

## NOTIFICATION

No. L-II-2-12/2018: In exercise of the powers conferred by Sub-section (1) of Section 27 of the Sindh Payment of Wages Act, 2015 (Sindh Act No.VI of 2017), read with section 22 of the General Clauses Act, 1897 (10 of 189), the Government of Sindh is pleased to make the following rules, namely:

1. **Short title and commencement.** (1) These rules may be called the Sindh Payment of Wages (Procedure) Rules, 2020.

(2) They extend to the whole province of Sindh.

2. **Definitions.** (1) In these rules, unless, there is anything repugnant in the subject or context –

(a) "Act" means the Sindh Payment of Wages Act, 2015 (Sindh Act No.VI of 2017);

(b) "Authority" means Authority appointed under sub-section (1) of section 15;

(c) "appeal" means an appeal under section 17;

(d) "Court" means the court mentioned in sub-section (1) of section 17;

(e) "Employer" includes the persons responsible for the payment of wages under section 3;

(f) "Form" means a Form appended to these rules;

(g) "record of order or direction" means the record of an order dismissing either wholly or in part an application made under sub-section (2) of section 15 of the Act or of a direction made under sub-section (3) or sub-section (4) of that section to kept in Form-F;

(h) "section" means a section of the Act:

(2) The words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act.

3. **Form of application.** Applications under sub-section (2) of section 15 by or on behalf of an employed or group of persons employed shall be made in duplicate in Form-A, Form-B or Form-C, as the case may be, one copy of which shall bear such court fee as may be prescribed.

4. **Authorization.** The authorization to act on behalf of an employed person or persons, under section 15, shall be given by a certificate in Form-D, shall be presented to the authority hearing the application and shall form part of the record.

5. **Permission to appear.** Any person desiring the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority, a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement which in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

6. **Presentation of documents.** (1) Applications or other documents relevant to an application may be presented in person to the Authority at any time during hours to be fixed by the Authority, or may be sent to him by registered post or personally or through by authorized person.

(2) The Authority shall at once endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be.

7. **Refusal to entertain application.** (1) The Authority may refuse to entertain an application presented under rule 6, if, after giving the applicant an opportunity of being heard, the Authority is satisfied, for reason to be recorded in writing that -

- (a) the applicant is not entitled to present an application; or
- (b) the application is barred by reason of the provisions in the provisos to sub-section (2) of section 15; or
- (c) the applicant shows no sufficient cause for making a direction under section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or otherwise incomplete and, if he so refuses shall return it at once with an indication of the defects. If the application is presented again after the defects have been made good, the date of representation shall be deemed to be the date of presentation for the purpose of the proviso sub-section (2) of section 15.

8. **Appearance of parties.** (1) If the application is entertained, the Authority shall call upon the Employer by a notice in Form-E to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may either proceed to hear and determine the application ex-parte or provide last chance by giving notice, and if the employer or his representative again fails to appear on the date specified in the last notice, the Authority may proceed to hear and determine the application ex-parte.

(3) If the applicant fails to appear on the date specified in final notice, the Authority may dismiss the application:

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the application re-heard on good cause being shown within one month of the date of the said order, notice being served on opposite party of the date fixed for rehearing.

9. **Record or proceedings.** (1) The Authority shall in all cases, enter the particulars indicated in Form-F and at the time of passing orders shall sign and date the Form.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the Authority shall record the substance of the evidence and shall append it under his signature to the record of order or direction in Form-F.

10. **Signature on forms.** Any Form, other than the record of order or direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer sub-ordinate to him or the Clerk of the Court, in writing for this purpose.

11. **Exercise of powers.** In exercising the powers of a Civil Court conferred by section 18, the Authority shall be guided in respect of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provision of the Act or these rules.

12. **Appeals.** (1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the prescribed court-fee (if any), setting forth concisely the grounds of objection to the order or direction dismissing either wholly or in part an application made under sub-section (2) of section 15 or a direction made under sub-section (3) or sub-section (4) of that section, as the case may be, and shall be accompanied by a certified copy of the said order or direction.

(2) When an appeal is lodged a notice shall be issued to the respondent in Form-G.

(3) The Court after hearing the parties and after such further inquiry, if any, as it may deem necessary, may confirm, vary, or set aside the order or direction from which the appeal is preferred, and shall make an order accordingly.

13. **Orders or direction when to be made.** The Authority or the Court, as the case may be, after the case has been heard, shall make the order or direction either at once or, as soon thereafter as may be practicable, on some future day; and when the order or direction is to be made on some future day, it shall fix date for the purpose of which due notice shall be given to the parties or their pleaders.

14. **Inspection of documents.** Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the Authority or the Court, as the case may be, in case to which he is a party and may obtain copies thereof on the payment of such fees as may be prescribed by the Authority or Court, as the case may be.

