

BYE-ELECTION URGENT

BY E-MAIL/ SPEED POST

**CHIEF ELECTORAL OFFICER, ODISHA
HOME (ELECTIONS) DEPARTMENT**

No.EC-CON-COE-0044-2020-5084/Elec Dated Bhubaneswar the 21.10.2020.

From

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 38-Balasore & 102- Tirtol (SC) Assembly Constituencies -
Grant of paid holiday to employees on the day of poll- regarding.

Sir,

In enclosing a copy of letter No.78/EPS/2020 dated 01.10.2020 received from Election Commission of India, New Delhi on the subject cited above, I am directed to say that the bye-election to 38-Balasore & 102- Tirtol (SC) Assembly Constituencies will be held 3rd November, 2020. 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.

- i. 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.
- ii. 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

etc

wages he would have drawn had not a holiday been granted to him on that day.

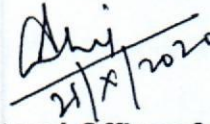
- iii. If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine, which may extend to five hundred rupees.
- iv. This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged”.

2. The above provisions require that all establishments and shops including those which work on shift basis shall be closed 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 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 135B(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.

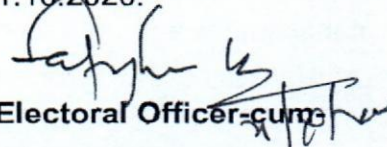
Yours faithfully,



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

Memo No. 5085/ Elec., Bhubaneswar, dated the 21.10.2020.

Copy forwarded to Sanjeev Kumar Prasad, Under Secretary, Election Commission of India, New Delhi for kind information w.r.t. Commission's letter No. 8/EPS/2020 dated 01.10.2020.



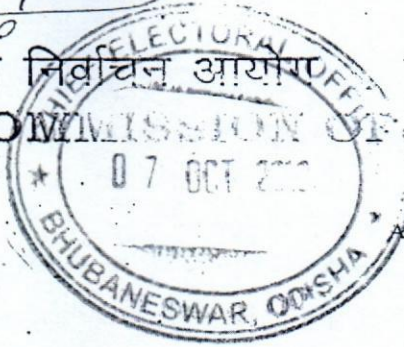
**Joint Chief Electoral Officer-cum
Joint Secretary to Government**

Dy- 27423/140/2020, ED 445764/123/4919
06/10/2020 भारत निर्वाचन आयोग

By Speed Post/Email

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: 01st October, 2020

No. 78/EPS/2020 **146**

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 Secretary of Bihar, Chhattisgarh, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Manipur, Nagaland, Odisha, Telangana and Uttar Pradesh.
3. The Chief Electoral Officer of Bihar, Chhattisgarh, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Manipur, Nagaland, Odisha, Telangana and Uttar Pradesh.

*Pr. Secretary, GA SP4,
CEO, Odisha*

*Conduct
we intimate
28/9/20
For
7/10*

Subject: Bye-election in the Parliamentary Constituency of Bihar and 56 Assembly Constituencies of various States – Grant of paid holiday to employees on the day of poll – reg.

Sir/Madam,

The Commission has announced schedule for Bye-election in the Parliamentary Constituency of Bihar and 56 Assembly Constituencies of various States, vide its Press Note dated 29th September, 2020, which is available on Commission's Website <https://eci.gov.in/>, under the head Press releases.

2. In this regard, I am directed to invite your attention 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:-

"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/UT 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

P/ 5.10.20
OSD to Chief Secretary
& Ex-Officio Addl. Secretary
GA.& P.G. Department

11/02/2011
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.

(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."


3. 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 bye-elections are 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.

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.

6. The receipt of this letter may please be acknowledged.

Yours faithfully,



(Sanjeev Kumar Prasad)
Under Secretary

Copy to concerned Zonal Sections

65+65

BYE-ELECTION URGENT

BY E-MAIL/ SPEED POST

**CHIEF ELECTORAL OFFICER, ODISHA
HOME (ELECTIONS) DEPARTMENT**

No.EC-CON-COE-0044-2020- 5082 /Elec. Bhubaneswar, dated the 21.10.2020.

