



Government of Jammu and Kashmir
Labour & Employment Department
Civil Secretariat, Srinagar.

Notification

Jammu, the 21st May, 2018

SRO-222 Whereas, Conciliation Officer (Assistant Labour Commissioner) Pulwama reported that the present dispute originated from a representation made by the employees of M/S Itifaq Cements Factory, Khrew Pulwama to Hon'ble Chief Ministers' Grievance Cell with regard to payment of bonus as per the provisions of Payment of Bonus Act, 1970, which inturn was referred to the authority through Labour Commissioner, J&K vide No.LC/Enf/Gc/017/291-92 dated 25.07.2017 for necessary action; and

Whereas, in compliance to directions, a detailed inspection note was prepared at the factory site and served by the Assistant Labour Commissioner, Pulwama to the employer on 26.07.2017. During an on spot inspection of the work site, wherein, in addition to other directions, the employer was directed to produce the prescribed record pertaining to the payment of Bonus to the employed persons; and

Whereas, in response, the employer furnished the salary statement of the employees for the month of June, 2017 along with the monthly salary as shown in the salary sheet for the month of June, 2017. The employer denied the payment of any additional bonus to the employed persons with the plea that the bonus is being paid to its employees as part of their monthly salary; and

Whereas, contrary to the claim of the employer, the employees demanded bonus separately under the provisions of Payment of Bonus Act, 1970 and this led to a dispute between the employee's and employers; and

Whereas, efforts were made by the Conciliation Officer, (Assistant Labour Commissioner), Pulwama to settle the dispute between parties but in view of the contrasting and conflicting stances of disputing parties, the same could not be settled; and

Whereas, the Conciliation Officer (Assistant Labour Commissioner), Pulwama has submitted his report regarding failure of

conciliation proceedings with the request that the case be referred to Industrial Tribunal/Labour Court for adjudication; and

Whereas, the Government after examination of the case, is of opinion that an Industrial dispute exists between employees of M/s Itifaq Cement and Construction Pvt. Ltd. Khrew Pulwama and M/s Itifaq Cement Construction Pvt. Ltd. Khrew Pulwama; and

Whereas, the Government considers it desirable to refer the dispute to the Industrial Tribunal/Labour Court for adjudication.

Now, therefore, in exercise of the powers conferred by clause (c) sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947) the Government hereby refers the said dispute to the Industrial Tribunal/Labour Court for adjudication on the following issues:-

1. Whether the Payment of Bonus as claimed by the employer, being paid as part of wages, qualifies for the Payment of Bonus provided under the provisions of Payment of Bonus Act, 1970?
2. Given the mode of payment as above, whether the employees can claim bonus under the Payment of Bonus Act, 1970?
3. If yes, the amount and recovery thereof.

By order of the Government of Jammu and Kashmir.

Sd/-

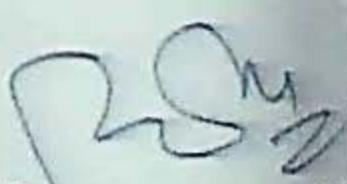
(Kifayat Hussain Rizvi), IAS
Commissioner/Secretary to the Government

No.L&E/Lab/15/2018

Dated:-21-05-2018

Copy to the:-

1. Advisor to Hon'ble Chief Minister, J&K.
2. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
3. Labour Commissioner, J&K, Srinagar.
4. Director Information, J&K, Srinagar with the request to publish the notification in leading english dailies one each from Jammu/Kashmir.
5. General Manager, Government Press, Srinagar for its publication in the next issue of the Government Gazette.
6. Presiding Officer, Industrial Tribunal/Labour Court, J&K Srinagar alongwith the case/leaves in original.
7. Assistant Registrar, J&K High Court, Kashmir.
8. Deputy Labour Commissioner, Srinagar.
9. Assistant Labour Commissioner (Conciliation Officer), Pulwama.
10. Private Secretary to the Hon'ble Minister for Labour and Employment.
11. Private Secretary to Commissioner/Secretary to the Government. Labour and Employment Department.
12. SRO file (w 2 s.c).
13. Stock file


(Dr. Irfan Ali Khan) IAS
Under Secretary to the Government