15. **Application presented to wrong Authority.** (1) If it appears to the Authority on receiving the application that it should be presented to another Authority, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for retiring it and the designation of the Authority to whom it should be presented.

(2) If it appears to the Authority at any subsequent stage that an application should have been presented to another Authority, he shall send the application to the Authority empowered to deal with it and shall inform the applicant (and the employer if he has received a copy of the application under sub-rule (1) of rule 8 accordingly.

(3) The Authority to whom an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interests of parties will not thereby be prejudiced and if he is not satisfied with the previous proceedings he may re-initiate afresh.

16. **Diary.** The Authority shall maintain under his hand a brief diary of the proceedings on an application.

17. **Transfer of cases.** When the Authority finds that the application presented before him or to be proceeded with by him, is based upon his own report or he is either witness or applicant in that matter and there is likelihood that if said matter is proceeded with before said authority it may cause prejudice to the interest of either party, Authority may refer the case to Government which may transfer the said matter to another Authority which shall be feasible for the party of presenting matters.

(2) An Authority to whom a case is so transferred under sub-rule (1) shall proceed with the matter from stage as it was at the time of transfer.

18. **Applicability of Rules.** These rules shall mutatis mutandis apply to the Authority appointed under sub-section (1) of section 12 of the Shops and Commercial Establishment Act, 2015 (XII of 2016) to hear and decide for any specified area all claims arising out of delay in the payment or non-payment of the wages of employees in that area and the Authority appointed under sub-section (1) of section 10 of the Sindh Minimum Wages Act, 2015 (VIII of 2016) to hear and decide all claims arising out of non-payment, or delay in the payment of wages to workers in that area whose minimum rates of wages have been declared under the provisions of the said Act.

19. **Procedure for recovery of amount under the Act.** (1) Where the amount directed to be paid under section 15, is not paid, the Authority either may request to the Collector / Chief Incharge of the Land Revenue administration of a district to affect the recovery of said amount under the provisions of the Revenue Recovery Act, 1890 (Act No. I of 1890) and the Sindh Land Revenue Act, 1967 (Sindh Act No. XVII of 1967) and rules framed thereunder, as if it were an arrear of land-revenue which had accrued in the local limits of district concerned, or the Authority may recover the said amount by adopting procedure given in sub-rule (2) to sub-rule (7).

(2) The claimant concerned may make an application in Form 'H' to the Authority for its recovery.

(3) The application under sub-rule (1) shall be accompanied by a certified copy of the order or agreement under which the amount is payable and an inventory of the property to be attached or sold with such description thereof as may be sufficient to identify the same.

(4) On receipt of the application, the Authority may issue a notice in Form 'I' to the employer requiring him to pay the amount to the claimant within the specified period and if he is not willing to pay the amount to appear before him and to show cause why the amount should not be recovered by sale or attachment of his property.

(5) Where the employer fails to respond to the notice or the plea advanced by him against the recovery is untenable, the Authority may order the sale of movable property of the employer by issuance of a warrant in Form 'J'.

(6) On being satisfied that the employer has evaded the order issued under sub-rule (4) or the amount is not fully recovered by sale of movable property, the Authority may issue a warrant of sale of the immovable property of the employer in Form 'K'.

(7) The Authority shall exercise powers of sale or attachment, auction and recovery through the bailiffs and Recovery Inspectors or such other persons as are authorized by him/her in this behalf.

20. **Repeal.** The Payment of Wages (Procedure) Rules, 1937, in its application to the province of Sindh, are hereby repealed.

ABDUL RASHEED SOLANGI  
SECRETARY TO GOVT. OF SINDH

Form A  
Form of Individual Application  
See sub-section (2) of section 15 of the  
Sindh Payment of Wages Act, 2015(Sindh Act No. VI of 2017),  
IN THE COURT OF THE AUTHORITY APPOINTED  
UNDER THE SINDH PAYMENT OF WAGES ACT, 2015  
FOR \_\_\_\_\_ AREA.

Application No. \_\_\_\_\_ of \_\_\_\_\_

A. B. C

Applicant.

V E R S U S

X. Y. Z,

Opposite Party

The applicant states as follows:

1. A.B.C. is a person employed in the/on the factory/railway/Industrial establishment entitled and resides at \_\_\_\_\_.
2. The address of the applicant for the service of all notices and processes is: \_\_\_\_\_
2. X.Y.Z., the opposite party, is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and processes is: \_\_\_\_\_.
3. The applicant's wages have not been paid for the following wage-period(s) \_\_\_\_\_ (give dates) or a sum of Rs. \_\_\_\_\_ has been unlawfully deducted from his wages of amount for the wage-period(s) which ended on \_\_\_\_\_ (give dates)
4. Here give any further claim or explanation.

