

GOVT. OF NCT OF DELHI
DEPARTMENT OF SOCIAL WELFARE
7th Floor, MSO Building, I.P. Estate, New Delhi-110002.
[ADMINISTRATION BRANCH]

F.44(263)/DSW/Admn./ 2709 - 2768

Dated:- 23/06/25

To,

1. All Head of Offices/DDOs/DSWOs,
Social Welfare Department
Govt of NCT of Delhi.
2. Dy. Director CTB
Department of Social Welfare
7th Floor, M.S.O Building, I.P Estate
Govt of NCT of Delhi-110002

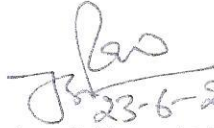
Sub:- Provisions of Leave etc. to workers.

Sir/Madam

Please find enclosed herewith provision of leave and other welfare measures legally binding on contractors/employers engaged the workers in their establishment, as received from Secretary-cum-Labour Commissioner (GNCTD) for information and strict compliance. However, it is clarified that the same procedure for approval of privilege leave be followed as is followed for casual leave.

This issues with the prior approval of the competent authority.

Encl: As above.

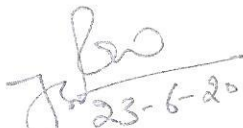

23-6-2025
Section Officer (Admn.)

F.44(263)/DSW/Admn./

Dated:-

Copy to:-

1. PA to Director (SW), 7th Floor, MSO Building, ITO, New Delhi-110002.
Sr. System Analyst, DSW with the request to upload the letter and list on the website
✓ of the Department.
2. Guard File


23-6-2025
Section Officer (Admn.)

507/HCC
23/06/2025

(6) "day" means a period of twenty-four hours beginning at midnight;
 Provided that in the case of an employee whose hours of work extend before and midnight, day means the period of twenty-four hours beginning when such employee commences his work irrespective of midnight.

(7) "employee" means a person wholly or principally employed (either or directly or otherwise, and whether for wages, (payable on permanent, periodical, contract, piece-rate or commission basis) or other consideration, about the business of an establishment and includes an apprentice and any person employed in a factory but not governed by the Factories Act, 1948 (LXIII of 1948), and for the purpose of any matter relating to this Act, also includes a person discharged or dismissed whose claims have not been settled in accordance with this Act;

(8) "employer" means the owner of any establishment about the business of which persons are employed, and where the business of such establishment is indirectly managed by the owner, means the manager, agent, or representative of such owner in the said business;

(9) "establishment" means a shop, a commercial establishment, residential hotel, restaurant, eating house, theatre or other places of public amusement or entertainment to which this Act applies and includes such other establishments as Government may, by notification in the Official Gazette, declare to be an establishment for the purposes of this Act;

(10) "factory" means a factory as declared or registered under the Factories Act, 1948 (LXIII of 1948);

(11) "family" means the husband, wife, son, daughter, father, mother, brother, sister or grand-son of an employer, living with and wholly dependent on such employer;

(12) "Government" means the Chief Commissioner, Delhi;

(13) "holiday" means a day on which an establishment shall remain closed and on which an employee shall be given a holiday under the provisions of the Act;

(14) "hours of work" or "working hours" mean the time during which the persons employed are at the disposal of the employer exclusive of any interval allowed for rest and meals and "hours worked" has a corresponding meaning;

(15) "Inspector" means an Inspector appointed under section 56 of the Act;

(16) "leave" means leave as provided for under this Act;

(17) "occupier" means a person owning or having charge or control of the establishment and includes the manager, agent or representative of such occupier;

(18) "opening hour" means the hour at which [a shop or commercial establishment] opens for the service of a customer;

(19) "prescribed" means prescribed by rules made under this Act;

(20) "Register of Establishments" means a register maintained for the registration of establishment under this Act;

(21) "Registration Certificate" means a certificate showing the registration of an establishment;

(22) "religious festival" means any festival which the Government may, by notification in the Official Gazette declare to be a religious festival for the purposes of this Act.

