

Email/By-Registered Post
Election Holiday Notice

No.1-18/85(Fac)Lab-Vol-II
Government of Himachal Pradesh
Inspectorate of Factories, H.P
Dated Shimla 9th February, 2022

From

The Labour Commissioner-cum-
Chief Inspector of Factories,
H.P. Shimla-1

To

1. The Assistant Director Factories, Una, HP
2. The All the Labour Officers in the State of HP

Subject:- **General Election to the Legislative Assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh, 2022-Grant of Paid Holiday to Employees on day of poll-Reg.**

Sir,

It is brought to your notice that General Elections to the Legislative Assemblies are scheduled to be held w.e.f 10.02.2022 to 07.03.2022 in neighboring States as per schedule announced by Election Commission of India as per details given below:-

Sr No	Name of State	Date(s) of Poll
1	2	3
1	Uttar Pradesh	10.02.2022, 14.02.2022, 20.02.2022, 23.02.2022, 27.02.2022, 03.03.2022 & 07.03.2022
2	Uttrakhand	14.02.2022
3	Punjab	20.02.2022

In this regard, your attention is drawn to the provision of Section 135-B of Representation of the People Act, 1951. For your ready reference the provision of Section 135-B, is as under:-

“135-B 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 an election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of holiday having being granted in accordance with sub section (I) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub section (I) or sub section (2), then such employer shall be punishable with fine which may extend to five Hundred Rupees.

(4) 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.”

The above provisions require that all the electors who are employees of establishments and shops including those which work on shift basis shall be granted a paid holiday on the day of poll in the Constituency where the general election is to be held. Further, 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 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

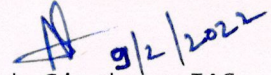
The daily wage/casual workers are also entitled for a holiday and wages on poll day are provided in Section 135B of R.P. Act, 1951.

You are, therefore, directed to bring the said provisions to the notice of occupiers/managers/owners of factories/Industrial establishments, shops and other commercial establishments situated in the State of Himachal Pradesh and direct them to grant additional / special paid holiday to the employees / workers working in their factories/ establishments

who are registered voters of aforesaid States working in Himachal Pradesh as per section 135-B of Act ibid on scheduled dates in order to exercise their right of franchise.

It is however, clarified that the special casual leave/special paid holiday may be given to those employees/workers who are working in the State of Himachal Pradesh but have a right to vote in the Legislative Assemblies of State of Uttar Pradesh, Uttrakhand & Punjab, on the production of certificate from the concerned Presiding Officer that the employee has actually casted his/her vote.

Yours Faithfully

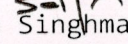
 9/2/2022

Ashish Singhmar, IAS
Labour Commissioner-cum-
Chief Inspector of Factories, HP

Endst. No. As above Dated, Shimla-171001

Copy to the following for information and necessary action please:-

- 1.The Chief Secretary to the Government of Himachal Pradesh, Shimla-2, HP
- 2.The Chief Electoral Officer, H.P. Shimla w.r.t his letter number 3-17/2021-ELN-256 dated 04.02.2022.
- 3.The Additional Chief Secretary (Lab.& Emp.) to the Government of Himachal Pradesh, Shimla-2.
- 4.All the District Election Officers in the State of Himachal Pradesh.
- 5.Director, Information & Public Relation, H.P. Shimla-2 with the request to publish news item/press release in various news papers for the information of all concerned.
- 6.Director, All India Radio, H.P. Shimla-4 with the request to broadcast the above as news for information of all concerned.
- 7.Sh.Naresh Kumar, Programme Planning Officer, Directorate of Labour & Employment, H.P. Shimla with the request to upload the circular in the website of the department.
- 8.Smt. Manpreet Kaur, System Analyst(outsource basis) with the direction to upload the circular in the website of the department.
- 9.All the Industrial Associations with the request that their member industries may be informed about the said provisions and they may be asked to grant additional paid holiday to the workers working in their factories who are registered voters of aforesaid States working in Himachal Pradesh on scheduled dates of election.


Ashish Singhmar, IAS
Labour Commissioner-cum-
Chief Inspector of Factories, HP