

THE CHHATTISGARH SHRAM KALYAN NIDHI RULES, 1984

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THE CHHATTISGARH SHRAM KALYAN NIDHI RULES, 1984

[Notification No. 346-2592-XVI-B-85 dated 28-3-1986, published in M.P. Rajpatra, Part IV (Ga), dated 28-3-1986].

In exercise of the powers conferred by Section 33 of the Chhattisgarh Shram Kalyan Nidhi Adhiniyam, 1982 (No. 36 of 1983), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of Section 33 of the said Act, namely:

1. Short title and commencement

- (1) These rules may be called the Chhattisgarh Shram Kalyan Nidhi Rules, 1984.
- (2) They shall come into force on such date as the State Government may by notification appoint.

NOTIFICATION [No. 14-1-84-XVI-B, dated the 11th November, 1987, published in M.P. Rajpatra (Asadharan) dated 12-11-87, page 2011] - In exercise of the powers conferred by sub-rule (2) of rule 1 of the Madhya Pradesh Shram Kalyan Nidhi Rules, 1984, the State Government appoints the 14th November, 1987, as the date on which all the provisions of the said rules shall come into force.

2. Definitions

In these rules, unless the context otherwise requires:

- (a) "Act" means the Chhattisgarh Shram Kalyan Nidhi Adhiniyam, 1982 (No. 36 of 1983);
- (b) "Form" means a form appended to these rules;
- (c) "Section" means a Section of the Act.

3. Payment of fines and unpaid accumulations

- (1) Within thirty days from the date on which the Act comes into force in any area in respect of the establishments specified therein, every employer of such establishments in such area shall pay to the Board by cheque, bank draft, money order or cash
 - (a) all fines realised from the employer before the said date and remaining unutilised on that date: and
 - (b) all unpaid accumulations held by the employer on the aforesaid date.
- (2) Subsequent to the first payment made in accordance with sub-rule (1) every employer shall pay to the Board, all fines realised from the employees and all repaid accumulations during the quarter ending 31st March, 30th June, 30th September and 31st December within fifteen days from the close of each quarter.
- (3) The payment under sub-rules (1) and (2) shall, in each case, be accompanied by a statement giving full particulars of the amounts paid.
- (4) All other amounts mentioned in sub-section (2) of Section 3 of the Act shall also be paid to the Board.
- (5) Every employer shall submit to the Board a statement of employer's contribution and employees' contribution in respect of employees whose names stand on the register of the establishment on 30th June and 31st December respectively in Form A along with the payment of contribution under sub-section (3) of Section 9.

4. Notice for payments due

(1) Welfare Commissioner may, after making such enquiries as it may deem fit, and after calling for a report from the inspector, if necessary, serve a notice on any employer to pay any portion of fines realized from the employees or unpaid accumulations held by him which the employers has not paid in accordance with rule 3 or the contributions payable by him under Section 9 within the period specified therein, which shall not be less than 30 days from the date of service of such notice.

(2) The notice under sub-rule (1) shall be served on the employer either by personal service or by registered post acknowledgment due:

Provided that in case any employer refuses to receive such notice or it is returned by the postal authorities with the remarks that the employer refused to accept it or it cannot be served it shall be deemed to have been served if a copy thereof is posted on any suitable place at or near the main entrance of the Establishment.

5. Number of members to be nominated

The number of members to be nominated on the Board under clauses (b) and (c) of sub-section (3) of Section 4 shall be as under:

- (1) Representatives of the employer - 6
- (2) Representatives of the employees - 6
- (3) Independent members of whom at least one shall be women - 7

6. Allowances to Chairman and members

(1) The Chairman, if he is a non-official member he will be entitled to get such allowance and other facilities as may be prescribed time to time by the State Government.

(2) The other members of the Board excluding Secretary shall be eligible to an allowance of Rs. 25 for attending each meeting of the Board.

(3) The Chairman and members of the Board while travelling on duty shall be entitled to travelling and daily allowances as are admissible to First Grade Officers of State Government.

7. Conduct of business by Board

(1) The Board shall meet at least once every quarter as often as may be necessary.

