

MODEL STANDING ORDERS

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MODEL STANDING ORDERS

In exercise of the powers conferred by sub-section (5) of section 35 of the Bombay Industrial Relations Act, 1946 (Bom. XI of 1947), the Government of Gujarat hereby notifies Model Standing Orders (a) for a manual Workers other than those engaged in agriculture of agricultural operations, (b) for manual workers engaged in agriculture or agricultural operations and (c) for employees other

than manual workers as specified in the schedule hereby appended, in respect of the Sugar Industry in the local areas included in the Saurashtra and Kutch areas of the State of Gujarat.

1. . :-

These order shall apply to all employees employed in the occupations in the Sugar Industry specified in the 'P' Appendix A appended hereto.

2. . :-

(1) In these orders unless the context otherwise requires

(a) "Undertaking" means; ¹

(b) "Operative" means an employee employed to do manual work;

(c) "Manager" means the person for the time being managing the undertaking;

(d) "Season" means the period or periods each year during which sugarcane is crushed and sugar manufactured; and "off-season" means the period of each year other than the season;

(e) "Ticket" includes a card, pass or token;

(2) Words and expressions used but not defined in these orders shall have the meanings assigned to them under the Bombay Industrial relations Act, 1946.

1. Here insert the name in full of the undertaking and place and district in which situated.

3. Classification of operatives :-

(1) Operatives shall be classified (a) permanent operatives; {b) seasonal operatives: (c) probationers; (d) temporary operatives; (e) apprentices; (f) substitutes;

(2)

(a) "permanent operative" means an operative who has been appointed as such in writing by the Manager, and includes a permanent seasonal operative.

Explanation.- Any operative employed for three consecutive seasons, if he is a seasonal operative, and in other cases employed continuously for not less than six months otherwise than as a temporary operative, substitute or apprentice, shall be deemed to

be a permanent operative;

(b)

(i) "Permanent seasonal operative" means a seasonal operative who has been made permanent;

(ii) "Seasonal operative" means an operative who has been appointed to do seasonal work mainly;

(c) "Probationer" means an operative who is provisionally employed to fill a permanent vacancy on post and has not been made permanent or confirmed in service;

(d) "Temporary operative" means an operative who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional employee in connection with a temporary increase or contingency in work of a permanent or seasonal nature;

(e) "Apprentice" means an operative who is a learner and is paid, an allowance during the period of his training:

Provided that no operative shall be classified as an apprentice if he has had training for an aggregate period of two years or has been employed as a seasonal operative for three seasons;

(f) "Substitute" means an operative appointed in the post of a permanent operative or probationer who is temporarily absent.

4. . :-

If a permanent operative is employed as a probationer in a new post he may, at any time during the probationary period be reverted to his old permanent post by an order in writing signed by the Manager.

5. Ticket, Passes, Tokens, etc. :-

(1) For each class of operative specified in clause (1) of Standing Order 3 a distinctive ticket shall be provided bearing the name of the class.

(2) Every operative shall be given a ticket bearing (i) the name of the department in which he is working and (ii) his number,

(3) Every operative shall, when entering the undertaking deliver his ticket at the place provided, and shall show his ticket whenever required (except when it is not in his possession by reason of

having been so delivered) to any person authorised by the Manager in this behalf.

(4) Every operative shall surrender his ticket on

(a) a change in his classification or department;

(b) leaving the service of the undertaking;

(c) the termination of his service;

(d) the termination of the season, if the operative is a non-permanent seasonal operative.

6. Periods and hours of work :-

Notices showing the periods and hours of work for every class and group of operatives in the undertaking shall be displayed on notice boards maintained for the purpose in the departments concerned, at the time-keeper's office and at or near the main entrance to the undertaking.

7. Holidays and paydays :-

(1) Notices specifying (a) the weekly holidays, (b) the dates on which compensatory holidays, if any, will be allowed and (c) the days 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 to the undertaking.

8. Wage rates :-

Notices specifying the rates of wages showing separately the allowances, if any, payable to each class of operatives and for each class of work shall be displayed in a conspicuous position in the departments in which the operatives concerned are working.

9. Unclaimed wages :-

(1) An unclaimed wage pay day for each week (i.e. a day on which wages due to an operative but not paid on the usual pay day on account of their being unclaimed, are to be paid) shall be notified on the notice boards alongwith the notice to be displayed under Standing Order 7.

(2) The unclaimed amount of wages due to an operative shall be paid on the days notified under this Standing Order, following the or on his behalf by his successor or legal representative, provided that such claim is submitted within three years from the date on which the wages become due to the operative.

10. Shift Working :-

(1)

(a) More than one shift may be worked in a department or section of a department at the discretion of the Manager.

(b) If more than one shift is worked in the undertaking operatives shall be liable to be transferred from one shift to another.

(c) Whenever an additional shift is started or shifts are altered or discontinued, a 'fifteen days' notice shall be given provided that if as a result of the discontinuance of the shift any permanent operative is likely to be discharged such operative shall be given 'two months' notice.

(d) If as a result of discontinuance of shift working any permanent operatives are likely to be discharged, they shall be discharged having regard to the length of their service in the undertaking and the department concerned, those with the shortest service being discharged first.

(e) On restarting a shift, notice thereof shall be given in a newspaper having wide local circulation; and the operatives discharged as a result of discontinuance of the shift shall, if they present themselves within seven days of the publication of the notice be given preference for employment according to their length of service.

(2) The manager may close down any department or section of a department after giving 'fifteen days' notice to the operatives concerned. Before re-opening such department or section, as the case may be 'seven days' notice thereof shall be given in a newspaper having wide local circulation.

(3) The Manager may close down the whole undertaking after giving 'two months' notice to the operatives. 'Seven days' public notice of the restarting of the undertaking shall be given.

(4) Notice is of

(i) starting, restarting, alteration and discontinuance of shift working;

(ii) the closure and reopening of the department or section of a department and

(iii) the closure and reopening of the undertaking shall be displayed in the time-keeper's office, at the main entrance to the undertaking and at the gate or gates appointed under Standing Order 15, and in the case of a department or section, also in the department concerned.

(5) On the reopening of a department or section of the department or of the undertaking, as the case may be, preference for employment shall be given to the operatives whose services were terminated on account of the closure according to their length of service, provided they present themselves for service at the latest on the day of the reopening.

11. Attendance and late coming :-

(1) All operatives shall be at work in the undertaking at times fixed and notified. Operatives attending late shall be liable to be shut out and notified. Operatives attending late shall be liable to be shut out and treated as absent; provided that no operative who attends within 15 minutes of the starting time shall be shut out.

(2) Any operative who after delivering his ticket is found absent from his proper place of work during working hours without permission or without sufficient reason, shall be liable to be treated as absent for the period of his absence.

(3) Deductions from wages for the period for which an operative is treated as absent under clauses (1) and (2) of this Standing Order may be made; where the provisions of the Payment of Wages Act, 1936, apply such deductions shall be subject to the said provisions.