5. The applicant estimates the value of the relief sought by him/her at the sum of

Rs. \_\_\_\_\_

6. The applicant prays that a direction may be issued under sub-section (3) of section 15 for:-

- (a) Payment of delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.  
Or Refund of the amount illegally deducted.
- (b) Compensation amounting to \_\_\_\_\_

The Applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

APPLICANT

Form B  
Form of Group Application  
IN THE COURT OF THE AUTHORITY APPOINTED UNDER THE SINDH  
PAYMENT OF WAGES ACT, 2015(SINDH ACT NO. VI OF 2017), FOR  
\_\_\_\_\_ AREA

APPLICATION NO \_\_\_\_\_ OF \_\_\_\_\_

Between A.B.C. \_\_\_\_\_

Applicants

A legal practitioner (through a legal practitioner/an official of \_\_\_\_\_ which is a registered union).

And X.Y.Z. \_\_\_\_\_ Opposite Party.

The applicants state as follows:-

1. The applicants whose names and permanent addresses appear in the attached schedule are persons employed in the -/on the /factory/railway/Industrial establishment entitled \_\_\_\_\_ and \_\_\_\_\_ resides at \_\_\_\_\_.

The address of the applicants for service of all notice and processes is:

2. X.Y.Z. the opposite party, is the person responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is:

3. The applicants' wages have not been paid for the following wage-period(s):

4. The applicants estimate the value of the relief sought by them at the sum of Rs \_\_\_\_\_

5. The applicants pray that a direction may be issued under sub-section (3) of section 15 for:

(a) Payment of the applicants' delayed wages as estimated \_\_\_\_\_ or such greater or lesser amount as the Authority may find to be due.

(b) Compensation amounting to \_\_\_\_\_

The Applicants certify that the statement of facts contained in this application is, to the best of their knowledge and belief, accurate.

Signature of thumb impression of two of the Applicants, or legal practitioner, or an official of A registered trade union duly authorized.

## SCHEDULE

S.No.	Name of Applicant	Permanent Address
1	2	3

## FORM C

## FORM OF APPLICATION BY AN INSPECTOR OR PERSON PERMITTED BY THE AUTHORITY OR AUTHORISED TO ACT

See sub-section (2) of sections 15 and 16 of the

Sindh Payment of Wages Act, 2015(Sindh Act No. VI of 2017),

IN THE COURT OF AUTHORITY APPOINTED UNDER THE SINDH PAYMENT OF WAGES ACT, 2015(SINDH ACT NO. VI OF 2017), FOR \_\_\_\_\_ AREA.

Application No \_\_\_\_\_ of \_\_\_\_\_.

Between

A.B.C.(designation) \_\_\_\_\_ an Inspector under the Payment of Wages Act of a person permitted by the authority/authorized to act under sub-section (2) of Section 15 \_\_\_\_\_ applicant.

And

X.Y.Z. \_\_\_\_\_ the opposite party.

The applicant states as follows:

1. X.Y.Z., the opposite party is the person responsible under the Act for the payment of wages to the following 1 persons whose names and permanent addresses are given below:

(1)

(2)

(3)

2. His address for the service of all notices and processes is:

3. The wages of the said person(s) due in respect of the following wage-period(s) have not been paid/have been subjected to the following illegal deductions:

4. The applicant estimates the value of the relief sought for the person(s) employed at the sum of Rs \_\_\_\_\_.

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for:

(a) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or Refund of the amount illegally deducted.

(b) Compensation amounting to Rs \_\_\_\_\_

The applicant certifies that the statement of facts contained in this application is, to the best of his knowledge and belief, accurate.

Signature

FORM D  
CERTIFICATE OF AUTHORISATION

I/We employed person(s) hereby authorize a legal practitioner/an official of \_\_\_\_\_ which is a registered trade union to act on my/our behalf under section 15 and section 17 of the Sindh Payment of Wages Act, 2015(Sindh Act No. VI of 2017), in respect of the claim against \_\_\_\_\_ on account of the delay in payment\illegal deductions from my/our wages for \_\_\_\_\_

Witnesses	(1)	Signature	(1)
	(2)		(2)
	(3)		(3)
	(4)		(4)

I accept the authorisation.

