

**THE MADHYA PRADESH INDUSTRIAL EMPLOYMENT
(STANDING ORDERS) RULES, 1963**

[Published by Labour Department Notification No. 9556-9727-XVI, dated the 26th December, 1962, vide M.P. Gazette, dated 1st February 1963, (Part IV-G), page 56]

And as amended subsequently by the following notifications :-

S.No.	Notification No.	Dated	Published in MP Rajpatra Pt.	Dated	Page
1.	369-8835-XVI	22.1.1965	4(ga)	28.05.65	520
2.	968-9050-XVI	27.02.1971	4(ga)	26.03.71	138
3.	5782-9676-XVI	19.10.1973	4(ga)	02.11.73	770
4.	1004-1034-XVI	14.02.1975	4(ga)	21.02.75	74
5.	5167-3541-XVI	07.08.1981	4(ga)	21.08.81	270
6.	757-273-XVI-A	02.03.1987	4(ga)	27.03.87	45
7.	932-83-XVI-A	10.3.1987	4(ga)	27.3.87	51
8.	4(E)10-91-XVI-A	10.01.1992	EXT.	23.01.92	71

NOTE : In the footnotes appearing hereinafter, reference to amending Notifications is made by Serial No. as given to them above.

1. **Short title.**— These rules may be called the Madhya Pradesh Industrial Employment (Standing Orders) Rules, 1963.

2. **Definitions.**— In these rules the context otherwise requires,—

- (i) "Act" means the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (No. 26 of 1961);
- (ii) "Annexure" means an annexure appended to these rules;
- (iii) "Form" means a form appended to these rules; and
- (iv) "Section" means a section of the Act.

RELEVANT NOTES

Indore Development Authority Vs. Indore Development Authority Daily Wages Sub-Engineers Union, 2000 (2) JLJ 190. Chhaya Bhopalkar Vs. State of Madhya Pradesh, 2001 (4) MPHT 238. Engineer-in-chief, PHED Vs. Budha Rao Magarde, 2001 (2) JLJ 399, State of M.P. Vs. Hariram, 2008 (3) JLJ 41.

3. **Procedure for submission of amendment.**— (1) An application for submission of amendment under sub-section (1) of section 7 shall be in Form A.

(2) The particulars of the employees for the purpose of subsection (2) of section 7 shall, in addition to those mentioned in Form A, be as follows :

- (a) number of employees employed;
- (b) number of employees employed through contractors;
- (c) name of the trade union or trade unions, if any, to which the employees belong; and
- (d) if the application is by a trade union, the latest figure of its membership.

(3) A group of employees or representatives of employees in the same industry desirous of submitting a joint draft of amendments referred to in sub-section (3) of

section 7 shall apply in Form A through a person authorised in this behalf by such group or representatives, as the case may be, and shall in addition to the particulars mentioned in sub-section (2), furnish the following particulars along with the draft:

- (a) list of employees or representatives of employees, as the case may be, constituting the group with names and addresses in full of each undertaking; and
- (b) by a declaration signed jointly by employers or the representatives of the employees in the group to the effect that the undertaking constituting it or that the employees of the undertaking, as the case may be, shall abide by the conditions laid down in the joint draft of amendment.

4. **Certification of amendments.**— As soon as may be, on receipt of an application under rule 3, the Certifying Officer, shall forward a copy thereof to (a) the employers when the applicant is the representative of employees, or (b) the representatives of employees when the applicant is the employer of the undertaking together with a notice in Form B.

5. **Methods of sending Standing Orders.**— Standing orders certified in pursuance of sub-section (3) of section 8 shall be sent by registered post to the employer and the representative of the employees, as the case may be.

6. **Register of Standing Orders.**— The register required to be maintained under section 12 shall be in Form C and shall be properly bound. The Certifying Officer shall furnish a copy of standing orders to any person applying therefor on payment of a fee of rupees five per copy.

¹[6-A. **Additional matter included in the Schedule.**— In the Schedule to the Act after item XIV, the following item shall be added namely :

“XV-Age of Retirement”].