12. Leave :-

(1) Grant of leave to an operative shall depend on the exigencies of the undertaking and shall be at the discretion of the Manager.

(2) An operative who desires to obtain leave of absence shall apply in writing to the Manager or an Officer appointed for the purpose by the Manager. An application for leave shall be made at least seven days before the date from which the leave is to commence, except in urgent cases or unforeseen circumstances when it is not possible to do so. The Manager or an officer empowered by him in this behalf shall issue orders on such application within three days of the presentation of the application, and in cases of an urgent nature immediately. If the leave asked for is granted, a leave pass

showing the date of commencement of the leave and the date on which the operative will have to resume duty shall be issued to the operation.

(3) If an operative after proceeding on leave desires an extension thereof, he shall make an application for the purpose to the Manager, either in writing or orally or through any other person. A written reply either of the grant or refusal of extension of leave shall be sent to the operative at the address given by him, if such reply is likely to reach him before the expiry of the leave originally granted to him.

(4) Every female operative shall on application be allowed maternity leave to the extent (i.e. 8 weeks) to which she is entitled under, and in accordance with the provisions of the Bombay Maternity Benefit Act, 1929. Such leave may be extended at the discretion of the Manager on application for extension on medical grounds.

(5) An operative remaining absent beyond the period of leave originally granted or subsequently extended, shall be liable to lose his lien on his appointment unless he returns within eight days of the expiry of the sanctioned leave and explains to the satisfaction of the authority granting the leave his inability to resume immediately on the expiry of his leave. An operative not reporting for duty within fifteen days of the expiry of his leave shall be treated as having left service from the date on which he was due to return to work.

13. Casual Leave :-

(1) Every operative shall be entitled to casual leave. Casual leave shall be non-cumulative and no leave of any kind may be combined with casual leave.

(2) Except for emergent reasons casual leave shall be limited to three days at one time. Casual leave is intended to meet special or unforeseen circumstances for which provision cannot be made by exact rules.

(3) Gazetted and public holidays and Sundays shall not be prefixed or suffixed to casual leave except with the previous permission of the Manager.

(4) Ordinarily, the previous permission of the Manager or of the

head of the department shall be obtained before taking such leave. When this is not possible, the Manager or the head of the department shall, as soon as may be practicable, be informed in writing or orally, or through any person of the reason for absence from work and of the probable duration of such absence.

14. Leave register :-

A record shall be maintained in a register of all leave of absence which is sanctioned, refused or postponed. Orders passed, and reasons for refused or postponement of leave shall in every case be entered in the register with the least possible delay. A copy of any entry in the register pertaining to an operative shall be supplied to him, if he so desires.

15. Entry, etc. :-

No operative shall enter or leave the premises of the undertaking except by the gate or gates of points of entry and exit (as the case may be) appointed for the purpose.

16. Search :-

(1) Any male operative may, when leaving the premises of the undertaking, be searched at the point of exit by the gateman.

(2) Every female operative may be detained by the gateman for search by a female searcher, if acting without malice he suspect that she is in wrongful possession of property belonging to the undertaking.

(3) Every search shall be conducted in the presence of not less than two persons provided that a female operative shall not be searched in the presence of any male person except with her consent.

(4) Subject to the provisions of the above clauses, any member of a joint committee may be present at a search made under this Standing Order.

17. Temporary stoppages :-

(1) In the event of a fire, catastrophe, breakdown of machinery, stoppage of power supply, epidemic, civil commotion or any other cause beyond the control of the employer, the employer may, at any time without notice or compensation in lieu of notice, stop wholly or partially, as the event may require, any machine or department or part thereof, or the whole or part of the undertaking for a reasonable period.

(2) In the event of a stoppage under this standing order during working hours, the operatives affected shall, as soon as practicable be notified as to when work will be resumed and whether they are to remain or leave the undertaking. The period of detention in the undertaking shall not ordinarily exceed two hours after the commencement of the stoppage. If the period of detention does not exceed two hours, operatives so detained shall not be paid for such period. If the period of detention in the undertaking exceeds two hours, operatives so detained shall be entitled to receive wages (including all allowances) for the whole of the time during which they are detained in the undertaking as a result of the stoppage. In the case of piece- rate operatives, the average daily earnings for the previous wage period shall be taken to be the daily wages.

(3) Whenever practicable, reasonable notice shall be given of the resumption of normal work, and all operatives played off under this Standing Order who present themselves for work, when work is resumed, shall be given preference for employment.

(4) All notices required to be given under this Standing Order shall be displayed on notice boards at the time-keeper's office and at the main entrance to the undertaking. Where a notice pertains to a particular department or departments only, it shall also be displayed in the department or departments concerned.

18. Playing off-Rights and Obligations :-

In case where operatives are played off under these Standing Orders, they shall be considered to be temporarily unemployed and the periods of such unemployment shall be, treated as leave with pay to the extent such leave is admissible and leave without pay for the balance of the period.

19. Temporary playing off :-

Operatives may be played off due to shortage of orders, temporary curtailment of production or similar reasons and consequent stoppage of any machine or department. for a period not exceeding six days in the aggregate (excluding statutory holidays) in any month, provided that seven days' notice is given. An operative played off under this Standing Order for more than five days in a month may, on being played off, leave his employment on intimation of his intention to do so.

20. . :-

Notwithstanding anything contained in Standing Orders 17, 18 and

19 the rights and liabilities of employers and workmen in so far as they relate to lay off shall be determined in accordance with the provisions of Chapter V-A of the Industrial Disputes Act, 1947:

Provided that nothing contained in the said Chapter shall have effect to derogate from any right which a workman has under the Minimum Wages Act, 1948, or any notification or order issued thereunder or any award for the time being in operation or any contract with the employer.

21. Closure :-

(1) The employer may, in the event of a strike affecting either wholly or partially and department or section of a department of the undertaking, close down either wholly or partially such department or section as well as any other departments or sections affected by such closing down.

(2) The fact of such closure shall be notified by notices displayed upon the notice boards in the departments concerned, at the time keeper's office, at the main entrance to the undertaking and at the gates appointed under Standing Order 15 as soon as practicable.

(3) The operatives concerned shall prior to the resumption of work be notified by a general notice, copies of which shall be displayed upon the notice boards specified in clause (2) of this Standing Order as to when work will be resumed.

22. Termination of employment :-

(1) The employment of a permanent operative may be terminated by 'fourteen days' notice or by payment of 'thirteen days' wages (including all allowances) in lieu of notice. If an operative draws wages on a piece-rate basis, wages shall be computed on his average daily earnings for the days actually worked during the previous wage period.