(2) All members of the Board shall be given fifteen clear days notice of a meeting specifying the date, time and place of the meeting and the business to be transacted thereat:

Provided that, a shorter notice may be given if in the opinion of the Chairman business of an emergent nature has to be transacted. The number of members necessary to constitute a quorum at a meeting of the Board shall be seven of whom at least one each shall be from employers, the employees and the independent members.

(3) (a) If a member is unable to attend any meeting of the Board, he may, by a written instrument signed by him addressed to the Chairman of the Board, and explaining the reasons for his inability to attend the meeting, appoint any representative of the organisation which he represents on the Board, as his substitute for attending that meeting of the Board in his place:

Provided that no such appointment shall be valid unless;

- (i) such appointment has been approved by the Chairman of the Board, and
- (ii) the instrument making such appointment has been received by the Chairman at least seven days before the date fixed for the meeting.

A substitute validly appointed shall have all the rights and powers of a member, in relation to the meeting of the Board in respect of which he is appointed.

(4) Every meeting of the Board shall be presided over by the Chairman or if the Chairman is, for any reason, unable to attend it, by such one of the members present, as may be chosen by the meeting to be the Chairman for the occasion.

(5) If there is no quorum present as laid down in sub-rule (3) the Chairman shall, after waiting for thirty minutes from the time fixed for the meeting, adjourn the meeting to such hour on some other day as he may fix. A Notice of such adjourned meeting shall be sent to every member of the Board and the business fixed for the original meeting shall be brought before the adjourned meeting and may be disposed off at such meeting whether there is quorum or not.

(6) All questions placed before the meeting of the Board shall be decided by a majority of the members present and voting, at the meeting the Chairman have a second or casting vote in case of equality of votes.

(7) The Secretary, and in his absence any other officer of the Board authorised by the Chairman shall record the minutes of the proceedings of the meeting of the Board and shall include therein the names of the members present. A copy of such minutes shall be submitted to the State Government as soon as they are confirmed by the Board.

8. Constitution of Committees

(1) A Committee which may be constituted under Section 7 shall consist of members not exceeding 7, out of which at least 3 shall be members of the Board.

(2) The term of members of a Committee appointed for a specific job shall be the period taken for completing the said job, provided that in no case such term shall exceed the term of nominated members under sub-section (4) of Section 4 of the Act.

(3) The term of members of other committees shall be coterminus with the term of the nominated members under sub-section (4) of Section 4.

9. Particulars to be incorporated in the notice under section 8(3)

The notice referred to in sub-section (3) of Section 8 shall contain the following particulars, namely:

- (a) name and address of the establishment in which the unpaid accumulation was earned;
- (b) wage period during which the unpaid accumulation was earned;
- (c) amount of the unpaid accumulation;
- (d) list of employees and the amount of unpaid accumulation in respect of each of them paid to the Board.

10. Statement under section 9(8)

The statement to be submitted to the State Government by the Welfare Commissioner under sub-section (8) of Section 9 shall be in Form 'B'.

11. Accounts of the Fund

(1) The accounts of the Fund for each financial year ending 31st March, shall be prepared and maintained in Form 'C'.

(2) The Board shall cause to be maintained the following registers:

- (a) Fees register separately for different Welfare activities;

- (b) Unpaid accumulations account register;
- (c) Register of quarterly receipts of unpaid accumulations from the establishment and publication of notices;
- (d) Register of payments towards settlement of claims to unpaid accumulations under Section 8;
- (e) Register of fines and unpaid accumulations received under rule 3;
- (f) Register of contribution received under Section 9;
- (g) Register of payment of allowances to members under rule 5;
- (h) Register of immovable properties of the Board;
- (i) Register of movable properties of the Board;
- (j) Register of penal interest paid under section 10;
- (k) Register of voluntary donations to the Board;
- (l) Register of grant in aid or subsidy paid by the State Government;
- (m) Register of sums borrowed under Section 12;
- (n) Register of loans advanced by the State Government;
- (o) Register of grant in aid under section 11(3);
- (p) Separate registers on expenditure in providing Welfare facilities mentioned in sub-section (2) of Section 11;
- (q) Registers relating to strength of staff, their attendance, earned leave, casual leave, salary advance, loans and such other registers as the Welfare Commissioner may deem necessary for the proper administration of the Board.

12. Annual statement of account

The annual statement of accounts of the Board shall be prepared in Form D.