7. **Framing of Standing Orders.**— ²[Subject to the provisions of section 6 of the Act, the Standard Standing Orders for all undertakings to which the Act applies shall be those set out in the Annexure].

FORM A

[See rule 3]

Application for amendment of Standing Orders

Dated the day of 19

To

The Certifying Officer,
.....(Place).

Sir,

1. I hereby apply for the amendment of the standing orders applicable in the following undertaking(s) -

2. Address to which reply has to be sent

3. (a) The reference of the standing orders to which amendment is sought -

1. Inserted by 3 [2-11-1973].

2. Substituted by No. 2 [26-3-71].

(b) Number of standing order to which amendment is sought
4. (Not applicable when the application is on behalf of employees) I am entitled to make this application being an employer of the undertaking concerned.

OR

I am entitled to make this application on behalf of the group of employers/⁴ representative of employees vide note of authority attached.

Please fill the blank.

5. As an Officer or a representative/approved/registered trade union of the employees concerned I am entitled to make this application under rule 3, [Strike off what is not applicable.]

6. Five copies of the draft amendment typewritten on one side of the paper only indicating amendments are enclosed. The justification for the proposed amendments is mentioned against each.

7. The particulars required by sub-rules (2) and (3) of rule 3 are enclosed.

Signature

Station

Designation.....

Name of the undertaking in case of an employer and name of the trade union in the case of employees.

FORM B

[See rule 4]

In the matter of certification of amendments to the standing orders for (name and address of the undertaking)

To

The Employer (Name and address)

OR

The prescribed representatives of employees (state whether representative union, approved union, registered trade union, Labour Officer)

A copy of the draft amendments to the standing orders of..... submitted by is enclosed. Please take notice that objections, if any, which you may desire to make to the draft amendments should be submitted to the undersigned within fifteen days from the receipt of the copy of draft amendments along with this notice by you.

A copy of the standing orders to which amendments are proposed is also enclosed.

Page.....

Date

*Certifying Officer
Madhya Pradesh.*

1. Strike off that portion which is not applicable.

FORM C

[See rule 6]

REGISTER**Part I- Undertaking**

S. No.	Date of the despatch of the copy of standing orders authenticated under section 8 for the first time	Date of filing appeal if any	Date and nature of decision
(1)	(2)	(3)	(4)

Amendment made on on appeal, if any	date of the despatch of the copy of standing orders as settled on appeal	any notice sub- sequently given or received of any amendment.	Result
(5)	(6)	(7)	(8)

Part II

(Should contain the authenticated copy of the standing orders)

ANNEXURE
Standard Standing Orders for all the
Undertakings in the State

1. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Manager” means, if the undertaking is a factory, a person nominated as manager under the Factories Act, 1948, or a person whom an undertaking shall nominate as Manager for the purpose of these standing orders and includes a person authorised by him.

(b) “Season” means the period or periods of each year during which the principal operations of a seasonal undertaking is carried on.

2. Classification of Employees.— Employees shall be classified as—(i) permanent, (ii) permanent seasonal, (iii) probationers, (iv) Badiies, (v) apprentices, (vi) temporary, [and (vii) fixed term employment's employee :]

(i) A ‘permanent’ employee is one who has completed six months’ satisfactory service in a clear vacance in one or more posts whether as a probationer or otherwise, or a person whose name has been entered in the muster roll and who is given a ticket of permanent employee;

I. Amended by Notfn. No. F-4 (E) 2-2004-A-XVI, Dated 17-3-2005. Published in M.P. Rajpatra (Asadharan) Dated 17-3-2005 at Page 172.