(2) In respect of every permanent operative whose employment is terminated an order of termination of employment shall be made in writing and signed by the Manager, and a copy thereof shall be supplied to the operative at the time of discharge. The reasons of the termination of his employment shall be recorded in writing and shall if he so desires be communicated to him at the time of discharge, unless such communication, in the opinion of the Manager, is likely directly or indirectly to lay the Manager open to

criminal or civil proceedings at the instance of the operative. In cases of general retrenchment closing down of a department or termination of service is a result of an illegal strike, no such order need be given.

(3) Save as otherwise provided in Standing Order 19, a permanent operative desirous of leaving the service of the undertaking shall give in writing 'fourteen days' notice to the Manager. If a permanent operative leaves the service of the undertaking without giving such notice, no deduction on that account shall be made from his wages, although he shall be liable to be sued for damages.

(4) An operative other than a permanent operative or permanent operative on probation in a post, may leave or be discharged from service without notice or pay in lieu of notice.

(5) On the employment of an operative being terminated or his leaving service, the wages earned by him and all other sums due to him shall be payable to him before the expiry of the second working day from the day on which such event occurs.

23. Misconduct :-

The following acts and omissions on the part of an operative shall amount to misconduct:

- (a) wilful insubordination of disobedience of any lawful and reasonable order of a superior;
- (b) going on an illegal strike or abetting, inciting, instigating or acting in furtherance of such strike;
- (c) wilful showing down in performance of work, or abatement or instigation thereof;
- (d) theft, fraud or dishonesty in connection with the employer's business or property;
- (e) taking or giving a bribe or any illegal gratification;
- (f) habitual absence without leave, or absence without leave more than ten consecutive days or overstaying sanctioned leave without sufficient grounds or proper or satisfactory explanation;
- (g) late attendance on not less than four occasions within a month;
- (h) habitual breach of any Standing Order, or any law applicable to the undertaking or any rules made thereunder;

- (i) collection without the permission of the Manager of any money within the premises of the undertaking except as sanctioned by any law for the time being in force;
- (j) engaging in trade within the premises of the undertaking;
- (k) drunkenness or riotous, disorderly or indecent behaviour on the premises of the undertaking;
- (l) the commission on the premises of the undertaking of any act subversive of discipline or good behaviour;
- (m) habitual neglect of work, or gross or habitual negligence;
- (n) habitual breach of any rules or instructions for the maintenance and running of any department, or the maintenance of the cleanliness of any portion of the undertaking;
- (o) frequent repetition of any act or omission for which a fine may be imposed under the Payment of Wages Act, 1936;
- (p) canvassing for union membership or the collection of union dues within the premises of the undertaking, without the previous permission of Manager or except in accordance with the provisions of any law for the time being in force;
- (q) wilful damage to work in process or to any property of the undertaking;
- (r) holding meetings inside the building of the undertaking without the previous permission of the Manager or except in accordance with the provisions of any law for the time being in force;
- (s) disclosing to any unauthorised person any information in regard to the processes of the undertaking which may come into the possession of the operative in the course of his work;
- (t) gambling within the premises of the undertaking.

24. Punishment for misconduct :-

- (1) An operative guilty of misconduct may
 - (a) be warned or censured, or
 - (b) subject to and in accordance with the provisions of the Payment of Wages Act, 1936 be fined, or
 - (c) by an order in writing, signed by the Manager, be suspended

for a period not exceeding four days of dismissed without notice.

(2) no order under clause (i) (b) of this Standing Order shall be made unless the operative concerned has been informed in writing of the alleged misconduct or given an opportunity to explain the circumstances alleged against him.

(3) No order of dismissal under clause (1) (c) of this Standing order shall be made except after holding an enquiry against the operative concerned in respect of the alleged misconduct in the manner set forth in clause (4).

(4) An operative against whom an inquiry has to be held shall be given a charge sheet clearly setting forth the circumstances appearing against him and requiring explanation. He shall be given an opportunity to answer the charge and permitted to be defended by his representative under section 30 of the Bombay Industrial Relations Act, 1946. Except for reasons to be recorded in writing by the officer holding the inquiry, the operative shall be permitted to produce witnesses in his defence and cross- examination any witnesses on whose evidence the charge rests. A concise summary of the evidence led on either side and the operative's plea shall be recorded.

(5) An operative against whom any action is proposed to be taken under sub-clause (b) or (c) of clause (i) of this Standing Order may be suspended pending the holding and completion of the enquiry or for the period, if any allowed to him for giving his explanation. The order of suspension may take effect immediately on its communication to the operative. If as a result of the enquiry held or explanation tendered, it is decided not to take any action under clause (1) the operative shall be deemed to have been on duty and shall be entitled to full wages to and all privileges for the full period of suspension.

(6) In awarding punishment under this Standing Order the Manager shall take into account the gravity of the misconduct, the previous record of the operative and any other extenuating or aggravating circumstances that may exist.

25. Warning, censure and fine :-

An operative may be warned or censured or, subject to and in accordance with the provisions of the Payment of Wages Act, 1936, fined for any of the following act and omissions:

- (a) absence without leave without sufficient cause;
- (b) late attendance;
- (c) negligence in performing duties;
- (d) neglect of work;
- (e) absence without leave or without sufficient cause from the appointed place of work;
- (f) entering or leaving, or attempting to enter or leave the premises of the undertaking except by a gate or entrance appointed;
- (g) committing nuisance on the premises of the undertaking;
- (h) breach of any rule or instruction for the maintenance running of any department.

26. Redress of grievance :-

(1) An operative desirous of the redress of a grievance arising out of his employment or relating to unfair treatment or wrongful exaction on the part of a superior shall either himself or through his representative under section 30 of the Bombay Industrial Relations Act, 1946, submit a complaint to the Manager or any officer appointed by the Manager in this behalf.

(2) The Manager or such officer shall as soon as possible investigate the complaint at such times and places as he may fix. The Operative and his representative under section 30 of the Bombay Industrial Relations act, 1946, shall have the right to be present at such investigation and such representative shall be entitled to represent him therein.

(3) The order made by the Manager on the decision of the investigating officer and the action, if any, taken thereon by the Manager, shall be intimated to the complainant:

Provided that complaints relating to assault or abuse by any person holding a supervisory position or refusal of an application for urgent leave shall be enquired into immediately by the Manager or such officer as he may appoint.

27. Service certificate :-

Every operative who leaves service, or retires, or is dismissed or discharged, shall without avoidable delay be given a service certificate, if he asks for one.

28. Notices, orders, etc. :-

(a) Notices to be exhibited or given under these Standing Orders shall be in English and also in the principal regional language of the district in which the undertaking is situated.

(b)

(i) Any notice, order, charge-sheet, communication or intimation which is personal, i.e. is meant for an individual operative, and is given in writing under these Standing Orders shall be in a language understood by the operative concerned.

(ii) If such a notice, order, charge-sheet communication or intimation is handed over to the individual operative concerned, it shall, if he so desires, at the time of such handing over, be read out and explained to him.

29. Miscellaneous :-

Nothing contained in these Standing Orders shall operate in derogation of any law for the time being in force or to the prejudice of any right under an agreement or contract of service, custom, usage or award applicable to the undertaking.

