
Maharashtra Workmens Minimum House Rent Allowance Rules, 1990

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Maharashtra Workmens Minimum House Rent Allowance Rules, 1990

No.HRA.3088/9498/Lab-2- In exercise of the powers conferred by sub-sections (1) and (3) of section 6, section 8 and sub-sections (1) and (2) of section 14 of the Maharashtra Workmen's Minimum House Rent Allowance Act, 1983 (Mah. XXIII of 1988) (hereinafter referred to as "the said Act") and of all other powers enabling it in this behalf, Government of Maharashtra makes the following rules the same having been previously published as required by section 14(1) of the said Act.

1. Short Title And Commencement :-

- (1) These rules may be called the Maharashtra Workmens Minimum House Rent Allowance Rules, 1990.
- (2) They shall come into force on and from the 1st day of January 1991.

2. Definitions :-

- (1) In these rules, unless the context otherwise requires,-

- (a) "Act" means the Maharashtra Workmens House Rent Allowance Act, 1983 (Mah. XXIII of 1988);
- (b) "Appellate Authority" means such authority as may be appointed by the State Government in this behalf under sub-section (3) of section 6.;
- (c) "Form" means a form appended to these rules;
- (d) "Inspector" means any person appointed as Inspector under sub-section (1) of section 9; and
- (e) "Section" means a section of the Act.
- (2) All words and expression used in these rules, unless otherwise defined, shall have the same meaning as assigned to them in the Act.

3. Manner And Time Of Payment Of House Rent Allowance :-

The house rent allowance payable to a workman under section 6 for any month shall be paid within ten days of the month next following.

4. Maintenance Of Register Of House Rent Allowance :-

Every employer shall maintain a register of house rent allowance in Form "A". Provided that, it will be sufficient compliance with the provision of this rule if the employer maintains record of payment of house rent allowance in any other register relating to payment of wages which he is required to maintain under any other law for the time being in force and the fact of maintenance of such register is intimated to the Controlling Authority concerned.

5. Application For Recovery Of House Rent Allowance :-

(1) The application under sub-section (1) of section 6 for recovery of unpaid house rent allowance shall be in "Form B", and each workman shall submit a separate application; Provided that where a large number of workmen are involved, a single application may be made by a person authorized by different workmen or their legal representatives.

(2) The application in "Form B" shall be served on the Controlling Authority concerned in triplicate either by personal service with receipt thereof or by registered post with acknowledgement due.

6. Procedure For Dealing With Application For Recovery Of House Rent Allowance :-

(1) On receipt of an application under rule 5 the Controlling Authority shall, by issuing a notice in "Form C" and call upon the applicant as well as the employer concerned to appear before him on a date specified in the notice, not being less than 14 days after the date of service of the notice, either personally or through his authorized representative together with all relevant documents and witnesses if any; Provided that, the date fixed for hearing may be extended by the Controlling Authority either suo-motu or on an application made by either of the parties.

(2) Any person desiring to act on behalf of an employer of a workman, his authorized representative or legal representative, as the case may be, shall, present to the Controlling Authority a letter of Authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act, together with a Written Statement, explaining his interest in the matter and praying for permission so to act on behalf of such person, and the Controlling Authority, shall record thereon an order either according to his approval or specifying in the case of refusal to grant the permission prayed for, the reasons for the refusal.

(3) After completion of hearing on the date fixed under sub-rule (1), or after such further evidence, examination of documents or witnesses and hearing, as may be deemed necessary, the Controlling Authority shall record his finding as to whether any amount is payable to the applicant under the Act and a copy of the finding shall be given to each of the parties.

(4) If the employer concerned fails to appear on the specified date of hearing without sufficient ground, the Controlling Authority may proceed to hear the application ex-parte and if the applicant fails to appear on the specified date of hearing without sufficient ground, the Controlling Authority may dismiss the application; Provided that, an order under this sub-rule may, on good cause being shown within thirty days of the said order, be reviewed and the application be reheard after giving 14 days notice to the opposite party of the date fixed for rehearing of the application.

7. Direction For Payment Of House-Rent Allowance :-

If a finding is recorded under sub-rule (3) of rule 6 that the applicant is entitled to payment of house rent allowance under the Act, the Controlling Authority shall issue a notice to the employer concerned in "Form D" specifying the amount payable and directing payment thereof to the applicant under intimation to the Controlling Authority within thirty days from the date of receipt of

the notice and a copy of the notice shall be endorsed to the applicant, workman, his authorized representative or his legal representative, as the case may be.