¹[(ii) A 'permanent seasonal employee' is an who has completed service for a period equal to 2/3 of the duration of a season or three months whichever is less in a clear vacancy and shall be deemed to be a permanent employee for the purposes of these orders;

(iii) A 'probationer' means an employee who is provisionally employed to fill a clear vacancy, and who has not completed six months' satisfactory service in the aggregate;

(iv) A 'badli' employee means an employee who is employed on the post of a permanent employee, or a probationer or a permanent seasonal employee who is temporarily absent;

(v) An 'apprentice' means a learner; provided that no employee shall be classified as an apprentice if he has had training for an aggregate period of one year; provided further that a longer period of apprenticeship shall be required if prescribed by a law or an award, or by agreement with the representative of employees;

(vi) 'temporary employee' means an employee who has been employed for work which is essentially of a temporary character, or who is temporarily employed as an additional employee in connection with the temporary increase in the work of a permanent nature; provided that in case such employee is required to work continuously for more than six months he shall be deemed to be a permanent employee, within the meaning of clause (i) above.

²[(vii) "fixed term employment's employee" means an employee who has been engaged on the basis of contract of employment for a fixed period. However, his working hours, wages, allowances and other benefits shall not be less than that of a permanent employee. He shall also be eligible for all statutory benefits available to a permanent employee proportionately according to the period of service rendered by him even though his period of employment does not extend to the qualifying period of employment required in the statute."]

3. Ticket etc.— (1) The manager shall cause to be entered the name of all employees in the muster roll indicating the classification.

(2) The manager shall arrange to provide every employee except those belonging to the clerical, supervisory or technical personnel with a ticket bearing,—

- (i) the name of the department in which he is working;
- (ii) date of entry of his service;
- (iii) his number; and

³[(iii-a) the record of daily attendance];

- (iv) such other particulars as the manager may think fit.

1. Substituted by No. 1 [28-5-1965].

2. Added by Notfn. No. F-4 (E) 2-2004-A-XVI, Dated 17-3-2005.

2. Inserted by No. 2 [26-3-71].

If so required by the manager the employee shall deliver up his ticket before starting work for the day provided that ticket shall be returned to the employee before the close of the shift. If so required by a person authorised by the manager the employee shall show it or produce it for entries being made therein.

For technical, supervisory personnel and clerks a service book may be provided instead of a ticket.

¹[(3) (i) Every badli employee shall be provided with a 'badli card'; on which shall be entered, the days on which he has worked in the undertaking and which shall be surrendered if he obtains permanent employment.

- (ii) Every temporary employee shall be provided with a 'temporary card' on which shall be entered the days on which he has worked in the undertaking and which he shall surrender on his discharge or being taken on the badli or permanent register.
- (iii) Every casual worker shall be provided with a 'Casual Card' on which shall be entered the days on which he has worked in the undertaking.
- (iv) Every apprentice shall be provided with an 'Apprentice Card' on which shall be entered the days on which he has worked in the undertaking and which shall be surrendered if he obtains permanent employment.
- (v) The cards referred to in this sub-clause shall also bear the information specified in sub-clause (2) above.]

4. **Recruitment.**— The manager may after consulting the Employment Exchange lay down the procedure for recruitment of employees and notify it on the notice board on which standing orders are exhibited.

²[(4-A. **Letter of appointment.**— Every employee shall be given a letter of appointment, in which among other things, his name, age, qualification, designation, classification, pay-scale, allowance, nature of job, name of department etc., shall be indicated.)

5. Manner of intimating to employees periods and hours of work, holidays, pay days and wage rates.— (a) Notices showing the periods and hours of work for every class and group of employees for each shift in the undertaking shall be displayed on notice board maintained for the purpose in the department concerned, at the time keeper's office and at or near the main entrance of the undertaking.

(b) Notices specifying the dates on which wages are to be paid, shall be displayed on the notice boards at the time-keeper's office and at or near the main entrance of the undertaking.

(c) Notices specifying the wage rates showing separately the allowances, if any, payable to each class of time-rated employees and the basis of calculation of wage rates in respect of piece-rated employees shall be displayed at conspicuous places inside the departments in which the employees concerned are actually working.

(d) One day in each week shall be notified in the manner provided in clause (a) as the day for the payment of wages due to any employee but not paid on the usual pay day on account of their being unclaimed.

- 1. Ins. by No. 2 [26-3-711].
- 2. Ins. by No. 7 127.3.1987]

(c) The unclaimed wages due to an employee shall be paid by the manager on the days notified under this standing order and following the date on which a substantiated claim is presented by the employee or on his behalf by his legal representative within three years from the date on which the wages become due to the employee.