30. . :-

These orders shall apply to all employees employed to do manual work pertaining to agriculture as specified in Appendix B appended hereto in the sugar industry.

31. . :-

(1) In these orders unless the context otherwise requires:

(a) the "undertaking" means;

(b) "Worker" means an employee employed in the undertaking to do agricultural work or carry out any agricultural operation:

(c) "Manager" means the person for the time being managing the undertaking, and includes in respect of a Standing Order other than Standing Order 18 any officer appointed by the Manager to act on his behalf for the purposes of that Standing Order;

(d) "Season" means the period or periods of each year during which sugarcane is out for crushing and crushed, and sugar manufactured; and "off season" means the period of each year other than the season;

(e) "Section" means a section, division or administrative unit of the undertaking constituted for convenience in supervision or conduct of agriculture or agricultural operation;

(f) "ticket" includes a card, pass or token.

(2) Words and expressions not defined in these orders shall have the meanings assigned to them under the Bombay Industrial Relations Act, 1946.

32. Classification of workers :-

(1) Workers shall be classified as (a) permanent workers, (b) permanent seasonal workers, (c) temporary workers, (d) probationers.

(2)

(a) "Permanent worker" means a worker appointed as such in writing by the Manager and includes a worker who has completed a probationary period of three months in the same or another post in the undertaking;

(b)

(i) "Permanent seasonal worker" means a seasonal worker who has been made permanent;

(ii) "Seasonal worker" means a worker appointed to do seasonal work mainly;

(c) "Temporary worker" means a worker appointed for a limited period for work of an essentially temporary nature or employed temporarily as an additional worker in connection with a temporary increase or contingency in work of a permanent nature;

(d) "Probationer" means a worker provisionally employed to fill a permanent vacancy or post who has not completed 'three months' probationary period in the undertaking.

33. . :-

If a permanent worker is employed as probationer in a new post, he may at any time during the probationary period be reverted to his old permanent post by an order in writing signed by the Manager.

34. Tickets, passes, tokens, etc. :-

(1) For each class of workers except temporary workers, specified in clause (1) of Standing Order 3, a distinctive ticket shall be provided bearing the name of the class.

(2) Every worker shall be given a ticket bearing

(i) the name of the section or department of the undertaking in which he is working, and

(ii) his number.

(3) Every worker shall show his ticket whenever required to any person authorised by the Manager in this behalf.

(4) Every worker shall surrender his ticket on (a) a change of his classification, section or department; (b) leaving the service of the undertaking; (c) the termination of his service; (d) the termination of the season, if the operative is a non- permanent seasonal worker.

35. Periods of Work-Notices :-

(a) Showing the normal periods and hours of work so far as they can be specified for every class of workers and when more than one shift is worked, for each shift, and

(b) indicating as nearly as possible the occupations and circumstances in which and extent to which the normal periods and hours are likely to vary, shall be displayed on notice-boards maintained for the purpose at the sectional or departmental office concerned.

36. Holidays, pay days and wages :-

(1) Notices specifying (a) weekly holidays, (b) the days on which wages are to be paid and (c) the rates of wages showing separately the allowances, if any, payable to each class of worker and for each class of work, shall be displayed on the notice-boards specified in Standing Order 6.

(2) An unclaimed wage pay-day for each week (i.e. a day on which wages due to a worker but not paid on the usual pay-day on account of their being unclaimed, are to be paid) shall be notified on the said notice-boards.

(3) The unclaimed amount of wages due to a worker shall be paid on the days notified under this Standing Order and on the day

following the date on which a substantiated claim is presented by the worker or on his behalf by his legal representative, provided that such claim is submitted within three years from the date on which the wages claimed become due to the worker.

37. Shift working and closure :-

(1)

(a) More than one shift may be worked in a section or department or part of a section or department at the discretion of the Manager.

(b) If more than one shift is worked workers shall be liable to be transferred from one shift to another.

(c) Whenever an additional shift is started or shifts are altered or discontinued, a 'fifteen days' notice shall be given in the manner prescribed in sub-clause (a) of this clause, unless emergent circumstances make it impossible to do so.

(d) If, as a result of discontinuance of shift-working, any permanent workers are likely to be discharged, they shall be discharged having regard to the length of their service in the undertaking and the section concerned, those with the shortest service being discharged first.

(e) Prior to restarting a shift a notice thereof shall be given seven days earlier or, where this is not possible, by posting copies, as early as practicable, on notice-boards at the sectional or departmental office concerned. Workers discharged as a result of discontinuance of the shift shall if they present themselves within seven days according to their length of service.

(2) The Manager may close down any section or department or part thereof or discontinue any agricultural operation, provided that 'fifteen days' notice thereof shall be given. Before reopening such section or department or part thereof or restarting such agricultural operation, as the case may be, a notice of seven days thereof where practicable and otherwise of such duration, as may be practicable shall be given. Such notice shall be given in the manner prescribed in sub-clause (e) of clause (1) of this Standing Order.

(3) The Manger may close down the whole undertaking after giving one month's notice thereof. 'Seven days' public notice of the restarting of the undertaking shall be given. Copies of the notices shall be displayed on notice-boards at the office of the undertaking,

the timekeeper's office and the sectional offices.

(4) On the re-opening of a section or department or part thereof or the restarting of any agricultural operation, as the case may be, preference for employment shall be given to the workers whose services were terminated on account of the closure, according to their length of service, provided they present themselves for service at the latest on the day of the re-opening.

(5) Notwithstanding anything contained in this Standing Order, no notice shall be required to be given of the discontinuance of any agricultural operation or the closure of any section or department as a result of the completion of the usual seasonal operations, but fifteen days notice of the approximate date of the completion of such operation shall as far as possible be given in the manner prescribed in sub-clause (e) of clause (1) of this Standing Order.

38. Attendance and late coming :-

(1) All workers shall observe the prescribed working hours, if any, applicable to them. Workers attending late shall be liable to be treated as absent.

(2) Any worker found absent from his proper place or work during working hours without sufficient reason shall be liable to be treated as absent.

39. Leave :-

(1) Grant of leave to a worker shall depend on the exigencies of the undertaking and shall be at the discretion of the Manager.

(2) A worker who desires to obtain leave of absence shall, at least seven days before the date from which the leave is to commence, either apply in writing or make an oral request for leave to the Manager:

Provided that in urgent cases or unforeseen circumstances, such application or request may be made at any time. The Manager shall issue orders on such application or request within three days of the presentation of the application, and in cases of an urgent nature immediately. If the leave asked for is granted, a leave pass shall be issued to the worker showing the date of commencement of the leave and the date on which he will have to resume duty.

(3) If a worker after proceeding on leave desires an extension

thereof he shall make an application for the purpose to the Manager, either in writing or orally, or through any other person. A written reply either of the grant or refusal of extension of leave shall be sent to the worker at the address given by him, if such reply is likely to reach him before the expiry of the leave originally granted to him.