13. Budget of Board

- (1) The Welfare Commissioner shall cause the budget estimates for each financial year to be prepared and laid before the Board on or before the first day of December of the Financial year next preceding for its acceptance and thereafter the budget estimates as accepted by the Board shall be forwarded to the State Government on or before 30th December.
- (2) The State Government may amend, modify or alter the estimates submitted for its approval under sub-rule (1) in any respect or manner it may deem fit and shall return the same with its approval with or without amendment, modification or alteration, within thirty days of the receipt of the budget estimates.
- (3) The budget estimate approved by the State Government under sub-rule (2) shall constitute the budget of the Board for the financial year and shall be issued under the seal of the Board and signed by the Chairman the Welfare Commissioner and the Secretary. An authentic copy of the budget shall be forwarded to the State Government before the end of February.

14. Additional Expenditure

- (1) If during the course of the financial year it becomes necessary to incur expenditure over and above the provisions made in the budget, the Board shall immediately submit to the State Government the details of the proposed expenditure and specify the manner in which it is proposed

to meet such additional expenditure.

(2) On receipt of the proposal under sub-rule (1) the State Government may either approve the proposed additional expenditure in full or in part with such modifications or reject it totally. A copy of the order passed by the State Government on the proposal shall be communicated to the Board.

15. Mode of payment from fund

Payment from the Fund shall be made

- (a) where the amount payable is less than Rs. 250 in cash, and
- (b) where the amount payable is more than Rs. 250 by Bank Draft or through Cheques issued by the Welfare Commissioner:

Provided that in any particular case the Board may, for special reasons to be recorded, authorise payment in cash in respect of any amount payable by it.

16. Additional powers of Inspectors

Every Inspector shall, for carrying out the purposes of the Act, also have the powers to require any employer to produce any document for his inspection to supply him a true copy of any such document and to give him a statement in writing.

17. Strength of staff etc.

Besides of Officers to be appointed by the State Government under Section 15 and 16 of the Act the Board shall have such number of officers, clerical, executive and other staff as may be determined by the Board with the previous approval of the State Government:

Provided that whenever it is necessary to alter the strength so determined, the Board shall send necessary proposals with justification to the State Government for approval.

18. Classification, scales of pay, etc.

The classification, the pay scales and allowances of the posts determined under rule 17 shall be such as may be determined by the Board, from time to time with the previous approval of the State Government.

19. Method of recruitment

(1) Recruitment to the Board's service shall be by the following methods, namely:

- (a) by direct recruitment by competitive examination,
- (b) by direct recruitment by selection,
- (c) by promotion of members of the service, and
- (d) by obtaining State Government Servants on deputation under Section 18.

(2) The number of persons to be recruited through direct recruitment and promotion shall not exceed the percentage determined by the Board with the previous approval of the State Government.

(3) Subject to the provisions of these rules, the method or methods of recruitment to be adopted for the purpose of filling any particular vacancy or vacancies in the service as may be required to be filled during any particular period of recruitment and the number of persons to be recruited by each method shall be determined on each occasion by Welfare Commissioner.

(4) Notwithstanding anything contained in sub-rule (1) if in the opinion of the Welfare Commissioner the exigencies of the services so require, the Commissioner may with the approval of the Board and the State Government, adopt such method of recruitment to the service other than

those specified in the said sub-rule as he may, by order issued in this behalf, specify.

20. Appointment to the service

All appointments except those mentioned in Sections 15 and 16 shall be made by the Welfare Commissioner with the approval of the Board and no such appointment shall be made except after selection by one of the methods of recruitment specified in rule 19.

21. Conditions of eligibility of direct recruitment

In order to be eligible to be selected, a candidate must satisfy the following conditions, namely

(a) he must have attained the age of 18 years and not attained the age of 30 years on the first day of January next following the date of commencement of the selection.

(b) The upper age limit shall be relaxed as follows:

(i) in case of Scheduled Castes and Scheduled Tribes candidates up to 35 years:

(ii) if a candidate holding a post of the Board's service applies for another post being filled through competitive examinations he will be allowed to deduct from his age the period of total service rendered by him up to the maximum of 7 years, subject however, to the resultant age not exceeding the upper age limit by more than five years.

(iii) in case of retrenched Government servant, the period of all temporary services previously rendered by him up to a maximum limit of 7 years shall be allowed be deducted from his age provided that the resultant age does not exceed the upper age limit by more than three years.