From

Sushil Kumar Lohani, IAS

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

To

All Department of Government

All Heads of Department

**Sub: Bye-election to 38-Balasore & 102- Tirtol (SC) Assembly Constituencies
-Grant of Special Casual Leave to the employees deputed for
conducting the Election.**

Madam/Sir,

In consideration of the arduous nature of work undertaken by Government servants engaged in the conduct of election, I am to say that such Government servants who will be deployed on election duty in connection with the Bye-election to 38-Balasore & 102- Tirtol (SC) Assembly Constituencies shall be allowed Special Casual Leave for one day after attending to poll duty in addition to the Casual Leave and Special Casual Leave ordinarily admissible to them during the calendar year, 2020. This facility shall be extended only to those who are engaged for a period of three days or more during the period of poll.

This will of course be granted subject to administrative convenience at the discretion of the Heads of Offices concerned.

The Sub-Ordinate offices may be informed accordingly.

Yours faithfully,

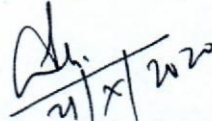


**Chief Electoral Officer & Ex-officio
Principal Secretary to Government**

etc

Memo No. 5089 /Elec., Bhubaneswar, dated the 21.10.2020

Copy forwarded to Revenue Divisional Commissioner, Central Division, Cuttack / DEO & Collector, Balasore and Jagatsinghpur / RO, 38-Balasore & 102-Tirtol (SC) Assembly Constituencies for information and necessary action.

 21/10/2020

**Chief Electoral Officer & Ex-Officio
Principal Secretary to Government.**

BYE-ELECTION URGENT

BY E-MAIL / SPEED POST / SPL. MESSENGER

**CHIEF ELECTORAL OFFICER, ODISHA
HOME (ELECTIONS) DEPARTMENT**

No.EC-CON-COE-0044-2020 *5078* /Elec. Bhubaneswar, dated the *21.10.2020*,
From

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

To

All Department of Government
All Heads of Department
All Public Sector Undertakings
All Corporation / Boards

**Sub: Bye-election to 38-Balasore & 102- Tirtol (SC) Assembly Constituencies
- Special Casual Leave to Government Servants for enabling them to
Vote.**

Madam/Sir,

In order to enable the Government employees who are needed to exercise their franchise at a place away from their headquarters, special casual leave for a maximum period of two days was allowed during previous elections. It has been decided that similar facilities will also be extended during the Bye-elections to 38-Balasore & 102- Tirtol (SC) Assembly Constituencies scheduled to be held on 03.11.2020 (Tuesday).

2. The day of poll is declared as a Public Holiday in the Constituency area. Government employees who are stationed at a place away from their Polling Stations but within the constituency have to travel for casting their votes. Such employees who are to vote on 03.11.2020 (Tuesday) may be allowed Special Casual Leave for a period of one day (the day preceding the poll), if required, in order to enable them to travel and vote at their Polling Stations.

3. Employees who desire to exercise their franchise at a Polling Station away from the Headquarters and do not enjoy a holiday on the day of poll because their offices being located in the Constituency which does not go to poll, will be granted Special Casual Leave for one more day on the day of poll.

4. The leave to be granted may be treated as Special Casual Leave which will not be taken into account in reckoning the total period of casual leave and

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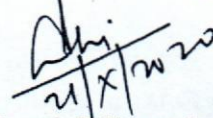
special casual leave of 15 days usually admissible to a Government servant in the Calendar Year.

5. The written application by the staff will be sufficient to presume their enrolment in the particular Constituency.

6. The Head of Offices granting the Special Casual Leave will determine as to whether the employees can be spared and granted the leave without detriment to official work. Ordinarily, the staff should not be inconvenienced in exercise of their franchise and the expression "without detriment to official work" should be liberally interpreted.