(4) Every female worker may be allowed maternity leave. Such leave may be extended at the discretion of the Manager on application for extension on medical grounds.

(5) When a worker remains absent due to emergent or unforeseen circumstances without previous permission of the Manager, he shall as soon as may be practicable inform the Manager in writing, or orally or through any person of the facts and the probable duration of his absence. The Manager shall decide on the facts of the case whether the absence should be treated as leave or not.

(6) A worker remaining absent beyond the period of leave originally granted or subsequently extended shall be liable to lose his lien on his appointment unless he returns within 8 days of the expiry of the sanctioned leave and explains to the satisfaction of the authority granting the leave his inability to resume his duties immediately on the expiry of his leave. A worker not reporting for duty within 8 days of the expiry of his leave shall be treated as having left service from the date on which he was due to return to work.

(7) A record shall be maintained in respect of permanent workers in a register of all leave of absence, which is sanctioned, refused or postponed. Orders passed and reasons for refusal or postponement of leave shall in every case be entered in the register with the least possible delay. A copy of any entry in the register pertaining to a worker shall be supplied to him if he so desires.

40. Entry :-

No worker shall enter or leave

(i) the premises of the undertaking except by the gate or gates appointed for the purpose;

(ii) the lands of the undertaking, except at the points of entry and exit, if any appointed for the purpose.

41. Search :-

(1) A male worker may, when leaving the premises or lands of the undertaking, be searched at the point of exit by a gateman, watchman, or other person authorised in this behalf by the Manager.

(2) A female worker may be detained by a gateman, watchman or person so authorised for search by a female searcher, if acting without malice he suspects that she is in wrongful possession of property belonging to the undertaking.

(3) Every search shall be conducted in the presence of not less than two persons, provided that a female worker shall not be searched in the presence of any male person except with her consent.

42. Temporary stoppages :-

(1) In the event of a fire, catastrophe, breakdown of machinery, stoppage of power-supply, failure or shortage of water supply, floods, epidemic, civil commotion or any other cause, beyond the control of the employer, the employer may, at any time without notice or compensation in lieu of notice, stop wholly or partially, as the event may require, any machine or section or department or part thereof, or partially or wholly suspend any or all agricultural operations, for a reasonable period.

(2) In the event of a stoppage under this Standing Order during working hours, the workers affected shall, as soon as practicable, be notified as to when work will be resumed and whether they are to remain or leave the undertaking.

(3) Whenever practicable, reasonable notice shall be given of the resumption of normal work and all workers played off under this Standing Order who present themselves for work when work is resumed, shall be given preference for employment.

(4) All notices required to be given under this Standing Order shall be displayed on notice-boards at the office of the undertaking as well as the sectional or departmental office concerned.

43. Playing off :-

In case where workers are played off under these Standing Orders, they shall be considered to be temporarily unemployed and the period of such unemployment shall be treated as leave with pay to the extent such leave is admissible, and leave without pay for the balance of the period.

44. . :-

Notwithstanding anything contained in Standing Orders 13 and 14 the rights and liabilities of employers and workmen in so far as they relate to lay off shall be determined in accordance with the provisions of Chapter V A of the Industrial Disputes Act, 1947:

"Provided that nothing contained in the said Chapter shall have effect to derogate from any right which workman has under the Minimum Wages Act, 1948, or any notification or order issued thereunder or any award for the time being in operation or any contract with the employer."

45. Strikes and consequent closure :-

(1) The employer may, in the event of a strike affecting either wholly or partially any section or department or part thereof close down wholly or partially such section as well as any other section or department affected by such closing down.

(2) The fact of such closure shall be notified by notices displayed on notice-boards at the sectional or departmental offices concerned as well as at the office of the undertaking.

(3) Prior to the resumption of work general notice thereof shall be given as early as practicable by posting copies on the notice-boards specified in clause (2) of this Standing Order.

46. Termination of employment :-

(1) The employment of a permanent worker may be terminated by "fourteen days' notice or payment of thirteen days wages (including all allowances) in lieu of notice. If he draws wages on a piece-rate basis, wages shall be computed on his average daily earnings for the days actually worked during the previous wage-period.

(2) In respect of every permanent worker whose employment is terminated, an order of termination of employment shall be made in writing and signed by the Manager, and a copy thereof shall be supplied to the worker at the time of his discharge. The reasons for the termination of his employment shall be recorded in writing. In cases of general retrenchment, closing down of any section or agricultural operation, or termination of service as a result of an illegal strike, no such order need be given.

(3) A permanent worker desiring to leave the service of the undertaking shall give in writing 'fourteen days' notice to the Manager.

(4) A worker other than a permanent worker may leave or be discharged from service without notice or pay in lieu of notice.

(5) On the employment of a worker being terminated of his leaving service, the wages earned by him and all other sums due to him shall be payable to him before the expiry or the second working days from the day on which such event occurs.

47. Misconduct :-

The following acts and omissions on the part of a worker shall amount to misconduct:

(a) wilful in subordination or disobedience of any lawful and reasonable order of a superior;

(b) going on an illegal strike or abetting, inciting, instigating or acting in furtherance of such strike;

(c) wilful slowing down in performance of work or abatement or Instigation thereof;

(d) theft, fraud or dishonesty in connection with the employer's business or property;

(e) taking or giving a bribe or any illegal gratification;

(f) habitual absence without leave or absence without leave for more than eight consecutive days or overstaying sanctioned leave without sufficient grounds or proper or satisfactory explanation;

(g) late attendance on not less than four occasions within a month;

(h) habitual breach of any Standing Order or any law applicable to the undertaking or any rules made thereunder;

(i) collection without the permission of the Manager of any money within the premises of the undertaking except as sanctioned by any law for the time being in force;

(j) drunkenness or riotous, disorderly or indecent behaviour on the premises of lands of the undertaking;

(k) commission on the premises of the undertaking of any act subversive of discipline or good behaviour;

(l) habitual neglect or work or gross or habitual negligence;

(m) habitual breach of any rules or instructions for the maintenance and running of any section of department or the maintenance of

the cleanliness of any portion of the undertaking;

(n) canvassing for union membership or the collection of union dues within the premises of the undertaking, without the previous permission of the Manager or except in accordance with the provisions of any law for the time being in force;

(o) wilful damage to work in process or to any property of the undertaking;

(p) holding meetings inside the buildings of the undertaking without the previous permission of the Manager or except in accordance with the provisions of any law for the time being in force;

(q) disclosing to any unauthorised person any information in regard to the processes of the undertaking which may come into the possession of the worker in the course of his work;

(r) gambling within the premises of the undertaking.

48. Punishment for misconduct :-

(1) A worker guilty of misconduct may be (a) warned censured, or (b) by an order in writing signed by the Manager, suspended for period not exceeding four days or dismissed without notice.

