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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्यालय, मुख्य आयकर आयुक्त

नाशिक, 20 जुलाई, 2009

का.आ. 2035.—आयकर नियमावली, 1961 की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, मुख्य आयकर आयुक्त, नाशिक एतद्वारा यह अधिसूचित करता हूँ कि लातूर तथा उस्मानाबाद जिला माथाडी तथा आरक्षित रोजगार बोर्ड, लातूर (इसके बाद "बोर्ड" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :—

- (i) बोर्ड अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;

- (ii) बोर्ड उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर - जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार बोर्ड के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

- (iv) बोर्ड आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगी;

- (v) विघटन की स्थिति में बोर्ड अतिरिक्त राशियाँ और परिसमाप्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी;

and sub-section 2(A) of Section 10 of the Disputes Act, 1947 (14 of 1947) have referred the dispute for adjudication vide their Order 12/20/2002-IR (M), dated 10-10-2002.

Whether the action of the Management of Baltarani of Dr. S. Pradhan, At/Po. Barbil, Dist. Keonjhar, taking the services of Shri Babin Mohakud, Babin Mohakud At/P.O. Dhobakuchida, Vin: a, Dist. Keonjhar, /PRW with effect from 15-1-1999 without serving any notice and without following provisions of Industrial Disputes Act, 1947 is justified? What relief the workman is entitled to?"

It is alleged by the workman in his claim statement signed in the Baltarani Iron Mines of Dr. Sarojini, in April, 1993 to work as a Miner. While he has as such continuously he all of a sudden was refused employment with effect from 15-1-1999 without any advance or any terminal benefits being paid to him. He was, his termination was due to lack of mining activities at once the production of minerals commences he is intimated later. It is further alleged by the workman thereafter he was never called to work and therefore he made a representation for his reinstatement with full wages and then due to apathetic attitude of Management he raised an Industrial Disputes.

3. In the written statement the 1st Party-Management alleged that the workman was never engaged on regular basis. Rather himself and few others were engaged in the mine on piece rated basis as and when necessary upon their offering to work and they were being paid depending upon the quantum of work performed by each day. It is further alleged that during non-engagement period these piece rated workers used to work in the mines on daily rated basis. So far as the case of the workman is concerned it is further submitted by the Management that the workman having worked for some time as a piece rated worker did not turn up for work regularly much before the alleged date of termination as such the allegations of the workman that he was refused employment from 15-1-1999 without any advance or terminal benefits is nothing but a myth and a malicious story. It is further contended by the Management at the present reference is the brain child of one Shri B. S. Pati, the General Secretary of the so called North Orissa Workers Union with which the Management had no connection. It is alleged that this and several other cases have been mooted against the Management at the behest of Shri B. S. Pati, an outside Trade Unionist for his ulterior motive.

4. From the record it transpires that, ever since the inception of the case Shri B. S. Pati, General Secretary, North Orissa Workers Union is alone appearing on behalf of the workman as his authorized representative. In one such case between the Management and its workers

Shri Pati was declared incompetent to represent the piece rated workers of Baltarani Iron Mines for the reason that these workers were not belonging to the aforesaid Union. In O.J. C. 17216/2001 the Hon'ble Court in an alike manner has held that Shri B. S. Pati the General Secretary of the North Orissa Workers Union is not competent to represent one Shri Madhusudhan Naik a worker of the Management-Company. In the present case also except Shri Pati the workman has never appeared. Though the workman was specifically asked to appear today, he has failed to appear. Rather Shri Pati as usual appeared though he has no locus standi to represent the workman. As a result the workman was set exparte and the evidence of the Management through affidavit was accepted.