(f) In the case of bidi manufacturing undertaking the manager shall also display notice of the hours when leaves and tobacco shall be distributed and manufactured bidis shall be received by him, and the manager shall maintain a record showing for each worker the quantity of leaves and tobacco given to him, the bidis of different kinds manufactured and delivered to the manager by him and the number of bidis rejected as of bad quality.

6. Shift Working.— (a) Shift working shall be regulated in accordance with the Factories Act, 1948 (No. 68 of 1948), wherever applicable and subject as aforesaid in accordance with any agreements, settlements or awards.

(b) Subject as aforesaid more than one shift may be worked in the whole undertaking or in one or more sections or departments.

(c) Whenever an additional shift started or whenever working hours of the shift are changed, notice of seven days shall be given.

(d) Whenever a shift is discontinued notice of one month shall be given, provided that wherever any permanent employee is likely to be discharged, notice of three months shall be given before discontinuing that shift.

(e) Change over of any employee or employees from one shift or another shall be regulated by agreement, settlement or award and in their absence by custom or usage. The manager may, in the discretion, transfer an employee from one shift to another if such transfer is in the interest of the undertaking.

(f) Retrenchment of employees as a result of discontinuance of a shift or shifts shall be regulated in accordance with the provisions of the Industrial Disputes Act, 1947, provided that in case of retrenchment of permanent employee notice of three months as provided in standing orders 6 (d) shall be given before retrenchment.

(g) If an undertaking proposes to employ additional employees whether on restarting a shift or otherwise the manager shall give the shift first opportunity of employment to retrenched employees. If an additional shift is started not less than one week's notice shall be put up on the notice board and shall be published in a Hindi newspaper with wide local circulation.

7. Attendance and late coming.— (a) All employees shall be at work in the undertaking at the times fixed and notified. Employees attending late may be shut out and treated as absent provided that no employee who attends within 5 minutes of the starting time shall be shut out. Employee coming late shall not be treated as absent without leave but may be given whatever leave may be due to them.

(b) An employee who is found absent from his proper place of work during working hours, without permission or without any sufficient reason, shall be liable to be treated as absent for the period of his absence, and his wages for the period of absence shall be liable to be deducted subject to the provisions of section 9 of the Payment of Wages Act.

8. Condition and procedure in applying for, and authority which may grant leave and holidays.— (a) Holidays and leave with or without pay or leave of any other kind shall be regulated by the provisions of the law applicable to the undertaking and subject to the minimum prescribed under it by custom, usage, agreement, settlement or award.

(b) An employee who desires to obtain leave of absence shall apply to the manager or the officer authorised by him. It shall be the duty of the manager or the officer to pass orders thereon on two days in a week fixed for the purpose, provided that, if the leave asked for is of an urgent nature; i.e. commences on the date of the application or within three days thereof, orders for the grant or refusal of leave shall be communicated without delay.

(c) The grant of leave or in case it is refused such refusal with reasons therefor shall be recorded on the employee's ticket or service book.

(d) If an employee after proceeding on leave desires an extension of the leave granted, he shall make an application in writing for the same to the manager or the officer authorised by him. A written reply either of the grant or refusal of such extension shall be sent to the employee at the address given by him in the application for extension.

(e) An employee remaining absent beyond the period of leave originally granted or subsequently extended shall be liable to lose his lien on his post and shall be deemed to have left the service from the date of his unauthorised absence unless he returns within ten days of the expiry of the sanctioned leave and/or explains to the satisfaction of the manager or the officer authorised by him, his inability to resume immediately on the expiry of his leave. An employee who so loses his lien but reports for duty within 30 days of the expiry of his leave shall be kept as a badli if he so desires and his name shall be entered in the badli register.