(2) No order of dismissal under clause (i) l(b) of this Standing Order shall be made except after holding an inquiry against the worker concerned in respect of the alleged misconduct in the manner set forth in clause (3).

(3) A worker against whom an inquiry has to be held shall be given a charge-sheet clearly setting forth the circumstances alleged against him and requiring explanation. He shall be given an opportunity to answer the charge and permitted to be defended by his representative under section 30 of the Bombay Industrial Relations act, 1946. A concise summary of the evidence led on either side and the worker's plea shall be recorded.

(4) A worker against whom any action is proposed to be taken under sub-clause (b) of clause (1) of this Standing Order may be suspended pending the holding and completion of an enquiry of for the period, if any, allowed to him for giving his explanation. The order of suspension may take effect immediately on its communication to the worker. If as a result of the enquiry held or

explanation tendered, it is decided not to take any action under clause (1), the worker shall be deemed to have been on duty and shall be entitled to full wages and all privileges for the full period of suspension.

(5) In awarding punishment under this Standing Order the Manager shall take into account the gravity of the misconduct, the previous record of the worker and any other extenuating or aggravating circumstances that may exist.

49. Redress of grievances :-

(1) Any worker desirous of the redress of a grievance arising out of his employment or relating to unfair treatment or wrongful exaction of the part of a superior shall either himself or through his representative under section 30 of the Bombay Industrial Relations Act, 1946, submit a complaint to the Manager or any officer appointed by the Manager in this behalf.

(2) The Manager or such officer shall as soon as possible investigate the complaint at such times and places as he may fix. The worker and his representative under section 30 of the Bombay Industrial Relations act, 1946, shall have the right to be present at such investigation and such representative shall be entitled to represent him therein.

(3) The order passed by the Manager on the completion of the investigation, and the action, if any, taken thereon by the Manager shall be intimated to the complaint:

Provided that complaints relating to assault or abuse or refusal of an application for urgent leave shall be enquired into immediately by the Manager or such officer as he may appoint.

50. Service certificate :-

Every worker other than a temporary worker who leaves service or retires or is dismissed or discharged, shall without avoidable delay be given a service certificate, if he asks for one.

51. Notice, orders, etc. :-

(a) Notices to be exhibited or given under these Standing Orders shall be in English and also in the principal regional language of the district in which the undertaking is situated.

(b)

(i) Any notice, order, charge-sheet, communication or intimation which is personal, i.e. meant for an individual worker and is given in writing under these Standing Orders shall be in the language understood by the worker concerned.

(ii) If such a notice, order, charge-sheet communication or intimation is handed over to the worker concerned, it shall at the time of such handing over be read out and explained to him, if he so desires.

52. Miscellaneous :-

Nothing contained in these Standing Orders shall apart in derogation of any law for the time being in force or to the prejudice of any right under an agreement or contract of service, custom, usage or award applicable to the undertaking.

53. . :-

These orders shall apply to all employees other than manual workers employed in the sugar industry.

(1) In these orders, unless the context otherwise requires

(a) "the Act" means the Bombay Industrial Relation Act, 1946;

(b) "The undertaking" means;

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(c) "Manager" means the person for the time being managing the undertaking;

(d) "Section" means a section, division or administrative unit constituted for convenience in the supervision or conduct of agriculture or agricultural operations.

(2) Words and expressions not defined in these orders shall have the meanings assigned to them under the Bombay Industrial Relations act, 1946.

1. Here insert the name in full of the undertaking and place and district in which the undertaking is situated.

54. Classification of employees :-

-(1) Employees shall be classified as (a) permanent employees; (b) probationers; (c) temporary employees;

(2)

(a) "Permanent employee" means an employee whose appointment has been confirmed in writing by the Manager and includes an employee who has completed a probationary period in the same or another clerical post in the undertaking whether or not he may be acting in a supervisory post;

(b) "Probationer" means an employee who is provisionally employed to fill a permanent vacancy or post and who has not completed the specified probationary period in a clerical post in the undertaking;

(c) "temporary employee" means an employee who has been appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional employee, in connection with temporary increase in work of a permanent nature.

55. Orders of appointment, etc. :-

Every employee at the time of his appointment, confirmation, promotion or reclassification shall be given a written order specifying his appointment, confirmation, promotion or reclassification as the case may be, and signed by the Manager.

56. Notification of periods and hours of work :-

(a) Notice showing the periods and hours of work, for every class and group of employees, in the undertaking, and when more than one shift is worked, for each shift, shall be displayed on notice-boards maintained for the purpose in the departments concerned, at the time-keeper's office and at or near the main entrance to the undertaking. Where a notice pertains to a section, it shall also be displayed on a notice-board at the sectional office.

(b) Any employee required to work for a different period shall be notified to that effect in advance.

57. Holidays, paydays, etc. :-

(1) Notice specifying (i) the weekly holidays, (ii) the dates on which Compensatory holidays, if any, will be given and (ii) the days on which wages are to be paid, shall be displayed on the notice-boards.

(2) Any employee required to work on a weekly holiday in accordance with law shall be personally notified to that effect in advance. An employee deprived of any holidays notified under clause (1) of this Standing Order as a result of his working on such

holidays shall be allowed, as soon as circumstances permit and at the discretion of the Manager, compensatory holidays equal in number to the holidays so lost.

(3) Weekly and compensatory holidays, where admissible, shall be allowed on full wages, i.e. wages including allowances.

58. Register of wage-rates :-

A register specifying basic starting any grades and scales of pay, if any, for each class of employees for each class of work shall be maintained and be open to inspection on two working days in each month.

59. Shift working :-

(1)

(a) More than one shift may be worked in a department or section of a department at the discretion of the Manager.

(b) If more than one shift is worked in the undertaking employees shall be liable to be transferred from one shift to another.

(c) Whenever an additional shift is started or shifts are altered or discontinued, a 'fifteen days' notice shall be given, provided that shall be necessary to give two months' notice if as a result of the continuance of the shift any permanent employee is likely to be discharged.

(d) If as a result of discontinuance of shift working any permanent employees are likely to be discharged, they shall be discharged having regard to the length of their service in the undertaking and the department concerned those with shortest service being discharged first.

(e) On restarting a shift notice thereof shall be given in a newspaper having wide local circulation and the employees discharged as a result of discontinuance of the shift shall, if they present themselves within seven days of the publication of the notice, be given preference for employment according to their length of service.

(2) The Manager may close down any department or section of a department after giving one month's notice to the employees concerned. Before reopening such department or section as the case may be, 'seven days' notice shall be given.

(3) The Manager may close down the whole undertaking after giving 'two months' notice to the employees. 'Seven days' public notice of the restarting of the undertaking shall be given.

(4) Notices of-

(i) Starting, restarting, alteration and discontinuance of shift working,

(ii) the closure and reopening of a department or section of a department, and

(iii) the closure and reopening of the undertaking, shall displayed in the time-keeper's office, at the main entrance to the undertaking and at the gate or (gates appointed under Standing Order 17 and in the case of a department or section also in the department concerned.