1. Subs. by Act 33 of 1970.

2. Notified by Government of Delhi (Notification).

3. Subs. by Central Act 22 of 1981.

179/c

105/c

The Contract Labour (Regulation and Abolition) Act, 1947

goods within the premises of a factory or establishment, as such are declared 100 per cent. export units by Government, required to achieve the objective of a principal establishment in the said area, shall be deemed to be of temporary and intermittent nature irrespective of the period of continuance of the work by the workers in such ancillary establishments."

[Vide The Contract Labour (Regulation and Abolition) Bill and Extra Amendment Act, 2005 (Maharashtra Act 13 of 2005), sec. 2 (w.e.f. 2-5-2005)]

COMMENTS

The Act is a piece of social legislation for the welfare of labour, whose conditions of service are not at all satisfactory and it should, therefore, be made. *Contract Labour v. Labour Enforcement Officer*, 1977 Lab IC 1533 p. 4

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means,—

(i) in relation to an establishment in which the appropriate Government under the Industrial Disputes Act, 1947 (14 of 1947), is the Central Government, the Central Government;

(ii) in relation to any other establishment, the Government of the State in which that other establishment is situated;

(b) a workman shall be deemed to be employed as "contract labour" in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer;

(c) "contractor", in relation to an establishment, means a person who undertakes to produce a given result for an establishment, other than a mere supply of goods or articles or manufacture to such establishment, through contract labour or who applies contract labour for any work of the establishment and includes a sub-contractor;

(d) "controlled industry" means any industry the export of which by the Union has been declared by any Central Government to be expedient in the public interest;

(e) "establishment" means—

(i) any office or department of the Government or a local authority, or

(ii) any place where any industry, trade, business, manufacture or occupation is carried on;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "principal employer" means—

(i) in relation to any office or department of the Government or a local authority, the head of that office or department or such other officer as the Government or the local authority, as the case may be, may specify in this behalf;

(ii) in a factory, the owner or occupier of the factory and where a person has been named as the manager of the factory under the Factories Act, 1948 (63 of 1948), the person so named;

(iii) in a mine, the owner or agent of the mine and where a person has been named as the manager of the mine, the person so named;

(iv) in any other establishment, any person responsible for the supervision and control of the establishment.

3. Subs. by Act 34 of 1986, sec. 2, for clause (a) (w.e.f. 28-4-1986)

Leaves

Besides the weekly close day and other holidays observed in the establishment, an employee is entitled certain privilege and casual/sick leaves.

Privilege Leave

Every employee employed in a shop or an establishment is entitled to 8 days' privilege leave with pay after every four months of continuous employment or 32 days' privilege leave with pay after one year.

Privilege leave if not availed can be accumulated upto 3 years (i.e. 96 days) i.e. the period of leave to which the employee is entitled after one year).

An employee who has become entitled to privilege leave, should apply in writing in advance, the dates on which he would like to go on leave during the next 4 months or at least 15 days before availing the leave. The employer should grant or reject the leave application within 7 days of its receipt. The employer should not reject the leave application, without a valid cause or to disentitle the employee of his right to accumulate privilege leave.

Sick Leave/Casual Leave

Every employee is entitled to at least one casual or sick leave with pay after every month of continuous employment or 12 casual/sick leaves with pay after one year. Casual/sick leave cannot be accumulated beyond one year.

The employer should not refuse sick leave to an employee unless he is not satisfied about the cause of leave asserted in the application. The employer may, however, ask for a medical certificate or get the employee (or his wife or child, as the case may be) examined by a registered medical practitioner. Every such medical certificate should be retained by the employer till 31st March of the following year.

An employer may refuse casual leave to an employee in case of exceptional pressure of work, necessarily requiring the employee's presence. However, casual leave should not be denied in case of accident, death or sickness in the family.

The employer should record his orders alongwith reasons on all leave applications and should retain them till 31st March next following.

Compensatory Leave

Casual leave refused to an employee should be compensated in the same calendar year.

Leave in excess of the prescribed limits

Any leave availed of by an employee in excess of the limits specified above or under the leave rules of the establishment, shall be without pay. See 'Deductions Permissible from Wages', under Chapter 8.