

Procedure followed in decision making process[Section 4(1)(b)(iii)]

1. DISPOSAL OF COMPLAINTS: -

- (a) Complaints of violation of labour laws are received in district offices of Labour Department by ALC/LO. After preliminary examination and verification, the complaint is marked/assigned to the Labour Inspector for investigation and to make efforts
- (b) The said complaint is entered by area inspector in the complaint register maintained in each district on the day it is received
- (c) Concerned area inspector conducts inspection of the said establishment and submits his findings/inspection report in the office.
- (d) ALC of the districts examines the inspection report and wherever the defaulting management fails to produce statutory records at the time of inspection to labour inspector, challan is filed against such managements/employers under the provisions of relevant Laws by the Labour Inspector in the Court of Metropolitan Magistrate. The complainant Worker/ Union is also intimated about the action taken on his complaint

2. DISPOSAL OF CASES FILED UNDER ID ACT.1947.

- (a) Individual termination cases of workers are received directly by ALC/LO in the district, wherein preliminary enquiries held and efforts are made to resolve the dispute by conducting informal discussion with the concerned management. In case it is not resolved, the concerned workman is issued an advisory letter to file a claim directly in Labour Court for expeditious disposal of his claim of termination of services through adjudication machinery. This is completed within one-month timeframe.
- (b) In other claims pertaining to disputes regarding general demands, bonus, termination of services of number of workers, regularization of service etc. etc. and individual termination cases where workman prefers to file his claim before Conciliation Officer instead of directly filing his claim before Labour Court, in all above matters three copies of claim are filed by workman directly or through his authorized and registered trade union before the Conciliation Officer i.e. ALC/LO.
- (c) ALC/LO on receipt of the claim fix the date of hearing on the same day and conciliation notice, duly signed by Conciliation Officer is sent to management along with copy of the claim intimating the date of hearing. By and large 15 days time is given to the management for filing their reply to the claim.
- (d) On scheduled date of hearing both the parties appear before the Conciliation Officer, in case reply is filed by the management, copy of the same is supplied/given to the workman/union representative and further date of approximately 15 days is given to workman/union to file their rejoinder if any.

During this process of conciliation proceedings efforts are made to induce both the parties to settle/resolve the dispute.

- (e) In case the dispute/case is not resolved, a failure report under Section-12 (4) of Industrial Disputes Act. 1947 is submitted by Conciliation Officer to Deputy Labour Commissioner with the recommendation to refer the dispute to Labour Court/Industrial Tribunal with proposed terms of reference which is based on contentions of both the parties. This process is by and large completed within three months of receipt of the claim.
- (f) In case the management fails to appear in conciliation proceedings on scheduled dates so fixed by Conciliation Officer, the proceedings are carried out ex-parte against the management and the dispute is referred to Labour Court/IT as the case may be, by the Deputy Labour Commissioner for adjudication.
- (g) Reference order is sent to both the parties for intimation. This process is completed within three months

3. DISPOSAL OF COMPLAINTS PERTAINING TO UNFAIR LABOUR PRACTICE AND COMPLAINTS UNDER SECTION-2(r) (a) AND SECTION - 29 OF ID ACT. 1947.

- (a) Complaints received are examined and investigated by ALC/LO and due opportunities are afforded to both the parties to submit their contentions
- (b) In case the management fails to appear, a show-cause notice giving 15 days time is afforded to management and the reply if any filed by the management is taken on record, copy of the same is given to the workman/union for their comments
- (c) After hearing both the parties in detail and after examining their contentions and arguments, the discussions are concluded to enable the officer to send the report in the matter
- (d) In case the union/workman is able to establish his case against the management a proposal for prosecution of the management is submitted to appropriate government/Labour Commissioner through District Under Secretary/DLC and JLC setting out details and reasons for prosecution
- (e) Secretary (Labour) on receipt of prosecution proposal examines the same and after granting approval the file is further submitted for approval of Chief Secretary and Lt. Governor.
- (f) After grant of approval for prosecution by Lt. Governor, prosecution against the defaulting management is filed in the Court of Metropolitan Magistrate by authorized officer of the Labour Department. This process is generally completed within four months from the date of receipt of the complaint and the

complainant is duly informed about the same

4. DISPOSAL OF CLAIMS FILED UNDER PAYMENT OF GRATUITY ACT 1972 AND APPEAL (QUASI- JUDICIAL PROCEEDINGS).

- (a) Claims regarding non-payment of gratuity dues are directly filed before controlling authority under Payment of Gratuity Act i.e. ALC/LO by the claimant.
- (b) On receipt of claim, notice for appearance before controlling authority is sent to management by controlling officer and after due opportunity and hearing of both the parties necessary orders are passed by Controlling Officer within one year or so from the date of receipt of claim.
- (c) In case aggrieved party prefers to file an appeal against the order of Controlling Officer the same is filed before appellate authority/DLC by the appellate and the appellate authority after affording due opportunities to both the parties pass necessary orders, modifying the order of the Controlling Officer and or upholding the order of Controlling Officer. Appellate Authority by and large completes/issues necessary orders within six months from the date of filing of an appeal.