(5) On the reopening of a department or section of the undertaking as the case may be, preference for employment shall be given to the employees whose services were terminated on account the closure according to their length of service, provided they present themselves for service at the latest on the day of the reopening.

60. Attendance :-

(1) All employees shall be at work in the undertaking at the time fixed and notified, Employees attending late shall be liable to be shut out and treated as absent: Provided that employee who attends within 15 minutes of the starting time shall be shut out.

(2) Any employee who is found absent from the proper place of work during working hours without permission or without sufficient reason shall be liable to be treated as absent for the period of the absence.

(3) Deductions may be make from wages for the periods of absence under clauses (1) and (2) of this Standing Order and such deductions shall be made in accordance with the provisions of th Payment of Wages act, 1936, in all cases to which that Act applies.

61. Leave :-

(1) Grant of leave to an employee shall depend on the exigencies of the undertaking and shall be at the discretion of the Manager.

(2) All holidays, including the weekly holidays falling within the

period of any kind of leave, shall be treated as leave.

62. Sick Leave :-

(1) The Manager may require an employee applying for sick leave, to produce a medical certificate in support of his application from a registered medical practitioner, a registered "Vaid" or a registered "Hakim", and where practicable may require the applicant to be examined by a medical officer appointed for the purpose by the undertaking, at the expense of the undertaking.

(2) Sick leave, if due, shall be granted in continuation of maternity, leave, subject to the provisions of clause (1) of this Standing Order.

63. Leave without pay :-

Leave without pay may at the discretion of the Manager in special circumstances be granted to an employee when no other leave of any kind is due.

64. Casual leave :-

(1) Every employee shall be entitled to casual leave. Casual leave shall be non-cumulative and no leave of any kind may be combined with casual leave.

(2) Except for emergent reasons, casual leave shall be limited to three days at one time. Casual leave is intended to meet special or unforeseen circumstances for which provision cannot be made by exact rules.

(3) Gazetted and public holidays and Sundays cannot be prefixed or suffixed to casual leave except with the previous permission of the Manager.

(4) Ordinarily, the previous permission of the Manager or of the head of the department shall be obtained before taking such leave. When this is not possible, the Manager or the head of the department shall as soon as may be practicable, be informed in writing or orally or through any person, of the absence from work and of the probable duration of such absence.

65. Application for leave, other than casual or sick leave :-

An employee who desires to obtain leave of absence other than casual leave or sick leave, shall apply in writing to the Manager, or any officer appointed for the purpose by the Manager. Such application for leave shall be made at least one month before the

date from which the leave is to commence, except in urgent cases or unforeseen circumstances when it is not possible to do so. The Manager or an officer empowered by him in this behalf, shall issue orders on such application as soon as practicable, and in cases of an urgent nature immediately. If the leave asked for is granted, a leave pass showing the date of commencement of the leave and the date on which the employee will have to resume duty shall be issued to the employee.

66. Extension of leave :-

If an employee after proceeding on leave requires an extension thereof, he shall make an application in writing to the Manager. A written reply either of the grant or refusal of extension shall be sent to him at the address given by him if such reply is likely to reach him before the expiry of the leave originally granted to him.

67. Leave register :-

A record shall be maintained in a register of all leave of absence which is sanctioned, refused or postponed. Order passed and reasons for refusal or postponement of leave shall in every case be entered therein, A copy of any entry in the register pertaining to an employee shall be supplied to him, if he so desires. The register shall be open to inspection by any employee affected.

68. Entry :-

No employee shall enter or leave the premises of the undertaking except by the gate or gates appointed for the purpose.

69. Search :-

(1) Any employee, when leaving the premises of the undertaking, be searched at the point of exit by an officer appointed for the purpose by the Manager.

(2) Any female employee may be detained by such officer for search by a female searcher if acting without malice he suspects that she is in wrongful possession of property belonging to the undertaking.

(3) Every search shall be conducted in the presence of not less than two persons, and a female employee shall not be searched in the presence of any male person, except with her consent.

(4) Subject to the provisions of the above clauses any member of the Joint Committee in the undertaking may be present at a search

made under this Standing Order.

70. Temporary stoppages :-

(1) In the event of a fire, catastrophe, breakdown of machinery, stoppage of power supply, failure or shortage of water supply, floods, an epidemic, civil commotion or other cause beyond the control of the employer, the employer may, at any time without notice or compensation in lieu of notice stop wholly or partially, as the event may require, any machine, or any section or department or part thereof, or partially or wholly suspend any or all agricultural operation, or close the whole or part of the undertaking for a reasonable period.

(2) In the event of a stoppage under this Standing Order during working hours, the employees affected shall as soon as practicable, be notified as to when work will be resumed and whether they are to remain or leave the undertaking.

(3) Whenever practicable, reasonable notice shall be given of the resumption of normal work, and all employees played off under this Standing Order who present themselves for work, when work is resumed, shall be given preference for employment.

(4) All notices required to be given under this Standing Order shall be displayed on notice boards, at the time-keeper's office and at the main entrance to the undertaking and where they pertain to a section also at the sectional office. Where a notice pertains to a particular department or departments only, it shall also be displayed in the department or departments concerned.

71. Playing off :-

In cases where employees are played off under Standing Order 19, they shall be considered to be temporarily unemployed and the period of such unemployment shall be treated as leave with pay to the extent to which such leave is admissible, and leave without pay for the balance of the period.

72. . :-

Notwithstanding anything contained in Standing Orders 19 and 20 the rights and liabilities of employers and workmen in so far as they relate to lay off shall be determined in accordance with the provisions of Chapter VA of the Industrial Disputes Act, 1947: Provided that nothing contained in the said Chapter shall have effect to derogate from any right which a workman has under the

Minimum Wages Act, 1948, or any notification or order issued there under any award for the time being in operation or any contract with the employer.

73. Closure, and right to serve :-

In the event of the closure of the undertaking or of a department or a part thereof, or of a section or part thereof, if the services of a permanent employee are dispenses with, he shall when the undertaking or department or section or part thereof, as the case may be, is restarted be given an opportunity to serve in a post substantially similar in pay and status to the post he was holding at the time of the closure, provided he reports for duty within three days of the reopening, of which 'fifteen days' general notice shall be given in a newspaper having wide local circulation.

74. Termination of Employment :-

(1) The employment of a permanent employee may be terminated by one month's notice or on payment of one month's wages (including all allowances) in lieu of notice.

(2) The reasons for the termination of service of a permanent employee shall be recorded in writing and shall be recorded in writing and shall be communicated to him, if he so desires, at the time of discharge, unless such communication, in the opinion of the Manager is likely directly or indirectly to lay any person open to civil or criminal proceedings that the instance of the employee.

(3) Any permanent employee desires of leaving service shall give one month's notice in writing to the Manager. He shall when he leaves the service be given an order of relief signed by the Manager.