¹[8-A. Holidays.— The employees shall be entitled to three days national holidays, namely, Republic Day, Independence Day, and Gandhi Jayanti and five days festival holiday with full wages every year. The festival holidays shall be determined by the employer in consultation with the representatives of employees and a notice indicating the days fixed shall be pasted on the Notice Board:

Provided that only those employees who will actually work either on the preceding day, or as the case may be, on the succeeding day of such holiday shall be entitled to avail of such holiday:

²[Provided further that nothing in this order shall adversely affect the operation of the term of any contract, agreement, settlement or award which is more beneficial to employees on this subject.]

³[8-B. (1) If an employee is required to work on any National holiday or festival holiday with wages on account of continuous process, essential services or under prevailing practices, then he shall be paid for the work done on each National

1. Ins. by No. 4 [21.2.75].

2. Second proviso inserted by No 4, Subs. by No. 5 [21.8.1981].

3. Ins. by No. 5 [21.8.1981].

holiday or festival holiday with wages, wages for holiday, wages for work done and additional wages for one day.

(2) In respect of employees getting wages on the basis of Calendar month, if the National holiday or festival holiday is substituted in accordance with the provisions of Section 52 of the Factories Act, 1948 (No. 63 of 1948) or such a paid holiday occurs on a weekly rest day of the employee then such an employee shall be paid additional wages for such a holiday at his ordinary rates of wages.

8-C. Casual leave.— Subject to the provisions of the terms of any contract, agreement, settlement or award, which are more beneficial to the employees on the subject—

- (1) the permanent employees shall be allowed seven days casual leave with wages in a calendar year, and
- (2) the temporary and day labour employees, who have put in 240 days work in the previous year shall be allowed seven days casual leave with wages in a calendar year.

Explanation:— The computation of 240 days shall be made in accordance with Section 79 of the Factories Act, 1948.

- (3) Ordinarily casual leave will not be admissible for more than two days at a time.
- (4) Except when it may not be possible to obtain previous permission, casual leave shall be availed of with the permission of the Manager. Where it is not possible to obtain previous permission, the employee shall intimate in writing the absence and its period at his earliest to the Manager.]

9. Requirement to enter premises by certain gates and liability to search.—
(a) No employee shall enter or leave the premises of the undertaking and the department except by the gates appointed for the purpose.

(b) All the employees including female employees shall surrender articles or things in their possession, for examination by the watch and ward staff of the undertaking or any other person appointed for the purpose and shall also be liable to be detained and searched by the watch and ward staff or the person so appointed for the purpose in the presence of two witnesses provided that the female employee shall be searched by female searcher, and in presence of female witnesses.

10. Closures, temporary stoppages and lay-off, etc.— (a) In the event of the break-down of machinery, stoppage of power supply, fire, epidemic, civil commotion, catastrophe, or any other cause beyond the control of the employer, he may, at any time, without notice, stop wholly or partially for a reasonable period the whole of part of the undertaking, any department or any machine directly or indirectly affected by the catastrophe or the cause.

(b) In any event of stoppage under clause (a) during working hours the employees affected shall, as soon as practicable, be informed by putting up notice on the notice board in the department concerned and at the time-keeper's office as to when work will be resumed and whether they are to stay or leave the premises of the undertaking. The period of detention in the undertaking shall not ordinarily exceed two hours after the commencement of stoppage, and the employees so

detained shall be entitled to receive wages (including all allowances), in the proportion of a quarter day for every two hours or less. Provided that the wages that he receives plus the detention wage shall not exceed his normal day's wages. In the case of piece-rate employees, the average daily earnings in the previous wage period shall be taken to be the daily wage.

(c) Whenever practicable a reasonable notice shall be given of the resumption of the normal work.

(d) Employees may be laid off by the undertaking on account of shortage of coal, power or water, or raw materials or materials or accumulation of stocks, temporary curtailment of production or similar reasons by exhibiting as far as possible, one week's notice for the information of the employees concerned.

(e) The employer may close down any department or section of a department or the whole undertaking after giving two month's notice to the employees and in case of seasonal employees 15 day's notice. Before reopening the department, section or the undertaking, as the case may be, at least seven days' notice shall be given to the employees.