5. DISPOSAL OF CLAIMS FILED UNDER EMPLOYEES COMPENSATION ACT. 1923, DELHI SHOP AND ESTABLISHMENTS ACT 1954, MINIMUM WAGES ACT 1948 AND OTHER ACTS BEFORE DISTRICT DEPUTY LABOUR COMMISSIONER.

- (a) Under above mentioned Acts District Deputy Labour Commissioners perform quasi-judicial functions and are required to follow provisions of the above acts along with CPC while processing the claims. Efforts are made by Deputy Labour Commissioners for expeditious disposal of the claims. Necessary administrative directions have also been issued to all Deputy Labour Commissioners from time to time for speedier disposal of the claims.<
- (b) Issue of licence and Registration Certificate under Contract Labour Act.1970 is issued by Deputy Labour Commissioners of the District within 15-20days of receipt of application.
- (c) Certification of draft standing order is done by District Deputy Labour Commissioners within 4-6 months from the date of receipt of draft standing order under intimation to management/union/worker representative

6. DISPOSAL AND IMPLEMENTATION OF AWARDS OF LABOUR COURT/IT.

This portion is being updated in view of amendments in the Industrial Disputes Act.

7. **PROCEDURE FOR REGISTRATION OF THE UNION UNDER TRADE UNION ACT. 1926.**

- (a) Application for registration of a trade union is received in the concerned district based on the address of establishment or address of office of Trade Union and after examination and verification of facts as per the provisions of Trade Union Act. 1926, the applicant union is granted a Registration Certificate by Deputy Labour Commissioner/Deputy Registrar, Trade Union
- (b) Mandatory annual returns under Trade Union Act. 1926 are also received and examined by concerned district and any dispute/issue regarding registration/re-registration is processed by Deputy Labour Commissioner/Deputy Registrar, Trade Union of the district

Note: Procedure and norms of disposal in respect of CIF, Boiler Inspectorate, Electrical Inspectorate, Account Section, Planning and Statistical Section, has to be prepared by respective Branch Incharges.

FACTORY SECTION

The procedure followed in decision making process in factories Inspectorate of Labour Department of GNCTD is given below. The process of Investigation of complaint through Departmental & Field Investigation is given in the form of Flow Chart here as under: -

Flow Process Chart for Inspection Report

Sl.No.	Activity	Level of action	Time Frame
1.	To receive application and put a diary number	Diary	Same day
2.	To send the papers to CIF for perusal and further necessary action.	Dealing Assistant	-do-
3.	To mark the papers to concerned Dy. CIF for investigation/retrieval of desired information from the concerned Inspector/Dealing Assistant	CIF	1 day
4.	To mark the papers to concerned Inspector/Dealing Assistant	Inspector of Factories	1 day
5.	To visit factory premises mentioned in the complaint by the applicant for verification of	Inspector of Factories	7days

	the facts		
6.	To verify facts from the office records and submission of desired report	Dealing Assistant	2 days
7.	To prepare report and submit to Dy. CIF/CIF	Inspector/Dealing Assistant	2 days
8.	To approve report/ reply to the application	Dy. CIF/CIF	1 day
9.	To prepare Report on the information sought and submit to State Public Information Officer	Dealing Assistant/CIF/State Public Information Officer	1 day
10.	Approval of the report by State Public Information Officer and delivering the same to the applicant	Dispatch Clerk	1 day

Electrical Section

FLOW PROCES CHART FOR ISSUE OF CERTIFICATE OF COMPETENCY CLASS - I

SL	ACTIVITY	LEVEL OF ACTION	TIME FRAMED
01	Declaration of result after Board Meeting	Secretary (BOE)	1 day
02	Preparation of licenses to all the successful candidates having Degree/Diploma and entry in the respective record register.	Dealing Clerk	2-3 weeks
03	Submission of file to Chairman/Secretary for Approval & signature	EI/AEI (Chairman/ Secretary)	07 days
04	Issue of Licence	Dealing clerk	01 day

FLOW PROCESS CHART FOR ISSUE OF CERTIFICATE OF COMPETENCY CLASS -II

SL	ACTIVITY	LEVEL OF ACTION	TIME FRAMED
01	To receive application and put a diary number	Dealing Clerk	Same day
02	Preparation of letter to respective ITI for verification of Particulars	Dealing Clerk	1 day
03	Submission of file to Secretary (Board of Examiners) for approval and signature	Secretary (BOE)	1 day
04	Receipt and reply from respective ITI	Diary Clerk	2-3 weeks
05	Preparation of licence and Submit to Chairman /Secretary (BOE) for approval and signature On the licence	EI/AEI (Chairman/ Secretary)	04 days
06	Issue of Licence	Dealing clerk	01 day

