

Memorandum

Sub: Elections - Bye-Election to Tamil Nadu Legislative Assembly from 98. Erode (East) Assembly Constituency to be held on 27.02.2023 - paid holiday to workers and other employees of all categories- Regarding.

- Ref:
1. From the Election Commission of India, New Delhi, Letter No.78/EPS/2023, 18.01.2023.
 2. Letter No. 503/Ele-I/2023-2 dated 21.01.2023 of the Chief Electoral Officer & Principal Secretary to Government, Public (Elections I) Department addressed to The Additional Chief Secretary to Government, Labour Welfare and Skill development Department, Chennai-9.
 3. Letter No.505/J1/2023-1, Dated 27.01.2023 to the Additional Chief Secretary to Government, Labour Welfare and Skill development Department, Chennai-9.

The Election Commission of India has announced the Poll day of Bye Elections to Tamil Nadu Legislative Assembly from 98. Erode (East) Assembly Constituency, 2023 as 27.02.2023 (Monday).

In this context, a copy of the letter cited is sent herewith to the Additional Commissioner of Labour, Coimbatore and he is instructed to advise the Employers Organisations and the Chambers of Commerce to declare paid holiday to all their employees of Industrial and Commercial Establishments and shops, Factories and Public/ Private Sector Undertakings including IT/BPO etc, including casual workers, contract workers and daily wage workers on the poll day, i.e. on 27.02.2023 (Monday), so as to exercise their franchise and to issue press release in this regard.

Further, it is requested to open District level Control Rooms to ensure compliance of paid holiday by all the employers in the said assembly constituency. It is also informed that wide publicity should be made about the Control Rooms and to ensure that the Control Rooms are fully functional without leading to any complaints and to send an action taken report to this office.

This may be treated as "Most Urgent".

Sd/-xxxx
Principal Secretary &
Commissioner of Labour.

To

The Additional Commissioners of Labour,
Coimbatore.

Copy to

1. The Chief Electoral Officer & Secretary to Government,
Public(Election. I) Department,
Secretariat, Chennai-9.
2. The Additional Chief Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Chennai-9.

//forwarded by order//

Op. 8/2/23 9/2/23
for Principal Secretary &
Commissioner of Labour

E.E.
9.02.2023

MOST IMMEDIATE
BYE-ELECTION.



Secretariat,
Chennai -9.

LABOUR WELFARE AND SKILL DEVELOPMENT DEPARTMENT
Letter No.505/J1/2023-1, Dated. 27.01.2023.

From
Thiru. Md. Nasimuddin, I.A.S.,
Additional Chief Secretary to Government

To

1. The Principal Secretary /Commissioner of Labour,
Chennai-600 006.(w.e)
2. The Director of Industrial Safety and Health,
Chennai-600 032. (w.e)

Sir,

Sub: Elections – Bye-election to Tamil Nadu Legislative Assembly from
98-Erode (East) Assembly Constituency to be held on 27.02.2023 -
Paid holiday to workers and other employees of all categories -
Instructions - Regarding.

- Ref: 1. From the Election Commission of India, New Delhi, Letter
No.78/EPS/2023, dated 18.01.2023.
2. From the Chief Electoral Officer and Principal Secretary to
Government, Public (Elections -I) Department, Chennai-9, Letter
No.503/Ele-I/2023-2, dated 21.01.2023.

I am directed to enclose copies of the references cited and to state that the Chief Electoral Officer and Principal Secretary to Government, Public (Elections-I) Department in his letter dated 21.01.2023 has stated that the Election Commission of India has announced 27.02.2023 (Monday) as the poll day for the Bye-election to Tamil Nadu Legislative Assembly from 98-Erode (East) Assembly Constituency in Tamil Nadu. It is proposed to declare 27.02.2023 (Monday), the poll day as a paid holiday for the areas comprised in 98-Erode (East) Assembly Constituency under the Negotiable Instruments Act, 1881.

2. The Section 135B of the Representation of the People Act, 1951 provides for the grant of holiday on the poll day, with wages for every person employed in any business, trade, industrial undertaking or any other establishment.

3. In view of the above, I am to request you to issue necessary instructions to the employers of industrial and commercial establishments and shops to declare paid holiday to all their employees, who are electors of 98-Erode (East) Assembly Constituency on the poll day i.e. on 27.02.2023 (Monday), to enable them to exercise their franchise.

4. I am also request you to open a District Level Control Room to ensure compliance of paid holiday by all the employers and wide publicity should be made about the Control Room and to ensure that the Control Rooms are fully functional without leading to any complaints.

5. I am therefore request you to adhere to the instructions issued by the Election Commission of India and the same may be strictly complied.

6. An action taken report may be sent to the Government and Public (Elections – I) Department immediately.

Yours faithfully,

On, 27.01.2023.

for Additional Chief Secretary to Government

27/1/23

Copy to :-

The Chief Electoral Officer and Principal Secretary to Government,
Public (Elections-I) Department, Secretariat, Chennai-600 009.

The Senior Private Secretary to the Additional Chief Secretary to Government,
Labour Welfare and Skill Development Department, Chennai – 600 009.