(f) On the re-opening of the department, section of a department or the whole of the undertaking, as the case may be, the manager shall give reasonable notice to the retrenched employees who offer themselves for re-employment and those retrenched employees who offer themselves for re-employment within a fortnight shall be given preference over other persons according to the length of service.

¹[(g) Copies of the notice under this Standing Order shall be immediately sent to the Government Labour Officer of the area concerned by the employer].

11. **Termination of employment and the notice thereof to be given by employer and employee.**— (a) When the employment of a permanent employee is to be terminated, he shall be given one month's notice or shall be paid wages for one month in lieu of notice. No employee other than a permanent employee shall be entitled to any such notice or wages in lieu thereof for termination of his service.

(b) The reason for the termination of service shall be recorded in writing and shall be communicated to the employee unless such communication may in the opinion of the manager directly or indirectly lay the company or the manager or the person signing the communication open to civil or criminal proceedings at the instance of the employee.

(c) Any permanent employee desirous of leaving the employment shall give one month's notice to his departmental officer stating the reason for which he is leaving but if he so requires he may be relieved earlier than the date on which the period of notice expires.

(d) No notice shall be necessary for the discontinuance of the employment of a permanent seasonal employee on the expiry of the season, but he shall have a lien on his post at the commencement of the next season.

²[(e) subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947), no temporary employee, whether monthly rated or weekly rated or piece-

1. Added by No. 1 [28-5-65].

2. Added by Notfn. No. F-4.(E) 2-2004-A-XVI, Dated 17-3-2005.

rated, and no probationer or badli or fixed term employment's employee, as a result of non-renewal of contract of employment or on its expiry, shall be entitled to any notice or pay in lieu thereof, if his Services are terminated, but the Services of a temporary employee shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him."]

RELEVANT NOTES

Mahesh Pal Singh Vs. Superintending Engineer Lower Chambal Circle, 2001 (4) MPHT 214.

12. Disciplinary action for misconduct:- (1) The following acts or omissions on the part of an employee shall amount to a major misconduct:

- (a) conviction by a court of law for an offence involving moral turpitude;
- (b) theft, fraud or dishonesty in connection with the business or property of the undertaking;
- (c) taking or giving bribe or any illegal gratification;
- (d) wilful disobedience of any lawful or reasonable order of a superior involving safety of any person or property or other matter having an adverse effect upon the work or wages of other employees;
- (e) gambling within the premises of the undertaking;
- (f) drunkenness, riotous or disorderly behaviour, during working hours at the undertaking or conduct endangering the life or safety of any person, intimidation, physical duress, or any act subversive of discipline;
- (g) collections of any moneys within the premises of the undertaking for purposes and by persons not authorised by law or if no such authority is required by law without the sanction of the manager;
- (h) engaging in trade, or business within the premises of the undertaking including collection of pay-tickets given to the employees or the sale or canvassing of tickets, coupons or other tokens of any commodity or article, without the previous sanction of the manager;
- (i) canvassing for trade union membership and collection of union's dues within the premises except as permissible under law;
- (j) holding meetings inside the premises of the undertaking without the previous permission of the manager or except as permitted by law;
- (k) commencing, going or joining the strike in contravention of the provisions of any law for the time being in force;
- (l) inciting, instigating others to take part or otherwise acting in furtherance of a strike in contravention of the provisions of any law for the time being in force;
- (m) wilful slowing down in performance of work, or abatement or instigation thereof;
- (n) wilful damage to work in process or to any other property of the undertaking;
- (o) disclosing to any unauthorised person any information in regard to the processes of the undertaking which may come into his possession in the course of his work;

