

GSTIN : 29AABAK0318H1ZW

☎ Off : 26613091 / 26607167
42103360 / 26761877

Email : kea@kea.co.in
Web : www.kea.co.in



KARNATAKA EMPLOYERS' ASSOCIATION

NO.74, 2nd FLOOR, SHANKARA ARCADE, VANIVILAS ROAD, BASAVANAGUDI
BENGALURU - 560 004
Reg. No. TU 507 / 20-3-1962

Date : 05-08-2019

CIRCULAR No.59/2019

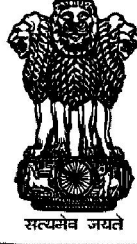
To
All Members of the Association

CENTRAL GOVERNMENT CONCILIATION OFFICERS EMPOWERED TO MAKE REFERENCE TO LABOUR COURT OF INDIVIDUAL TERMINATION DISPUTES

1. Section 39 of the Industrial Disputes Act empowers the Appropriate Government by notification in the official gazette, direct that any power exercisable by it under the Act or the Rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction.
2. In exercise of the above powers, Government of India by Notification dated 10.06.2019 published in Gazette of India dated 10.06.2019, has directed that where any employer discharges, dismisses, retrenches or otherwise terminates the service of an individual workman and any industrial dispute between that workman and his employer connected with or arising out of such discharge, dismissal, retrenchment or termination is referred to by a workman by making application under Sub Section 2A of the Act to the jurisdictional Conciliation Officer holding the rank of Labour Enforcement Officer or Assistant Labour Commissioner (Central) or Regional Labour Commissioner (Central) or Deputy Chief Labour Commissioner (Central) or Additional Chief Labour Commissioner or Chief Labour Commissioner (Central) and where such conciliation fails, then such Conciliation officer shall, instead of making failure of conciliation report to the Central Government exercise the powers of Central Government himself under Section 10 read with Section 2A of the I.D. Act and make such report directly to the Labour Court of Tribunal for adjudication subject to the conditions stipulated in the Notification.
3. Copy of the Notification dated 10.06.2019 is enclosed.
4. The above notification is applicable only to the establishments to which the Central Government is the Appropriate Government.

for KARNATAKA EMPLOYERS' ASSOCIATION

sd/-
(B.C. PRABHAKAR)
PRESIDENT



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3 Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1731]

नई दिल्ली, सोमवार, जून 10, 2019/ज्येष्ठ 20, 1941

No. 1731]

NEW DELHI, MONDAY, JUNE 10, 2019/JYAISTHA 20, 1941

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 10th June, 2019

S.O. 1936(E).—In exercise of the powers conferred by section 39 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby directs that where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman and any industrial dispute between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination is referred by the workman by making application under sub-section (2) of section 2A of the said Act to the jurisdictional Conciliation Officer holding the rank of Labour Enforcement Officer or Assistant Labour Commissioner (Central) or Regional Labour Commissioner (Central) or Deputy Chief Labour Commissioner (Central) or Additional Chief Labour Commissioner (Central) or Chief Labour Commissioner (Central) and where such conciliation fails, then, such Conciliation Officer shall, instead of making the Failure of Conciliation Report to the Central Government, exercise the powers of the Central Government himself under section 10 read with section 2A of the said Act and make such report directly to the Labour Court or Tribunal for adjudication subject to the following conditions, namely:-

(i) where such Conciliation Officer is of the rank of Labour Enforcement Officer or Assistant Labour Commissioner (Central) or Regional Labour Commissioner (Central), he shall at the first instance make such Failure of Conciliation Report to his Regional head holding the rank not below the Deputy Chief Labour Commissioner (Central), who shall examine the said Report and if he is of the opinion that the said industrial dispute under such Failure of Conciliation Report is not fit for adjudication, then, he shall send such Report to the Central Government for necessary action, otherwise refer the said industrial dispute under the Failure of Conciliation Report to the Labour Court or Tribunal for adjudication; and

(ii) where such Conciliation Officer is of the rank of Deputy Chief Labour Commissioner (Central) or Additional Chief Labour Commissioner (Central), he shall at the first instance make such Failure of Conciliation Report to the Chief Labour Commissioner (Central), who shall examine the said Report and if he is of the opinion that the said industrial dispute under such Failure of Conciliation Report is not fit for adjudication, then, he shall send such Report to

the Central Government for necessary action, otherwise refer the said industrial disputes under the Failure of Conciliation Report to the Labour Court or Tribunal for adjudication; and

(iii) where such Conciliation Officer is of the rank of Chief Labour Commissioner (Central) and if he is of the opinion that the said industrial dispute under such Failure of Conciliation Report is not fit for adjudication, then, he shall send such Report to the Central Government for necessary action, otherwise refer the said industrial dispute under the Failure of Conciliation Report to the Labour Court or Tribunal for adjudication.

2. Nothing in this notification shall affect the powers of the Central Government to exercise the powers under section 10 read with section 2A of the said Act consecutively irrespective of such delegation.

[F. No. S-11012/1/2019-IR(PL)]

KALPANA RAJSINGHOT, Jt.Secy.