

BYE-ELECTION URGENT

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**OFFICE OF THE CHIEF ELECTORAL OFFICER, ODISHA
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No. EC-CON-COE-0011-2021- 1987 /Elec Dated Bhubaneswar the 22.03.2021,
From

**Sri Sushil Kumar Lohani, IAS
Chief Electoral Officer & Ex-officio,
Principal Secretary to Government**

To

All Secretaries of Government
All Heads of Department
All Revenue Divisional Commissioners
All DEOs & Collectors
All Public Sector Undertakings / Corporations/ Boards

Sub: Bye-election to 110-Pipili Assembly Constituency - Grant of paid holiday to employees on the day of poll- regarding.

Sir,

In enclosing a copy of letter No. ECI / PN / 28 / 2021 Dtd. 16.03.2021 received from Election Commission of India, New Delhi on the subject cited above, I am to say that the bye-election to 110-Pipili Assembly Constituency will be held on 17th April, 2021. The 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:-

"135B- Grant of paid holiday to employees on the day of poll -

(1) 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.

(2) 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.

(3) 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.

PTO

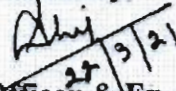
(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged”.

The above provisions require that all 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 an election is to be held. However, there may be cases where a person is ordinarily a resident of the Constituency and registered as an elector, may be serving / employed in an industrial undertaking or an establishment located outside in constituency having an 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 Section 135 B (1) of the Representation of the People Act, 1951.

3. 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.


The above instruction may be scrupulously followed.

Yours faithfully,


Chief Electoral Officer & Ex-officio,
Principal Secretary to Government

Memo No. 1988 /Elec., Bhubaneswar, dated the 22.03.2021.

Copy forwarded to Sumit Mukherjee, Senior Principal Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001 for information.


Chief Electoral Officer & Ex-officio
Principal Secretary to Government