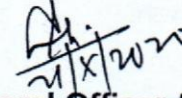
7. The Sub-Ordinate offices may be informed accordingly.

Yours faithfully,



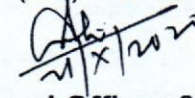
**Chief Electoral Officer & Ex-officio,
Principal Secretary to Government**

Memo No. 5079 /Elec., Bhubaneswar, dated the 21.10.2020.
Copy forwarded to all Revenue Divisional Commissioners for information and necessary action.



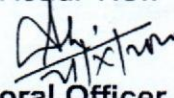
**Chief Electoral Officer & Ex-officio,
Principal Secretary to Government**

Memo No. 5080 /Elec., Bhubaneswar dated the 21.10.2020.
Copy forwarded to DEO & Collector, Balasore / Jagatsinghpur / Returning Officer for 38- Balasore AC / 102-Tirtol (SQ) AC for information, and necessary action.



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

Memo No. 5081 /Elec., Bhubaneswar, dated the 21.10.2020.
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**

BYE-ELECTION URGENT
BY E-MAIL/ SPEED POST

GOVERNMENT OF ODISHA
HOME (ELECTIONS) DEPARTMENT

No.VE(A)-85/2019- 5076/Elec Dated Bhubaneswar the 21.10.2020.
From

Satrughna Kar
Joint Chief Electoral Officer –cum-
Joint Secretary to Government

To
The Principal Secretary to Government,
Revenue & Disaster Management Department

Sub: Bye-election to 38-Balasore & 102- Tirtol (SC) Assembly Constituencies - Grant of paid holiday to employees on the day of poll- regarding.

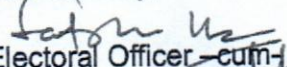
Sir,

In enclosing a copy of letter No.78/EPS/2020 dated 01.10.2020 received from Election Commission of India, New Delhi on the subject cited above, I am directed to say that the bye-election to **38-Balasore & 102- Tirtol (SC) Assembly Constituencies** in the districts of Balasore and Jagatsinghpur respectively will be held on **3rd November, 2020**.

2. The Representation of People Act, 1951 as amended in August, 1995 provided that every person employed in any Business Industrial Undertaking or any other establishment and entitled to vote at election to the House of the People or the Legislative Assembly of the State shall on the day of the Poll, be granted a holiday and that no deduction or abetment of the wages of any such person shall be made on account on the holiday having been granted to him / her. The Section 135B of the Representation of the People Act, 1951 provides for the grant of paid holiday to the employees on the day of poll.

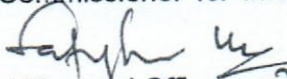
With a view to making it convenient for every voters to exercise his/her right of franchise in the above election, it is requested that necessary steps to be taken **to declare the Polling day on 3rd November, 2020 as public holiday under the Negotiable Instrument Act, 1881 and as a holiday for all officers under the Government of Odisha in the area of Assembly Constituency of the concerned District.**

Yours faithfully,


Joint Chief Electoral Officer –cum-
Joint Secretary to Government

Memo No. 5077 /Elec Dated: 21st October, 2020

Copy forwarded to all Revenue Divisional Commissioner for information and necessary action at their end.


Joint Chief Electoral Officer –cum-
Joint Secretary to Government

o/c

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1.10.2020

By Speed Post/Email

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: 01st October, 2020

No. 78/EP/2020

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 Secretary of Bihar, Chhattisgarh, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Manipur, Nagaland, Odisha, Telangana and Uttar Pradesh.
3. The Chief Electoral Officer of Bihar, Chhattisgarh, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Manipur, Nagaland, Odisha, Telangana and Uttar Pradesh.

Subject: Bye-election in the Parliamentary Constituency of Bihar and 56 Assembly Constituencies of various States – Grant of paid holiday to employees on the day of poll – reg.

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6. The receipt of this letter may please be acknowledged.

Yours faithfully,



(Sanjeev Kumar Prasad)
Under Secretary

Copy to concerned Zonal Sections