FLOW PROCESS CHART FOR RENEWAL OF CERTIFICATE OF COMPETENCY CLASS-I/II

SL	ACTIVITY	LEVEL OF ACTION	TIME FRAMED
01	Receipt of duly filled application form for renewal along with prescribed fee receipt and put a diary number	Dealing Clerk	Same day
02	Marking of file to respective dealing clerk	Secretary (BOE)	1 day
03	Taking out file from the record section and placing renewal form and their entry in the file and respective record register	Dealing Clerk	7 days
04	Approval and signature on the	Secretary	1 day

	licence and file by the Secretary (Board of Examiners)		
05	Issue of renewed Class-I/II licenses	Dealing Clerk	1 day

FLOW PROCESS CHART FOR ISSUE OF ELECTRICAL CONTRACTOR'S LICENCE

SL	ACTIVITY	LEVEL OF ACTION	TIME FRAMED
01	Declaration of list of Contractor those have been accorded approval by the Board of Examiners	Dealing Clerk	Same day
02	Issue of Demand Letter asking them to deposit licence fee in the prescribed treasury challan	Dealing Clerk	One week
03	Submission of file to Secretary (Board of Examiners) for obtaining signature on demand letters	Secretary (BOE)	3 days
04	Receipt of fees and placing it in the concerned files	Dealing Clerk	1 day
05	Preparation of licenses and other relevant papers for issue of licence	Dealing Clerk	1 week
06	Submission of file to Secretary/Chairman (BOE) for approval and signature	Secretary (BOE)	1 week
07	Issue of licenses	Dealing Clerk	As and when applicant along with his supervisor will come to office for signing on the Linces - same day

FLOW PROCESS CHART FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENCE

SL	ACTIVITY	LEVEL OF ACTION	TIME FRAMED
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01	Receipt of duly filled application form 'J' for renewal along with prescribed fee receipt and put a diary number	Dealing Clerk	Same
02	Marking of file to respective dealing clerk	Secretary (BOE)	1 day
03	Taking out file from the record section and placing renewal form etc. and their entry in the file and respective record register	Dealing Clerk	7 days
04	Approval and signature on the licence and file by the Secretary (BOE)	Secretary (BOE)	1 day
05	Issue of renewed Contractor licence	Dealing Clerk	1 day

FLOW PROCESS CHART FOR APPROVAL OF ELECTRICAL INSTALLATION

SL	ACTIVITY	LEVEL OF ACTION	TIME FRAMED
01	Receipt of relevant form and application inspection fees.	Dealing Clerk	Same day
02	Scrutinizing technical details, lay out plans, test reports etc.	EI/AEI	1 week
03	Marking of files to concerned field staff	EI	3 days
04	Inspection by field staff	EI/AEI/EO	1 week
05	Preparation of report and submission to higher officer for signatures	AEI/EO	1 day
06	Issue of NOC for notice of the application	Dealing Clerk	1 day

FLOW PROCESS CHART FOR APPROVAL OF PASSENGER LIFTS & GRANT OF ERECTION PERMISSION

SL	ACTIVITY	LEVEL OF ACTION	TIME FRAMED
01	Receipt of relevant application form and lift plan & put a diary number	Dealing Clerk	Same day
02	Preparation of file.	Diary Clerk	1 day
03	Handing over the file to concerned inspecting field staff & inspection by the field staff	AEI/EI	15 days
04	Preparation of report and submission to higher officer for signature	AEI	3 days
05	Issue of Erection Permission letter	Dealing Clerk	1 day

FLOW PROCESS CHART FOR GRANT OF LICENCE FOR WORKING OF PASSENGER LIFTS

SL	ACTIVITY	LEVEL OF ACTION	TIME FRAMED
01	To receive application and put a diary number	Diary Clerk	Same day
02	To mark application to concerned clerk	Dealing Clerk	1 day
03	To handing over file to concerned field staff and inspection by the field staff	AEI/EI	15 days
04	To prepare report and submit to higher Officer	AEI/EO	03 day
05	To approve the report	AEI/EI	01 day
06	Issue of the licence or notice	Desp. Clerk	01 day