5. From the aforesaid evidence as adduced by the Management it transpires that the disputant-workman and few others were engaged as and when required as piece rated worker and they were being paid on the basis of quantum of work performed by them whenever engaged. In the claim statement the workman has of course stated that he was taken to employment in April, 1993 and was, refused employment on 15-1-1999. But there is no mention that, he was given such employment on regular basis and that he was issued with any letter of appointment. At Para-4 of the claim statement he further averred that when he approached the Management to know about her non-engagement he was told that for lack of mining activities he could not be engaged but he would be called upon again once the production of the materials is taken up. He further stated that when he was not intimated as to when such production would be taken up, he made a representation for his reinstatement with full back wages. These averments of the workman indirectly suggests that he was engaged as a piece rated worker as contended by the Management. Besides the evidence of the Management shows that the workman had abandoned the job long before the alleged date of termination and as such the allegations of the workman that he was terminated on 15-1-1999 appears to be un-believable for want of any evidence being adduced from his side. On the other hand the time to time participation of Shri B. S. Pati to represent the workman further strengthens the belief, as contended by the Management, that the case has been mooted at the behest of Shri Pati, an outsider Trade Unionist with whom the disputant has no legal connection.

6. In view of the above and for lack of any evidence from the side of the workman it is held that there is no merit in the dispute and accordingly the reference is answered exparte against the workman.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2084.- जबकि, केन्द्रीय सरकार ने कर्मचारी राज्य बीमा निगम से परामर्श से, भारत सरकार, श्रम एवं रोजगार मंत्रालय

की अधिसूचना संख्या का.आ. 47 दिनांक 22 दिसम्बर, 2008 के द्वारा कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के उपबंधों का उक्त अधिसूचना की तारीख से छः माह के बाद अनुसूची में विनिर्दिष्ट स्थापनों के कतिपय वर्गों पर विस्तार के आशय का नोटिस दिया।

और जबकि, उक्त अधिसूचना की प्रतियां जन-सामान्य को 3 जनवरी, 2009 को उपलब्ध करवा दी गई थी;

और जबकि, उक्त अधिसूचना के संबंध में छः माह की उक्त अवधि के भीतर कोई आपत्तियां और सुझाव प्राप्त नहीं हुए हैं;

अब, अतः, केन्द्रीय सरकार ने कर्मचारी राज्य बीमा निगम से परामर्श से कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उक्त अधिनियम के उपबंधों का अनुसूची के कॉलम 1 में विनिर्दिष्ट स्थापनों के वर्गों तथा कॉलम 2 में विनिर्दिष्ट क्षेत्र के अंतर्गत अवस्थित उक्त अधिसूचना की अनुसूची के कॉलम 3 में विनिर्दिष्ट कर्मचारियों की श्रेणी पर विस्तार करती है, अर्थात्:-

अनुसूची

स्थापनों का विवरण	क्षेत्र जिनमें स्थापन स्थित हैं	कर्मचारियों का वर्ग जिन पर अधिनियम लागू होता है
1	2	3
केन्द्र सरकार से संबन्धित या नियंत्रणाधीन निम्नलिखित स्थापनों जिनमें पिछले बारह महीनों में किसी दिन मजदूरी पर बीस या अधिक व्यक्ति नियोजित किए गए हैं या किए गए थे, अर्थात्:-	वे सभी क्षेत्र जहां अधिनियम की धारा 1 (3) के अधीन कर्मचारी राज्य बीमा अधिनियम, 1948 के उपबंध पहले ही लागू किए जा चुके हैं।	सभी अनियत और ठेका कर्मचारी
(i) दुकानें;		
(ii) होटल;		
(iii) रेस्तरां;		
(iv) सड़क परिवहन स्थापना;		
(v) पूर्व-दर्शन थियेटर सहित सिनेमा;		
(vi) श्रमजीवी पत्रकार और अन्य समाचार पत्र कर्मचारी (सेवा की शर्तें) और प्रकीर्ण उपबंध अधिनियम, 1955 (1955 का 45) की धारा 2 (घ) में यथा परिभाषित समाचार स्थापन;		

1
(vii) बीमा व्यवसाय से जुड़े स्थापन, गैर-बैंकिंग वित्तीय कम्पनियां (एन.बी.एस.सी.), पतन न्यास, विमान पतन प्राधिकरण तथा भंडारण।

[सं. एस-38025/5/2009-एस.एस.1]

एस. टी. जेवियर, अवर सचिव

New Delhi, the 20th July, 2009

S.O. 2084.— Whereas, by a notification of the Government of India in the Ministry of Labour & Employment number S.O. 47 dated the 22nd December, 2008, the Central Government, in consultation with the Employees' State Insurance Corporation, gave notice of its intention to extend the provisions of the Employee's State Insurance Act, 1948 (34 of 1948) to certain classes of establishments specified in the Schedule to the said notification after six months from the date of that notification.

