Doing Business various labour laws are reformed from time to time in this background this amendment in the U.P Industrial Dispute Act, 1947 in the context of Uttarakhand are proposed. This reform shall provide relief to industries and with a view in interest of workman it is inevitable to amend the said Act.

2. The proposed bill fulfils the aforesaid objectives.

Dr. Harak Singh Rawat
Minister of labour.