(4) If any permanent employee leaves the service without giving notice, he shall be liable to be sued for damages.

(5) All classes of employees other than those appointed on a permanent basis may leave the service or their services may be terminated without notice or paying lieu of notice, but the services of a temporary employee shall not be terminated as a punishment unless he has given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed in Standing Order 24.

(6) Where the employment of any employee is terminated or when

he leaves the service, the wages earned by him and all other dues shall be paid before the expiry of the second working day from the day on which he leaves the service.

(7) An order relating to discharge or termination of service shall be in writing and shall be signed by the Manager, A copy of such order shall be supplied to the employee concerned. In cases of general retrenchment, closing down strike or lookout no such order may be given.

75. Misconduct :-

Any of the following acts and omissions on the part of an employee shall amount to misconduct:

- (a) wilful in subordination or disobedience of any lawful and reasonable order of a superior;
- (b) going on an illegal strike or abetting, instigating or acting in furtherance of such strike;
- (c) wilful slowing down in performance of work, or abatement or instigation thereof;
- (d) theft, fraud or dishonesty in connection with the employer's business or property;
- (e) taking or giving a bribe or any illegal gratification;
- (f) absence without leave or overstaying sanctioned leave, without sufficient grounds or proper or satisfactory explanation;
- (g) late attendance of not less than four occasions within a month;
- (h) habitual breach of any law applicable to the undertaking or any rules made thereunder;
- (i) collection without the permission of the Manager of any money within the premises of the undertaking, except sanctioned by any law for the time being in force;
- (j) engaging in trade within the premises of the undertaking;
- (k) drunkenness or riotous, disorderly or indecent behaviour on the premises or lands of the undertaking;
- (l) commission on the premises of the undertaking of any act, subversive of discipline or good behaviour;
- (m) habitual neglect of work, or gross or habitual negligence;

- (n) habitual breach of any rules or instructions for the maintenance and running of any department or the maintenance of the cleanliness of any portion of the undertaking;
- (o) frequent repetition of any act or omission for which a fine may be imposed under the Payment of Wages Act, 1936:
- (p) canvassing for union membership or the collection of union dues within the premises of the undertaking without the previous permission of the Manager or except in accordance with the provisions of any law for the time being in force;
- (q) wilful damage to work in process or to any property of the undertaking;
- (r) holding meetings inside the buildings of the undertaking without the previous permission of the Manager or except in accordance with the provisions of any law for the time being in force;
- (s) disclosing to any unauthorised person any information in regard to the processes of the undertaking, which may come into the possession of the employee in the course of his work:
- (t) gambling within the premises of the undertaking.

76. Punishment for misconduct :-

- (1) An employee guilty of misconduct may
 - (a) be warned or censured, or
 - (b) subject to and in accordance with the provisions of the Payment of Wages Act, 1936, or
 - (c) by an order in writing signed by the Manager be suspended for a period not exceeding four days, or dismissed without notice.
- (2) No order under clause (1) (b) of this Standing Order shall be made unless the employee concerned has been informed in writing of the alleged misconduct or given an opportunity to explain the circumstances alleged against him.
- (3) No order of dismissal under clause 1 (c) of this Standing Order shall be made except after holding an enquiry against the employee concerned in respect of alleged misconduct in the manner set forth in clause (4).
- (4) An employee against whom an enquiry has to be held shall be

given a charge-sheet clearly setting forth the circumstances appearing against him and requiring explanation. He shall be given an opportunity to answer the charge and permitted to be defended by his representative under section 30 of the Bombay Industrial Relations Act, 1946. Except for reasons to be recorded in writing by the officer holding an inquiry, the employee shall be permitted to produce witnesses in his defence and cross-examine any witnesses on whose evidence the charge rests. A concise summary of the evidence led on either side and the employee's plea shall be recorded.

(5) An employee against whom any action is proposed to be taken under sub-clause (b) or (c) of clause (1) of this Standing Order may be suspended pending the holding and completion of an inquiry or for the period, if any, allowed to him for giving his explanation. The order of suspension may take effect immediately on its communication to the employee. If as a result of an enquiry held or explanation tendered, it is decided not to take any action under clause (1), the employee shall be deemed to have been on duty, and shall be entitled to full wages and all privileges, for the full period of suspension.

(6) In awarding punishment under this Standing Order, the Manager shall take into account the gravity Of the misconduct, the previous record, if any, of the employee and any other extenuating or aggravating circumstances that may exist.

77. Warning, censure and fine :-

An employee may be warned, censured or fined for any of the following acts and omissions:

- (a) absence without leave without sufficient cause;
- (b) late attendance;
- (c) negligence in performing duties;
- (d) neglect of work;
- (e) absence without leave or without sufficient cause from the appointed place of work;
- (f) entering or leaving, or attempting to enter or leave the premises of the undertaking except by a gate or entrance appointed;
- (g) committing nuisance on the premises of the undertaking;

(h) breach of any rule or instruction for the maintenance or running of any department:

Provided that no employee shall be fined, where the provisions ,of the Payment of Wages Act, 1936, apply except in accordance with such provisions.

78. Redress of grievances :-

(1) An employee desirous of the redress of grievance arising out of his employment or relating to unfair treatment or wrongful exaction on the part of a superior shall either himself or through his representative under section 30 of the Bombay Industrial Relations Act, submit a complaint to the Manager or any officer appointed by the Manager in this behalf.

(2) The Manager or any such officer shall, as soon as possible, investigate the complaint at such times and places as he may fix. The employ concerned and his representative under section 30 of the Bombay Industrial Relations Act, shall have the right to be present at such investigation. Where the complaint alleges unfair treatment or wrongful exaction on the part of a superior, a copy of the order finally made by the Manager shall be supplied to the complainant if he asks for one. In other cases the decision of the Investigating officer and action, if any, taken thereon by the Manager shall be intimated to the complainant:

Provided that complaints relating to assault or abuse by any person, holding a supervisory position or refusal of an application for urgent leave shall be enquired into immediately by the Manager or such officer as he may appoint.

79. Service certificate :-

Every employee who leaves service or retires or is, dismissed or discharged shall without avoidable delay be given a service certificate if he asks for one.

80. Notices, orders, etc. :-

(a) Notices to be exhibited or given under these Standing Orders shall be in English and also in the principal regional language of the district in which the undertaking is situated.

(b)

(i) Any notice, order, charge-sheet, communication or intimation

which is personal, i.e. meant for an individual employee and is given in writing under these Standing Orders shall be in a language understood by the employee concerned.

(ii) Before such notice, order charge-sheet communication or intimation is handed over to the employee it shall be read out and explained to him if he so desires.

81. Miscellaneous :-

Nothing contained in these Standing Orders shall operate in derogation of any law for the time being in force or to the prejudice of any right under an agreement or contract of service custom, usage or award applicable to the undertaking.