- (p) unauthorised absence from duty for more than ten consecutive days;
- [
 - (p-1) Obtaining financial assistance from the Employees State Insurance Corporation on the basis of tax on forged documents.]
- (q) a minor misconduct of which a workman is found habitually guilty, i. e., for not less than three occasions within a space of one year or less.
- (2) Any of the following acts or omissions shall amount to a minor misconduct:
 - (a) late attendance;
 - (b) absence from duty without leave or without sufficient cause, which is not major misconduct;
 - (c) refusal to work on a job of a similar nature without giving adequate reasons for the same;
 - (d) sleeping during working hour;
 - (e) failure to observe safety instructions, or unauthorised removal in reference to machinery, guard, fencing or other safety device installed in the premises of the establishment;
 - (f) any act or omission for which deductions from the wages of an employed person are authorised by or under the Payment of Wages Act;
 - (g) entering or leaving the premises of the undertaking except by the gate or gates appointed for the purpose;
 - (h) committing a nuisance in the premises of the undertaking, indiscipline, breach of any standing order or instructions for the maintenance and running of any department and maintaining its cleanliness.
- (3) (a) The punishment for a minor misconduct may be— (i) censure, or (ii) fine.
- (b) The punishment for a major misconduct may be—
 - (i) censure, or
 - (ii) fine, or
 - (iii) suspension for a period not exceeding four days on any one occasion, or
 - (iv) withholding of increment for a period of one year, or
 - (v) demotion, or
 - (vi) dismissal.
- (c) In awarding the punishment the manager shall take into account the gravity of the misconduct, the previous record of the employee, if any, and other extenuating or aggravating circumstances.
- (4) No punishment shall be imposed on an employee unless proved guilty of misconduct in an enquiry conducted in the following manner:
 - (a) The manager or other officer authorised by him in this behalf shall give to the employee a charge sheet clearly setting forth the misconduct charged and the circumstances appearing against him and requiring his explanation;

1. Ins. by No. 7 [27.3.1987]

- (b) The employee shall be given for submitting his explanation a period of at least 24 hours if he is charged with a minor misconduct and at least 72 hours if he is charged with major misconduct;
- (c) An employee shall be allowed to defend by himself or the representative of employees, if he so desires;
- (d) Except in cases where he admits the charge levelled against him the employee shall be permitted to produce witness in his defence and cross-examine any witness on whose evidence the charge rests;
- (e) The substance of the evidence shall be recorded and read over;
- (f) An order of punishment shall be in writing and shall be issued over the signature of the manager or other officer authorised under standing order (1) (a). A copy of the order passed awarding the punishment shall be given to the employee;
- (g) In case of an employee other than the one belonging to the clerical, technical or supervisory staff the manager can suspend him pending enquiry into an alleged major misconduct for a period not exceeding four days;
- (h) The manager may suspend a clerical, technical or supervisory employee for a period of three months pending enquiry into major misconduct alleged against him and shall pay suspension allowance to such employee at the rate of half of the average wage;
- (i) The order of suspension shall be in writing and may take effect immediately on communication thereof to the employee. If no action is taken within a period of six months then the amount of wages for the period of suspension shall be payable in full.

(5) If on enquiry, the order is confirmed or the period of suspension reduced the employee shall be deemed to be absent from duty for the period of suspension and shall not be entitled to any wage for such period. If, however, the order is rescinded the employee shall be deemed to be on duty during the full period of suspension and shall be entitled to the same wages as he would have received if he had not been suspended:

Provided that if the enquiry is not completed within four days from the date of submission of explanation, the employee shall be entitled to full wages until the completion of the enquiry from the date of submission of his explanation.

[(6) An employer shall not be competent to initiate proceedings against an employee—

- (a) for major misconduct after one year of its commission, and
- (b) for a minor misconduct after six months of its commission.]

13. Means of redress for employee against unfair treatment or wrongful exaction by the employer, agent or servant.—(1) (a) An aggrieved employee may first present his grievance to his immediate superior in person who thereon shall give a reply within 48 hours of the presentation of the complaint;

1. Added by No. 7 (27.3.1987).

(b) If the employee is not satisfied with the reply of his immediate superior he or the authorised representative on his behalf may forward the complaint to the manager or any officer appointed by him for this purpose;

(c) The manager or such officer shall personally investigate the complaint at such time and place as he may fix and the complainant employee or the authorised representative shall have a right to be present at such investigations;

Provided that the decision of the Investigation Officer and the action, if any, taken by him shall be communicated to the complainant ordinarily within a week of the presentation of the complaint.