And whereas, the copies of the said notification were made available to the public on 3rd January, 2009.

And whereas, no objections and suggestions have been received within the said period of six months in respect of the said notification.

Now, therefore, in exercise of the powers conferred by sub-section (5) of section 1 of the Employee's State Insurance Act, 1948 (34 of 1948), the Central Government, in consultation with the Employee's State Insurance Corporation, hereby extends the provisions of the said Act to the classes of establishments specified in column (1) and situated within the area, specified in column (2) of the Schedule to the category of employees specified in column (3) of the said Schedule, namely:—

SCHEDULE

Description of establishments	Areas in which the establishments are situated	Category of employees to whom the Act applies
1	2	3
The following establishments belonging to or under the control of the Central Government wherein twenty or more persons are employed, or were employed for wages on any	All areas where the provision of the ESI Act, 1948 have already been brought into force under Section 1 (3) of the Act.	All casual and contract employees.

- 1 day of the prece-
ding twelve mon-
ths namely:—
- 2
- 3
- (i) Shops;
- (ii) Hotels;
- (iii) Restaurants;
- (iv) Road Transport establishments;
- (v) Cinema including preview theatres;
- (vi) Newspaper establishments as defined in Section 2 (d) of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955);
- (vii) Establishments engaged in insurance business, other than Non-Banking Financial Companies (NBFC), Port Trusts, Airport Authorities and Warehousing.

[No. S-38025/5/2009-SS-1]
S. D. XAVIER, Under Secy.

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2085.- कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 1 अगस्त, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा- (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

केन्द्र	बढ़ते हुए निम्नलिखित क्षेत्र/विरुदुनगर जिले के राजस्व गांव
सिवकासी	1. दुरसामिपुरम
शाखा नगर	2. नडिकुडी
	3. कुन्दायीरुप्पु
	4. एदिरकोट्टै
	5. अपयनायक्कनपट्टी
	6. नमसकरितानपट्टी
	7. पूरनचन्द्रपुरम
	8. वडपट्टी
	विरुदुनगर जिले के सिवकासी तालुक में।

[सं. एस-38013/25/2009-एस.एस.1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 22nd July, 2009

✓ S.O. 2085.— In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st August, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Sections (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely:—

Centre	Areas Comprising the Revenue Villages of
Sivakasi	1. Duraisampuram
Suburbs in	2. Nathikudi
Sivakasi	3. Kundayiruppu
Taluk,	4. Ethirkottai
Virudhu-	5. Appaiyanai Kenpatti
Nagar	6. Namaskarithanpatti
District	7. Poornachandra Pruum
	8. Vadapatti

[No. S-38013/25/2009-S.S.-1]

S. D. XAVIER, Under Secy.

नई दिल्ली, 22 जुलाई, 2009

✓ का.आ. 2086.- कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 1 अगस्त, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा- (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध आंध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

"आंध्र प्रदेश राज्य गुंटूर जिले के दाचेपल्ली मंडल के राजस्व गांव और उनके खंडों में जिनका विवरण नीचे दिया गया है।"

क्र.स.	राजस्व गांव	खेडा
1.	नडिकुडी	ईरकेपल्ली, नारायणपुरम, मंसूरशाहपेट
2.	अलुगुमल्लिपाडु	दुर्गापुरम
3.	मदिनापाडु
4.	गमलापाडु	संकरापुरम
5.	केसनुपल्लि	तक्केल्लापाडु
6.	मुत्थालमपाडु
7.	रामापुरम	श्रीनगर
8.	दाचेपल्ली

[सं. एस-38013/27/2009-एस.एस.1]

एस. डी. जेवियर, अवर सचिव