Explanation: The term retrenched government servant shall have the meaning assigned to it in the M.P. Labour Service (Gazetted) Recruitment Rules, 1974.

(iv) in case of ex-servicemen, the period of all defence service previously rendered by him shall be allowed to be deducted from his age.

Explanation: The term 'ex-servicemen' denotes a person who belonged to any of the categories mentioned in rule 8 of the Chhattisgarh Labour Service (Gazetted) Recruitment Rules, 1974 and who was employed under the Government of India for continuous period for not less than 6 months and who was retrenched or declared surplus as a result of the recommendations of the economy with or due to normal reduction in the establishment not more than three years before the date of his registration at any employment exchange or of application made otherwise for employment in the Board's service.

(c) he must possess the educational qualifications which may be laid down by the Board for different posts with the previous approval of the State Government:

Provided that in exceptional cases and in the exigencies of service the Board may on the recommendation of the Welfare Commissioner, treat as qualified a candidate, who though not possessing any of the qualifications specified in this clause has passed examination conducted by other institutions by a standard which in the opinion of the Board justifies admission of the candidate to the examination and selection.

(d) He must pay the fees fixed by the Board.

22. Finality of Welfare Commissioner's decision

Subject to the provisions of clause (c) of rule 21 the decision of the Welfare Commissioner as to the eligibility or otherwise of a candidate of selection shall be final and no candidate to whom a certificate of admission has not been issued by the Welfare Commissioner shall be allowed to appear at the examination or be interviewed.

23. Disqualification

Any attempt on the part of a candidate to obtain support for his candidature by any means may be held by the Welfare Commissioner to disqualify him for selection.

24. Competitive examination

- (1) A competitive examination for recruitment to the service shall be held at such intervals as the Welfare Commissioner may, in consultation with the Board, from time to time determine.
- (2) The examination including interviews shall be conducted by the Welfare Commissioner in accordance with the procedure as may be determined by the Board.

25. Selection

- (1) Direct recruitment by selection to the service shall be held at such intervals as the Welfare Commissioner may in consultation with the Board, from time to time, determine.
- (2) For purposes of selection under sub-rule (1) names of persons having prescribed qualifications shall be obtained from the Employment Exchange.
- (3) Selection of candidates for service shall be made by the Welfare Commissioner or other officer or Selection Committee as may be determined by the Board, after interviewing them:

Provided that a written test may also be held before interview to ascertain the candidate's writing or typing capabilities.

26. Reservation for Scheduled Castes and Scheduled Tribes

- (1) Fifteen per cent and eighteen per cent of the available vacancies in direct recruitment under clause (a) and (b) of sub-rule (1) of rule 19 shall be reserved for candidates who are members of the Scheduled Castes and Scheduled Tribes respectively.
- (2) In filling the vacancies so reserved candidates who are members of the Scheduled Castes and Scheduled Tribes shall be considered for appointment in the order in which their names appear in the list referred to in rule 27 irrespective of their relative rank as compared with other candidates.
- (3) If sufficient number of candidates belonging to the Scheduled Castes and Scheduled Tribes are not available for filling all the vacancies reserved for them the remaining vacancies shall not be filled from the general candidates but re-advertised immediately and in the case of direct recruitment by selection, fresh names shall be obtained from the Employment Exchange. If any vacancies are still left unfilled they may be filled up from the general candidates and an equivalent number of additional vacancies shall be reserved for candidates belonging to the Scheduled Castes or Scheduled Tribes for the subsequent two examinations or selections, as the case may be:

Provided that if sufficient number of suitable candidates are not available even after the two examinations or selections to fill all the reserved vacancies including the additional vacancies or such of them as are not filled shall lapse.

27. List of qualified candidates

- (1) Where recruitment is made by a competitive examination the Welfare Commissioner shall prepare a list arranged in order of merit of the candidates who have qualified by such standard as may be determined by the Board, under sub-rule (2) of rule 24 and of the candidate belonging to the Scheduled Castes and Scheduled Tribes who though not qualified by the standard are declared by the Welfare Commissioner to be suitable for appointment to the Board's service with due regard to the maintenance of efficiency of Board's administration. The list shall be pasted on the Notice Board of

the Administrative Office of the Board.