(2) Grievances of employees relating to—

- (a) assault or abuse by any person holding a supervisory position or
- (b) refusal of an application for urgent leave;
- (c) unfair labour practices, such as, (i) interference with the rights of employees to enroll or continue as an union member; (ii) discrimination, restrain or coercion against any employee or restraint of recognised activities of trade union; and (iii) victimization of an employee or abuse of authority in any form;

shall be enquired into immediately by the manager and he shall take appropriate disciplinary action against such officers of the undertaking who are found responsible for that. The complainant will be supplied with a copy of the order or action taken by the manager in this behalf.

14. An employee against whom any order is passed by the manager may if so desires submit his representation to the Managing Agents or the Managing Director or the Proprietor or any person who has the ultimate control over the management of the undertaking who shall communicate his decision to the employee within a period of 15 days.

[14-A. Retirement.— (1) An employee shall retire from the service of the employer on the date he attains the age of 58 years. He may, however, be retained in service by the employer after the date of attaining the age of 58 years if his services are necessary in the interest of the undertaking but he shall not be retained in service after the age of 60 years.

Provided that nothing in this clause shall adversely affect the operation of the terms of any contract, agreement, settlement, or award on this subject, if the age of retirement is not less than 58 years:

Provided further that before retiring an employee from the service in accordance with the provisions contained in this clause, the employer shall give to the said employee at least one month's intimation in writing of such retirement. However, failure to give such intimation will not entitle the employee to continue in service after attaining the age of retirement. On the employer's failure to give such intimation, he shall be liable to pay to the employee concerned one month's wages.

²[(1-a) Notwithstanding anything contained in sub-clause (1) the age of retirement for working journalists as defined in Section 2(f) of the Working

1. Subs. by No. 5 [21.8.1981].

2. Ins. by No. 8 [23.1.1992]

Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (No. 45 of 1955) shall be 60 years.]

(2) For the purpose of clause (1) the age shall be reckoned by any of the following methods in order of priority-

- (i) the date of birth as given by the employee at the time of his employment and accepted by the Manager;
- (ii) The date of birth as given in the Higher Secondary School Certificate or equivalent examination Certificate;
- (iii) The certificate issued by the Local Authority of the place where the employee was born, on the basis of the records maintained by such authority or certified copy of the entry in the Birth and Death Register in which date of birth is mentioned;
- (iv) The date of birth as declared by the employee in his declaration card for purpose of membership of the Employees Provident Fund.

(3) Notwithstanding anything contained in the foregoing clause, if any dispute arises regarding the date of birth intimated at the time of employment or declared in the declaration card for the purpose of membership of the Employees Provident Fund, as the case may be, then the date of birth shall be determined on the basis of School Leaving Certificate and in its absence, the date of birth determined by a Registered Medical Practitioner, not below the rank of Civil Surgeon, shall be considered as final, but any such dispute shall not be entertained within the period of six months before the date of retirement.

15. An employee who leaves service or retires or is discharged shall without avoidable delay but not later than thirty days after he leaves service or retires or as the case may be is discharged, shall be given by the employer a service Certificate indicating such information and particulars as may be notified.]

*SERVICE CERTIFICATE

(See Rule 15)

1. Name and address of the Institution
2. Name and address of the employee/worker

3. Nature of work/designation
4. Duration of employment from date to
5. Wages rate Rupees per month
6. Reasons for discharge Retirement/Discharge/Resignation/ Other

Signature of employer

16. **Liability of the Manager.**— The Manager of the undertaking or in case if there is no manager, the Managing Agents, the Managing Director or the Proprietor or any person who has the ultimate control over the management of the undertaking shall be held responsible for the proper and faithful observance of these standing orders.

17. (a) Notice to be exhibited or given under these standing orders shall be in a language understood by majority of employees.

(b) Any notice, order, charge-sheet, communication or intimation which is meant for individual employee and is given in writing under these standing orders shall be in a language understood by majority of employees.

18. Copies of these standing orders shall be posted in the timekeeper's office and in all departments of the undertaking and shall be kept in legible condition.