

## THE WEST BENGAL PAYMENT OF SUBSISTENCE ALLOWANCE RULES, 1971

1. **Short title.**—These rules may be called the West Bengal Payment of Subsistence Allowance Rules, 1971.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

(a) “the Act” means the West Bengal Payment of Subsistence Allowance Act, 1969;

(b) “form” means a form appended to these rules;

(c) “section” means a section of the Act.

3. **Application for recovery of dues.**—Where any money is due to an employee from an employer under the Act, the employee himself or any other person authorised by him in writing in this behalf, or in the case of death of the employee, his legal representative, may apply to the State Government in Form (A) in *quintuplicate* for recovery of the money due to him.

*Explanation.*—The same person may be authorised by different employees or their legal representatives.

4. **Recovery of dues.**—(1) On receipt of an application under-rule 3 the *State Government* shall send copies of the same to a Conciliation Officer appointed under the Industrial Disputes Act, 1947, for an enquiry into the employees’ claim and report.

(2) The Conciliation Officer shall send one of the copies of the application to the employer concerned by registered post with acknowledgement due directing him to submit his comments on the employee’s claim within seven days of receipt of the same. After giving the parties an opportunity of being heard the Conciliation Officer shall submit a report to the State Government specifying the amount, if any, due by the employer to the employee and enclosing thereto all the papers relating to the enquiry held by him.

(5) If on a consideration of the report submitted by the Conciliation Officer the State Government is satisfied that any money is due by the employer to the employee, it shall issue a certificate to the Collector under section 4 of the Act for recovery of the same amount.

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**FROM (A)**

**[See rule 3]**

Application under sub-section (1) of section 4 of the West Bengal Payment of Subsistence Allowance Act, 1969 (West Ben. Act XXXVIII of 1969), for recovery of money due from the employer.

To

The Secretary to the Government of West Bengal,  
Labour Department,  
Writers' Buildings, Calcutta-1.

Name(s) and address(es) of the employee(s) :

(In block letters)

1. ....
2. ....
3. ....
4. ....

[N.B.—In case there is not enough space here for writing the names and address of all the employees, a separate statement showing the names and addresses of the employees, shall be enclosed and that fact shall be noted in the above space.]

Name and address of the employer :

.....

(In block letters)

1. I. *We, the above-named employee(s)*

I, We, the authorised agent(s)/ legal representative(s) of the above named employee(s) namely,.....  
....., apply for recovery and payment to me /us, by issuing of a certificate to the Collector, .....  
.....of the amount of Rs.....(Rupees.....  
.....) due to me/us/the above-named employee(s) from the above-named employer under section 3 of the West Bengal Payment of Subsistence Allowance Act, 1969 (West Ben. Act XXXVIII of 1969).

The above noted amount has become due in the following manner, namely:—(here set out the details of the dues in respect of each of the employees).

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II. I/We declare that the above particulars are true and correct and that recovery of the dues have not been stayed by any order of Court. I/We approached the employer but the dues have not been paid.

III. I/We enclose a separate statement explaining why the application could not be made within one year from the date on which the money became due to me/us /the above-named employee(s).

IV. I/We enclose necessary documents (true copies of the documents to be enclosed) to prove that I am/we are authorised agent(s) legal representative(s) of the employee(s) named in column 1 of the following table :—

Name(s) of the employees (In block letters)	Names of the authorised agent(s) legal representative(s)	Name of the document(s) enclosed
1	2	3

Dated, the

*Signature(s) or Thumb impression(s)  
of the applicant(s)*

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

By order of the Governor,  
N. R. SIRCAR,  
Assistant Secretary to the  
Government of West Bengal

N. B. : Delete the portion not applicable.