BOILER SECTION

INSPECTION OF THE BOILER

S.No.	Level of Activity	Level of Action	Time Frame
1.	To receive Application & put a Diary No.	Counter Clerk	Same Day
2.	To issue a Treasury Challan, for depositing Registration Fees of the Boiler.	Dealing Assistant	Same Day
3.	To receive the 3rd copy of Treasury Challan & issue a Diary No.	Counter Clerk	Same Day
4.	To Put up to the Inspector for fixing the Inspection Date and gap of 15 days is required between the date on which inspection was finished & date of Inspections	Counter Clerk	15 Days
5.	To carry out the Inspection of Boiler on Pre-fixed Date	Inspector	Same Day
6.	To prepare Certificate of the Boiler & Put up to CIB	Inspector	2-3 Days
7.	Issue of Certificate	Counter Clerk	Same Day

Note:- If the Boiler isn't found satisfactory during Inspection, the Boiler Owner is asked to get the Boiler repaired as per the procedure laid under IBR-1950 & deposit another Inspection Fees in the Govt. Treasury for re-Inspection of Boiler after repairs. On receipt of the report of the Completion repairs & the Treasury Challan, the above procedure is repeated for the Certification of the Boiler .

REGISTRATION OF THE BOILER

S.No.	Level of Activity	Level of Action	Time Frame
1.	To receive Application & put a Diary No.	Counter Clerk	Same Day
2.	To issue a Treasury Challan, for depositing Registration Fees of the Boiler & Steam Pipe-Line (SPL), Feed Pipe-Line (FPL) & Blow-Down Pipe-Line (BDL) & declaration of the Boiler Owner.	Dealing Assistant	Same Day
3.	To receive Manufacturing Folder of the Boiler	Dealing Assistant	Same Day
4.	To receive the 3rd copy of	Dealing Assistant	Same Day

	Treasury Challan, for Registration Fees of the Boiler & receipt of the layouts of Steam Pipe-Line (SPL), Feed Pipe-Line (FPL) & Blow-Down Pipe-Line (BDL).		
5.	Approval of Layouts	CIB	2-3Days
6.	Permission for carrying out welding at site for laying Steam Pipe-Line (SPL), Feed Pipe-Line (FPL) & Blow-Down Pipe-Line (BDL)	CIB	2-3Days
7.	Inspection of Boiler & Steam Pipe-Line (SPL), Feed Pipe-Line (FPL) & Blow-Down Pipe-Line (BDL) for Registration on Pre-fixed Date	CIB	A gap of 15 days is kept after receipt of application
8.	Preparation of Memorandum Book & Registration Book of the Boiler.	CIB	6-7 Days
9.	Issue of the Provisional Order (P.O.) for the working of the Boiler.	Dealing Assistant	Same Day

STEAM TEST OF THE BOILER

S.No.	Level of Activity	Level of Action	Time Frame
1.	To receive Application & put a Diary No.	Counter Clerk	Same Day
2.	to fix-up the Steam -Test of the Boiler	Inspector	2-3 Days
3.	Steam-test of the Boiler on Pre-fixed Date	Inspector	Same Day
4.	Preparation of Certificate & submission to CIB	Inspector	2-3 Days
5.	Approval by the CIB	CIB	2-3 Days
6.	Issue of the Certificate	Dealing Assistant	Same Day

INSPECTION OF BOILER MOUNTINGS & FITTINGS

S.No.	Level of Activity	Level of Action	Time Frame
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1.	To receive Application & put a Diary No.	Counter Clerk	Same Day
2.	To issue a Treasury Challan, for depositing Inspection Fees of the Boiler Mountings & Fittings.	Dealing Assistant	Same Day
3.	To receive the 3rd copy of Treasury Challan, for Inspection Fees of the Boiler Mountings & Fittings	Dealing Assistant	Same Day
4.	Inspection of the Boiler Mountings & Fittings, on a Pre-Fixed Date	CIB	Same Day
5.	Submission of the Certificates, in the prescribed forms, by the Manufacturer of Boiler Mountings & Fittings to the CIB Office	Counter Clerk	Same Day
6.	Examining the Certificates, in the prescribed forms for Boiler Mountings & Fittings, as per IBR-1950	CIB	3-4 Days
7.	Issue of the Certificate	Dealing Assistant	Same Day

CERTIFICATE OF HIGH - PRESSURE WELDERS

S.No.	Level of Activity	Level of Action	Time Frame
1.	To receive Application & put a Diary No.	Counter Clerk	Same Day
2.	To issue a Treasury Challan for Welder examination	Dealing Assistant	Same Day
3.	To receive the 3rd copy of Treasury Challan, for welder examination	Dealing Assistant	Same Day
4.	Examination the Welder on Pre-Fixed Date	Inspector	Same Day
5.	To receive Test coupons of the Welded Joints	Dealing Assistant	Same Day
6.	Sending the test Coupons to the Approved Laboratory for Testing	CIB	Same Day
7.	Approval of the Test Results &	CIB	6 Days

	Issuing the Certificate to the Welder		
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