



ABSTRACT

Industrial Dispute Act 1947 – Amendment to section 11-B of Industrial Dispute Act – Sanction of additional posts with infrastructure for the creation of Nazareth establishment to labour courts functioning in the State – Orders - issued.

LABOUR AND EMPLOYMENT (D2) DEPARTMENT

G.O.Ms.No.67

Dated: 17.8.2011

Read:

1. G.O. (Ms) No. 134, Labour and Employment Department, dated 07.11.2008.
2. The High Court of Madras order in W.P.No.1949/2010, dated 16.04.2010.
3. From the Registrar General, ROC.No.33/2010/G3, dated 05.07.2010.
4. From the Registrar General, ROC.No.33/2010/G3, dated 12.1.2011.

ORDER:

In the G.O. first read above orders were issued for introduction of newly amended Section 11-B, of Industrial Disputes Act of 1947 with effect from 07.11.2008 by the State of Tamil Nadu as follows:-

***“11-B.Power of Labour Court or Tribunal to execute its award by decree. A Labour Court or a Tribunal shall have the power of a civil court to execute its own award as a decree of civil court and also to execute any settlement as defined in clause (p) of section 2 as decree.*”**

2. In the High Court order second read above the Hon'ble High Court of Madras has issued directions to the Government to create sufficient infrastructure for effective implementation / enforcement of the Awards and orders passed by the Labour Courts / Industrial Tribunal as per Section 11-B of the Industrial Disputes Act, 1947 with effect from 07.11.2008.

3. The Registrar General, High Court, has sent necessary proposals to provide additional staff to the following 8 Labour Courts in the State.

S.No	Labour Courts in the State
1	(a) Principal Labour Court Chennai (b) I Additional Labour Court, Chennai (c) II Additional Labour Court Chennai. (d) III Additional Labour Court, Chennai. (e) Industrial Tribunal, Chennai.

p.t.o.

2	Labour Court, Coimbatore.
3	Labour Court , Madurai.
4.	Labour Court, Salem
5.	Labour Court, Tiruchirappalli
6.	Labour Court, Tirunelveli
7.	Labour Court, Cuddalore
8.	(a) Labour Court, Vellore (b) Additional Labour Court, Vellore

He has requested to sanction additional staff to the labour courts together with expenditure for infrastructure viz., Furniture, Computers and Fire extinguishers.

4. When the proposal was under examination the Government of India made amendment to Section 11 of the Principal Act, after sub section (8), as under:-

“Every award made, order issued or settlement arrived at by or before Labour Court or Tribunal or National Tribunal shall be executed in accordance with the procedure laid down for execution of orders and decree of a Civil Court under order 21 of the Code of Civil Procedure, 1908. The Labour Court or Tribunal or National Tribunal, as the case may be shall transmit any award, order or settlement to a Civil Court having jurisdiction and such Civil Courts shall execute the award, order or settlements as if it were a decree passed by it”.

5. The Registrar General was requested to offer remarks on the above said latest amendment made by the Union Government to the Industrial Disputes Act, 1947 (Section 11).

6. The Registrar General, High Court of Madras has stated that the State amendment made by the Tamil Nadu Act, 45/08 is wider in nature, by which the Labour Courts or Tribunals have been given the powers of Civil Courts to execute not only their Awards as a decree of a Civil Court, but also to execute any settlement as defined under Section 2 (p) of the Industrial Disputes Act as a decree. She has further stated that the amendment made by the Parliament in respect of Industrial Disputes Act, 1947 by incorporating Section 11 (8) do not restrain the State Government from arranging the necessary infrastructures for the Labour Courts / Tribunal for executing its own Award or settlements. She has stated that the subject relating to Industrial Disputes Act falls under the concurrent list (Schedule VII), and in case when the appropriate Government is the State Government, it is the State Government which alone can be the authority to provide necessary infrastructure and meet such expenditure. She

has also stated that the State amendment received the assent of the President of India on 18.09.2008 and by virtue of Article 254 (2) of the constitution, there cannot be any repugnancy.