(2) Subject to the provisions of these rules candidates will be considered for appointment to the available vacancies in the order in which their names appear in the list.

(3) Where recruitment is made by selection, the Welfare Commissioner shall prepare a list of candidates whom he considers most suitable on the basis of the written test and interview or only interview, as the case may be arranged in order of preference and of candidates belonging to Scheduled Castes and Scheduled Tribes who though not qualified by the standard laid down are declared by the Welfare Commissioner to be suitable for appointment to the service with due regard to the maintenance of efficiency of Board's Administration. The list shall be pasted on the Notice Board of Administrative Office of the Board.

(4) The inclusion of a candidate's name in the list confers no right to appointment unless the Welfare Commissioner is satisfied after such enquiry as he may consider necessary that the candidate is suitable in all respect for appointment to the service.

28. Eligibility for promotion

(1) The Board shall lay down the criteria for eligibility for promotion to various posts to be filled by promotion under rule 19.

(2) The Board shall constitute a committee of three members of whom two shall be the officers and one a member of the Board for making a preliminary selection for promotion of eligible candidates. Different Committees may be constituted for different categories of posts.

(3) The Committee shall prepare a list of such person as satisfy the criteria laid down under sub-rule (1) and as are held by the Committee to be suitable for promotion to the service based on merit with due regard to seniority. This list shall be sufficient to cover probable vacancies for two years.

(4) The names of the person included in the list shall be arranged in order of seniority in the service:

Provided that any junior person who, in the opinion of the Committee, is of an exceptional merit and suitability may be assigned in the list a higher place than that of persons senior to him.

(5) The list so prepared shall be reviewed and revised every year.

(6) If in the process of selection, review or revision, it is proposed to supersede any members of the service the Committee shall record reasons for the proposed supersession.

(7) The list prepared under this rule shall be forwarded by the Committee to the Board.

(8) The Board, shall consider the list prepared by the Committee alongwith the other documents received from the Committee and, unless it considers any change necessary, approve the list.

(9) If the Board considers it necessary to make any change in the list received from the committee, it shall inform the committee of the change proposed and, after taking into account the comments, if any, of the committee may approve the list finally with such modification, if any, as may in its opinion be just and proper.

(10) The list as finally approved by the Board, shall form the select list for promotion of the members of the service to a particular category of posts. This list shall ordinarily be in force until it is reviewed or revised under sub-rule (5):

Provided that in the event of a grave lapse in the conduct or performance of duties on the part of any person included in the select list, a special review of the select list may be made at the instance of the Board and the Committee may, if it thinks fit, remove the name of such person from the list.

(11) Appointment of the persons included in the select list to a particular category of posts, shall follow the order in which their names appear in the Select list:

Provided that, where administrative exigencies so require a person whose name is not included in the Select list or who is not next in order in the Select list, may be appointed to the Service if the Board is satisfied that the vacancy is not likely to last for more than three months.

29. Probation

Every person directly recruited to the service of the Board shall be appointed on probation for a period of two years.

30. Control of Board over staff

(1) The persons appointed under section 17 shall function under the administrative supervisory and disciplinary control of the Board.

(2) The provisions of the Chhattisgarh Civil Services (Classification Control and Appeal) Rules, 1966 shall apply mutatis mutandis for disciplinary action against a person appointed under section 17 of the Act.

31. Enquiry under Section 19

An enquiry contemplated under section 19 shall be made in accordance with the provisions of the Chhattisgarh Civil Services (Classification Control and Appeal) Rules, 1966 by an officer specified by the State Government for the purpose.

32. Limitation of expenditure

The Expenditure on officers and the servants appointed under Chapter IV of the Act and other administrative expenditure shall not exceed 50 per cent of the annual income of the fund.

33. Register of unclaimed wages and fines

Every employer of an establishment shall maintain and preserve for period of 10 years a consolidated register of unclaimed wages and fines in Form 'E':

Provided that in cases pending before the Appellate Authority the register shall be preserved till the cases are finally disposed.

34. Interpretation

If any question relating to the interpretation of these rules arises, it shall be referred to the State Government whose decision shall be final.

Footnote: The word "Chhattisgarh" has been substituted for "Madhya Pradesh" as per the Madhya Pradesh Reorganisation Act, 2000.