Signature

Legal practitioner/ Official of a registered trade union

FORM E  
NOTICE FOR THE DISPOSAL OF APPLICATION

To

Whereas under the Sindh Payment of Wages Act, 2015 a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the \_\_\_\_\_ day of \_\_\_\_20\_\_ at \_\_\_\_\_ o'clock in the forenoon/afternoon to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Given under my hand and seal, this day of \_\_\_\_\_ 20\_\_

Seal

Authority

FORM F  
RECORD OF ORDER OF DIRECTION

- (1) Serial number \_\_\_\_\_
- (2) Date of the application \_\_\_\_\_
- (3) Name or names, parentage, address or addressed of the applicant, or some, or all of the applicants belonging to the same unpaid group: \_\_\_\_\_
- (4) Name and address of the employer: \_\_\_\_\_
- (5) Amount claimed: \_\_\_\_\_  
 (a) as delayed wages: Rs. \_\_\_\_\_  
 (b) as deducted from wages: Rs. \_\_\_\_\_
- (6) Plea of the employer and his examination (if any): \_\_\_\_\_
- (7) Finding, and a brief statement of the reasons therefore: \_\_\_\_\_
- (8) Amounts awarded: \_\_\_\_\_  
 (a) as delayed wages Rs \_\_\_\_\_  
 (b) as deducted wages \_\_\_\_\_
- (9) Compensation awarded \_\_\_\_\_
- (10) Penalty imposed \_\_\_\_\_
- (11) Costs awarded to: \_\_\_\_\_  
 )  
 (a) Court-fee Charges \_\_\_\_\_  
 (b) Pleader's fee \_\_\_\_\_  
 (c) Witnesses' expenses \_\_\_\_\_
- (12) Date by which the amounts awarded shall be paid. \_\_\_\_\_

SIGNED

Dated \_\_\_\_\_

Note:- In case where an appeal lies, attach on a separate sheet the substance of the evidence.

## FORM-G

## NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL UNDER SECTION 17 OF THE SINDH PAYMENT OF WAGES ACT.

Appeal from the decision of the Authority for the \_\_\_\_\_ area dated the \_\_\_\_\_ day of 20\_\_

To

Respondent

Take notice that an appeal of which a copy is enclosed from the decision of the Authority for \_\_\_\_\_ Area has been presented by X, Y, Z. (and others), and registered in this Court, and that the \_\_\_\_\_ day of 20\_\_ has been fixed by this court for the hearing of the appeal.

If no appearance is made on your behalf by yourself, or by someone by law authorized to act for you this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the court, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Seal of the Court

Judge



FROM- H  
[See Rule 19(2)]  
Application for Execution of Order etc

I, \_\_\_\_\_ the claimant in whose favour amount has been awarded but the employer has defaulted in payment thereof, hereby apply for execution of the order for recovery of the amount herein below set forth:-

(1)	The number of the claim.	
(2)	Name of the parties.	
(3)	Date of the direction under which the amount is to be paid.	
(4)	Whether any appeal preferred against the order.	
(5)	Payment or adjustment made, if any.	
(6)	Previous application, if any, with date and result.	
(7)	Amount ordered to be paid or other relief granted thereby.	
(8)	Amount of cost awarded, if any.	
(9)	Against whom to be executed.	
(10)	Mode in which Assistance is required.	

I pray that the total amount of Rs. \_\_\_\_\_ be realized by distress and sale of movable property or attachment or sale of immovable property belonging to the employer as per annexed list and paid to me.

Claimant

*Verification.*

I, \_\_\_\_\_ declare that what is stated herein is true to the best of my knowledge and belief.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Claimant.

FORM-I  
[See Rule 19(4)]

To,

The Employer/Occupier/Owner

Take notice that on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ Claimant in the above case has presented an application for recovery of Rs \_\_\_\_\_ due on account of \_\_\_\_\_ by distress and sale of the movable property or attachment and sale of the immovable property specified there-under, and that the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ is appointed for the hearing of the said application.

You are at liberty to pay the said amount to the claimant before the said date or appear before me on the said day and to prefer, in writing, any objection to such recovery.

Description of property.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Authority

FORM-J  
(See Rule 19(5))

The Employer/Occupier/Owner

\_\_\_\_\_  
\_\_\_\_\_

Whereas you have failed to respond to the notice served on you by me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in claim No. \_\_\_\_\_ of 20\_\_\_\_, or the objection raised by you against recovery is not valid it is ordered that you are prohibited and restrained until further orders to transfer or dispose of the movable property specified hereunder, and the above mentioned property shall be sold in case you fail to deposit the amount of the claim in my office within ten days of this warrant.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Authority

FORM-K  
[See Rule 19(6)]

The Employer/Occupier/Owner

Whereas the amount awarded against you on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ in connection with which the property mentioned in the attachment order dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, was attached is not recovered fully it is proposed to sell the property details of which are given below by public auction on the day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ hours at \_\_\_\_\_ (place), for the recovery of the amount. In case, however, the amount is paid by you before the commencement of the auction, the sale of the property may be stopped.

Given under my hand and the seal this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Authority