7. The Government have examined the proposal of the Registrar General, High Court of Madras and hereby accord sanction for the creation of Nazareth establishment to each of the 8 units of labour courts functioning in the State as under:

- a) Sanction is accorded for the creation of following 34 additional posts for the existing 8 units of each Labour Courts in the State:

S.No	Name of the post	No. of post	Scale of pay (in Rs.)
1	Chief Administrative Officer	1	15600-39100 +GP 5400/-
2.	Sheristadar	1	9300-34800 + GP 4900/-
3.	Record Keeper	1	9300-34800 + GP 4800/-
4	Central Nazir	1	9300-34800 + GP 4800/-
5.	Deputy Nazir	1	9300-34800 + GP 4800/-
6.	Senior Bailiff	6	5200-20200 +, GP 2000/-
7.	Junior Bailiff	18	5200-20200 + GP 1900/-
8	Jr. Assistant	2	5200-20200 4- GP 2400/-
9	Typist	1	5200 -20200 (with Spl. Pay GP Rs.2400/-
10	Office Assistant	2	4800-10000+ GP 1300/-
	Total	34	Rs.4,48,177/- per month

- (b) Sanction is accorded for a sum of Rs.4,30,24,992/- (Rupees four crores thirty lakhs twenty four thousand nine hundred and ninety two only) as recurring expenditure towards salaries.
- (c) Sanction is also accorded for incurring the following amount as non-recurring expenditure towards purchase of Furniture, Computer and Fire-extinguisher:-
- (i) Furniture - Rs.24,26,400/- (Rupees twenty four lakhs twenty six thousand and four hundred only) + 4% vat + transportation charges.
 - (ii) Computers - Rs.3,00,000/- (Rupees three lakh only) For Labour Court, Coimbatore and Trichy.
 - (iii) Fire-extinguisher - Rs.16,000/- (Rupees sixteen thousand only) For Labour Court, Cuddalore and Trichy.

8. The expenditure sanctioned in para 7 above shall be debited to the following Head of account:-

“2230 Labour and Employment – 01 Labour – 101 Industries Relations – I Non-Plan - A.C. Labour Courts at Chennai, Madurai and Coimbatore.

- (i) 01-Salaries (DPC 2230-01-101-AC-0107)
- (ii) 05.Office Expenses–05 Furniture (DPC 2230-01-101-AC-0554)
- (iii) 19. Machinery and Equipments – 01. Purchase.
(DPC 2230-01-101-AC-1919)
- (iv) 76.Computer and Accessories - 01. Purchase.
(DPC 2230-01-101-AC-7619)

9. The expenditure sanctioned in para 7 above shall constitute an item of “New Instrument of Service”. The approval of legislature will be obtained in due course. Pending approval of the legislature, the expenditure will initially be met by drawing advance from Contingency Fund. The Commissioner of Labour is requested to apply for this advance in the prescribed format in duplicate to Finance (BGI) Department along with the copy of this order and to send necessary Explanatory Notes for this expenditure in the Final Supplementary Estimate for 2011-2012.

10. This order issues with the concurrence of Finance Department vide its U.O.No.43078/CMPC/2011, dated 17.8.2011, and with ASL No.397 (Three hundred and ninety seven).

(BY ORDER OF THE GOVERNOR)

VISHWANATH A.SHEGAONKAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Registrar General, High Court, Chennai – 104.
The Presiding Officers of all Labour Courts,
(Through the Registrar General, High Court, Chennai)
The Commissioner of Labour, Chennai - 6.
The Accountant General, Chennai – 18.
The Accountant General, Chennai – 18. (By Name)
The Accountant General, (CAS) Chennai – 9.
The Accountant General, (Audit) Chennai – 35.
The Pay and Accounts Officer (High Court), Chennai – 104.

Copy to:-

The Home (Courts II) Department, Chennai – 9.
The Finance (Labour and Employment) Department, Chennai – 9.

p.t.o.

The Finance (BG-I/CMPC BG-II) Department, Chennai – 9.

The Finance (Home II) Department, Chennai – 9.

The Law Department, Chennai – 9.

The Private Secretary to Principal Secretary to Hon'ble Chief Minister, Chief Minister Office.

The Senior Private Secretary to Hon'ble Minister, Labour and Employment Department, Chennai – 9.

The Private Secretary to Principal Secretary to Government, Labour and Employment Department, Chennai – 9.

Stock File / Spare Copy.

/FORWARDED BY ORDER/

SECTION OFFICER