8. Appeal From The Order Of Controlling Authority :-

(1) The appeal under sub-section (3) of section 6 shall be in the form of a memorandum setting forth concisely the facts of the case, grounds of objection to the order or direction against which the appeal is preferred and the relief sought for, and every such memorandum of appeal shall be accompanied by a certified copy of the order or direction of the Controlling Authority which is the subject matter of the appeal.

(2) A copy of the memorandum of appeal under sub-rule (1) shall be served by the appellant on all the opposite parties including the Controlling Authority, either by personal service after obtaining receipt or by registered post with acknowledgement due.

(3) Within fourteen days of the receipt of a copy of the memorandum of appeal.

(a) the Controlling Authority shall forward all the records of the case against which the appeal has been preferred, to the Appellate Authority; and

(b) the opposite party shall submit his Written Statement containing comments on each paragraph of the memorandum of appeal and additional pleas, if any, to the Appellate Authority and the opposite party shall serve a copy of his Written Statement on the appellant either by personal service after obtaining receipt or by registered post with acknowledgement due.

(4) The Appellate Authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard and shall forward a copy of the decision to the parties concerned and the Controlling Authority and the records of the Controlling Authority received under sub-rule (3) shall be returned to him by the Appellate Authority while forwarding a copy of the decision to him under this rule; Provided that, if the appeal is disposed of ex-parte or struck out or dismissed for default, the Appellate Authority may, within 30 days from the date of the order, restore it, to file if sufficient cause be shown for non-appearance on the date of the hearing of the appeal of the respondent or of the appellant, as the case may be.

(5) On receipt of the decision of the Appellate Authority, the Controlling Authority shall, if required under that decision, modified

his direction under rule 7 and issue a notice in Form E specifying the amount payable and directing payment thereof to the applicant, under intimation to the Appellate Authority within fifteen days from receipt of the notice by the employer and a copy of the notice shall be endorsed to the applicant workman, his authorized person or legal representative, as the case may be, and to the Appellate Authority.

9. Maintenance Of Records Of Cases By The Controlling Authority :-

(1) The controlling Authority shall record the particulars of each case in Form F and at the time of passing order shall sign and date the particulars so recorded.

(2) The Controlling Authority shall, while passing order in each case, also record the substance of the evidence adduced in the case as an appendix to the order.

(3) Any record, other than a record of and order or direction which is required by these rules to be signed by the Controlling Authority, may be signed on his behalf and under his direction by any subordinate officer appointed in writing for this purpose by the Controlling Authority.

10. Inspection And Copies Of Decisions, Records And Documents :-

(1) A workman, or a Trade Union or an employer shall be entitled to have inspection of any document filed with the Controlling Authority.

(2) An application for inspection of a document with the Controlling Authority shall be accompanied with a fee of two rupees.

(3) A workman, Trade Union or an employer desiring to have a copy of any document with the Controlling Authority shall make an application accompanied with a fee of two rupees.

(4) Certified copies of documents shall be given to the applicant on payment of one rupee for document containing 100 words or fraction thereof.

11. Register Of Application For Copies :-

Application for copies shall be numbered consecutively and entered in a register maintained for the purpose in Form H.

12. Register Of Workmen :-

Every employer shall maintain a Register of Workmen in "Form I"

showing therein the names of all his workmen and the days of the months on which such workmen were in service or for which such workmen earned wages;

Provided that, it will be sufficient compliance with the provision of this rule if the information under this rule is maintained in any other register that the employer is required to maintain under any other law for the time being in force and the fact of maintenance of such register is intimated to the controlling Authority.

13. Visit Book :-

(1) Every employer shall maintain a visit book in which an Inspector visiting the industry may record his remarks regarding any defect that may come to his notice at the time of his visit, regarding any documents required to be maintained or produced under the provisions of the Act or these rules. If the Inspector has no remarks to pass he may simply sign the visit book mentioning the date and time of his visit.

(2) The visit book shall be a bound book the pages of which shall be consecutively numbered;

Provided that no separate visit book shall be necessary in the case of an employer who is required to maintain a visit book under the provisions of the Maharashtra Minimum Wages Rules, 1963 or Maharashtra Shops and Establishments Rules, 1961.