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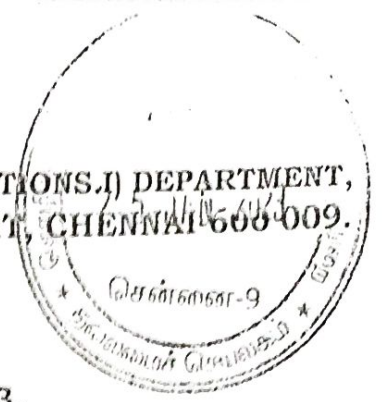
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BY E-MAIL

00505/51/2023



PUBLIC (ELECTIONS-I) DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.



Letter No.503/Ele-I/2023-2, Dated:21.01.2023.

From
Thiru. Satyabrata Sahoo, I.A.S.,
Chief Electoral Officer &
Principal Secretary to Government.

To
The Additional Chief Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Chennai - 600 009. (w.e.)



Sir,

Sub: Elections - Bye-Election to Tamil Nadu Legislative Assembly from 98.Erode (East) Assembly Constituency to be held on 27.02.2023 - Paid holiday to workers and other employees of all categories - Regarding.

Ref: 1. From the Election Commission of India Press Note No. ECI/PN/2/2023, dated: 18.01.2023.
2. From the Election Commission of India, Letter No.78/EPS/2023, dated 18.01.2023.

The Election Commission of India has announced 27.02.2023 (Monday) as the Poll day for the Bye-Election to Tamil Nadu Legislative Assembly from 98.Erode (East) Assembly Constituency in Tamil Nadu. It is proposed to declare 27.02.2023 (Monday) the poll day, as a paid holiday for the areas comprised in 98.Erode (East) Assembly Constituency under the Negotiable Instruments Act, 1881.

2. I am to state that Section 135B of the Representation of the People Act, 1951 provides for the **grant of holiday on the poll day, with wages for every person employed in any business, trade, industrial undertaking or any other establishment.**

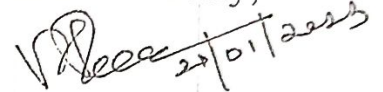
3. In view of the above, I am to request you to issue necessary instructions to the Commissioner of Labour to advise the employers of industrial and commercial establishments and shops to declare paid holiday to all their employees, who are electors of 98.Erode (East) Assembly Constituency on the poll day i.e. 27.02.2023 (Monday) to enable them to exercise their franchise.

[P.T.O]

4. The Commissioner of Labour is requested to open a District Level Control Room to ensure compliance of paid holiday by all the employers. I am to request that wide publicity should be made about the Control Room and to ensure that the Control Rooms are fully functional without leading to any complaints.

5. A copy of the instructions issued in this matter may kindly be marked to this office for information and record.

Yours faithfully,

 22/01/2023

for Chief Electoral Officer &
Principal Secretary to Government.

Copy to:-

The Commissioner of Labour,
DMS Complex, Teynampet,
Chennai - 600 006.

Shri. Malay Mallick,
Principal Secretary,
Election Commission of India,
Nirvachan Sadan, New Delhi - 110 001.

The District Election Officer,
Erode District.

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

Tel. No. 011-23052246
Fax 011-23052001
Website: www.eci.gov.in

निर्वाचन सदन
अशोक रोड, नई दिल्ली-110001

Nirvachan Sadan

Ashoka Road, New Delhi-110001

Dated: 18th January, 2023

78/EPs/2023

To

1. The Secretary to the Govt. of India, M/o Personnel Public Grievances & Pensions, Department of Personnel and Training North Block, New Delhi.
2. The Chief Secretaries of, Arunachal Pradesh, Jharkhand, Maharashtra, Tamil Nadu, West Bengal
3. The Administrator of UT of Lakshadweep
4. The Chief Electoral Officers of, Arunachal Pradesh, Jharkhand, Maharashtra, Tamil Nadu, West Bengal and UT of Lakshadweep

Subject:-Bye Election to Parliamentary/Assembly Constituencies of UT of Lakshadweep, Arunachal Pradesh, Jharkhand, Maharashtra, Tamil Nadu and West Bengal - PAID HOLIDAY -regarding.

Madam/Sir,

I am directed to refer to the subject cited and to inform that the Commission has announced the bye-elections to 6(Six) Assembly Constituencies of States of Arunachal Pradesh, Jharkhand, Maharashtra, Tamil Nadu, West Bengal and 1(one) Parliamentary Constituency of Lakshadweep vide its Press Note No.ECI/PN/2 /2023 dated 18.01.2023. The date of Poll for the said election has been fixed on **27.02.2023(Monday)** and date of counting is on **02.03.2023(Thursday)**.

2. In this regard, your attention is invited to Section 135B of the Representation of the People Act, 1951 which provides for the grant of paid holiday to the employees on the day of poll. The Section 135B is reproduced below:-

Section 135B of RP Act, 1951- Grant of paid holiday to employees on the day of poll:

- a) 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.
- b) 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 nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.
- c) 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.
- d) 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."

3. The above provisions require that all the electors who are employee 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 bye 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 or 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.

4. 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.

5. The Commission desires that suitable instructions should be issued to all concerned and a copy thereof be endorsed to the Commission for its information and record.

The receipt of this letter may kindly be acknowledged.

Yours faithfully


18/11/23
(SANJEEV KUMAR PRASAD)
SECRETARY