

.. Government of West Bengal  
Labour Department  
I.R. Branch  
Writers' Buildings, Kolkata-1

No. 1136-Ir  
IR/75-11/2004

Dated : 22/08/2014

NOTIFICATION

WHEREAS, the Governor thinks fit so to do in the interest of Public Service

**NOW, THEREFORE**, in exercise of the power conferred by Sub –Section (2) of Section 4 of the West Bengal Shops & Establishments Act, 1963 (West Bengal Act XII of 1963), the Governor is pleased hereby to exempt, where the said Act applies in the State, all classes of petrol and diesel pumps (filling stations) situated within the area of 124-Basirhat Dakshin and 162-Chowrangee Assembly Constituency in the State on the occasion of bye-election to the said assembly Constituency to be held on 13<sup>th</sup> September, 2014 (Saturday) for the period from 10<sup>th</sup> September 2014 to 16<sup>th</sup> September 2014 (both days inclusive) from the operation of the provision of sub-section(2) of section 6 of the said Act, subject to the condition that any work beyond eight and half hours a day or 48 hours a week shall be regarded as overtime work for payment of overtime wages under section 13 of the said Act

By Order of the Governor



Deputy Secretary to the Govt. of W. Bengal

Dt: 22/08/2014

1136/  
NO. 11/1(14)-IR

Copy forwarded for information to :-

01. The Labour Commissioner , West Bengal , New Secretariat Buildings.(11<sup>th</sup> Floor),1,K.S.Roy Road,Kol-1
02. The Chief Inspector of Shops & Establishment, W.Bengal,6,Church Lane,Kol-1
03. The Home(C&E) Department,Govt. of W.Bengal,21,N.S Road, Kol-1
04. The Home(Poll) Deptt., Govt. of West Bengal, Nabanna, Howrah-711102.
05. The Commerce & Industries Department,Govt. of W.Bengal,4, Camac Street , Kol-17
06. The Micro & Small Scales Enterprises and Textiles Deptt., Govt. of W.Bengal, Hemanta Bhaban, Kol-1
07. The Industrial Reconstruction Deptt.,Govt. of W.Bengal, Writers' Buildings, Kol-1
08. Deputy Director of Publicity, Information & Cultural Affairs Department, Govt. of W.Bengal with request to give immediate publicity of the matter in A.I.R, Doordarshan & leading daily Newspapers
09. The Chief of News Bureau, Nabanna, Howrah-711102.
10. The Chief Electoral Officer, West Bengal,21, Netaji Subhas Road, (2<sup>nd</sup> floor), Kolkata-700001.
11. The Home (Police) Department, Government of West Bengal.
12. The D.M.
- .....
- .....
13. ....
- .....
- ( All Chamber Of Commerce & Employer's Organisations)
14. Guard file.



Deputy Secretary to the Govt. of W. Bengal

**Government of West Bengal**  
**Labour Department**  
**I.R. Branch**  
**East India House, 2<sup>nd</sup> Floor,**  
**20B, Abdul Hamid St., Kol-69.**

No: 1135-I.R.  
IR/75-11/2004

Dated: 22/08/2014

From: The Deputy Secretary to the Government of West Bengal

To : \_\_\_\_\_

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(Chamber of Commerce & Employees Organization)

**Sub: - Bye-election to 124-Basirhat Dakshin and 162-Chowrangee Assembly in the district of North 24 Parganas and Kolkata to be held on 13<sup>th</sup> September, 2014 (Saturday) –Grant Of Paid Holidays-Regarding.**

Sir,

I am directed to state that, the 13<sup>th</sup> September, 2014 (Saturday) has been fixed for Bye-election to fill up casual vacancies in West Bengal Lagislative Assembly from 124-Basirhat Dakshin and 162- Chowrangee Assembly Constituencies.

It has been made obligatory on the part of the employers of any business, trade, industrial undertaking or any other establishments of the areas under the said Assembly Constituencies to grant paid holiday on the day of Poll to their workmen who are entitled to cast vote in the election under the representation of Peoples Act, 1951.

Section 135B of the Representation of the People Act, 1951 reads as follows:-

“135B. Grant of paid holiday to employees on the day of poll”

- i) Every person employed in any business trade, industrial undertaking or any other establishment and entitled to vote at election to the House of the people or the Legislative Assembly of a State shall, on the day of Poll, be granted a holiday.
- ii) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with Sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall none-the-less be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.
- iii) If an employer contravenes the provisions of sub- Section (1) or Sub-Section (2) then such employer shall be punishable with fine, which may extend to five hundred rupees.
- iv) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged”.

2) The above provisions require that all establishments and shops including those which work on shift basis shall be closed on the day of poll in the Constituency where a General/



Bye-election is to be held. However, there may be cases where a person is ordinarily resident of the Constituency and registered as an elector, may be serving/employed in an industrial undertaking or an establishment located outside the Constituency having a General/Bye-election. It is clarified that in such a situation, even those electors including casual workers working outside the constituency concerned would be entitled to the benefit of a paid holiday extended under the Section 135B(1) of the representation of the people Act, 1951.

3) The daily wage/casual workers are also entitled for a holiday and wages on poll day as provided in Section 135B of the R.P.Act, 1951.

I am therefore, directed to request you to advise your constituent members in whose units SATURDAY is a working day, to abide by section 135B of the Representation of peoples Act, 1951 and grant a paid holiday on 13<sup>th</sup> September (Saturday) to all categories of workers and employees to enable them to exercise their right of franchise in the aforesaid election.

Yours faithfully,



Deputy Secretary to the Govt. of W.B.

NO. 1135 /1 (11)-I.R

Dt.22/08/2014

Copy forwarded for information to:

01. The Labour Commissioner, West Bengal, New Secretariat Buildings.(11<sup>th</sup> Floor),1,K.S.Roy Road,Kol-1
02. The Chief Inspector of Shops & Establishment, W.Bengal, 6,Church Lane,Kol-1
03. The Home(C&E) Department, Govt. of W. Bengal.21 N. S. Road, Kolkata-700001.
04. The Home (Poll) Deptt. , Govt. of West Bengal. Kolkata-700001.
05. The Commerce & Industries Department, Govt. of W.Bengal, 4, Camac Street.Kolkata-700017
06. The Micro & Small Scales Enterprises and Textiles Deptt., Govt. of W.Bengal. Writers' Buildings. Kolkata-700001
07. The Industrial Reconstruction Deptt., Govt. of W.Bengal, Writers' Buildings, Kol-1
08. The Home (Police) Department, Government of West Bengal.
09. Chief of the News Bureau, West Bengal, Writers' Buildings, Kol-1
- 10.The Deputy Director of Publicity, Information & Cultural Affairs Deptt, Govt. of W.Bengal, Writers' Buildings , Kol-1 with a request to give immediate publicity of the matter through A.I.R, Doordarshan and leading daily Newspapers.
11. The Chief Electoral Officer, West Bengal, 21, Netaji Subhas Road, (2<sup>nd</sup> floor), Kolkata-700001.

Deputy Secretary to the Govt. of W.B.

No. 1135 /2(2)-IR

Dt. 22/08/201

Copy forwarded for information to:

01. P.S. to Minister in Charge, Labour, West Bengal.
02. P.A. to Secretary, Labour Department, West Bengal

Deputy Secretary to the Govt. of W.B.