

# THE MAHARASHTRA INDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES, 1959

## Contents

1. Short title, extent and commencement .....	3
2. Definitions .....	3
3. Model Standing Orders .....	3
4. Representatives of workmen .....	3
5. Application for modification.....	4
6. Particulars of statements .....	4
7. Submission of joint draft .....	4
8. Notice to workmen, employer etc. ....	5
9. Submission of copies of draft amendments and modifications .....	5
10. Authentication of amendments or modifications .....	5
11. Register under Section 8 .....	5
12. Fees .....	5
13. Procedure in appeal .....	6
14. Application under Section 13-A of the Act .....	6
14A. Procedure to be followed by Labour Courts in deciding applications under Section 13-A of the Act .....	7
15. Inclusion of additional matters in Schedule to the Act .....	7
16. Repeals .....	7
SCHEDULE I .....	8
A. FOR WORKMEN DOING MANUAL OR TECHNICAL WORK .....	8
B. FOR WORKMEN EMPLOYED ON CLERICAL OR SUPERVISORY WORK .....	22
C. FOR WORKING JOURNALISTS .....	35

## THE [MAHARASHTRA] INDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES, 1959

**G.N.,L. & S.W.D. NO. INT. 3058-1, Dated 6th January, 1959 (B.G., PTA- L, P.333)**

In exercise of the powers conferred by Section 15 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), in its application to the State of Maharashtra, the Government of Maharashtra hereby makes the following rules, namely:-

### 1. Short title, extent and commencement

(a) These rules may be called the Maharashtra Industrial Employment (Standing Orders) Rules, 1959.

- (b) They extend to the whole of the 2[State of Maharashtra].
- (c) They shall come into force on and with effect from the 15th day of January, 1959.

## **2. Definitions**

In these rules, unless the context otherwise requires

- (a) "Act" means the Industrial Employment (Standing Orders) Act, 1946;
- (b) "Form" means a form set out in Schedule II appended to these rules;
- (c) Words and expressions used in these rules but not defined shall have the meanings assigned to them in the Act.

## **3. Model Standing Orders**

The model standing orders for the purposes of the Act shall be those set out in Schedule I appended to these rules.

## **4. Representatives of workmen**

(1) Where there is a trade union representing workmen in any industrial establishment, the trade union of which the workmen are members, shall be the representative of such workmen for the purposes of the Act, and these rules.

(2) Where there is no such Trade Union the Certifying Officer shall cause a meeting of the workmen to be held on such date as may be fixed by him or by any person authorised by him for the election of Five Representatives for each of the 3[three] categories of workmen, namely:-

- (i) Workmen doing Manual or Technical work,
- (ii) Workmen doing Clerical or Supervisory work, and
- (iii) 4[Working Journalists in the case of Newspaper Establishment.]

(3) The Certifying Officer or any person authorised by him may require the employer to display a notice of the date, time and place of the meeting at or near the main gate or in the Departments of the establishment prominently and in such manner as may be directed by him or any person authorised by him.

(4) The meeting shall be convened, and presided over by the Certifying Officer or such person as may be authorised or deputed by him.

(5) The workmen declared elected at the meeting by the person presiding shall be the representatives of the workmen for the purposes of the Act and these rules.

## **5. Application for modification**

An application for modification under sub-section (2) of Section 10 of the Act, may be made on behalf of any workman in any industrial establishment,-

- (i) by any other workman employed in such industrial establishment, or
- (ii) by his representative elected under Rule 4.

## **6. Particulars of statements**

(1) Every employer who submits draft amendments under sub-section (1) of Section 3 of the Act or applied for modification under sub-section (2) of Section 10 of the Act, shall furnish the Certifying Officer separate statements in Form 'A' in respect of

- (i) workmen doing manual or technical work, 5[\*\*\*\*]
- (ii) workmen doing clerical or supervisory work,
- (iii) 6[Working Journalists in the case of newspaper establishment]

Each such statement shall contain the following particulars, namely:-

- (a) the total number of workmen employed in the industrial establishment;
- (b) the number of permanent workmen, probationers, badlis or substitutes, temporary workmen, apprentices, part-time workmen and casual workmen; and
- (c) the name of the trade union or unions, if any, of which the workmen are members.

(2) Every workman submitting draft amendments under sub-section (1) of Section 3 of the Act and every workman or his representatives making application for modification under sub-section (2) of Section 10 of the Act shall furnish the Certifying Officer with a statement in Form 'B'

### **7. Submission of joint draft**

A group of employers in similar industrial establishment may submit a joint draft of amendments provided such joint draft is submitted through a person authorised in this behalf by such group and five times as many copies of the drafts as the number of industrial establishments to which the joint draft is to apply as submitted. The following particulars shall be furnished along with the joint draft namely:-

- (i) a list of employers constituting the group with the name and address in full of each establishment;
- (ii) a declaration that the industrial establishments constituting the group have agreed to abide by the conditions laid down in the joint draft;
- (iii) statements prescribed by sub-rule (1) of rule 6 in respect of each of the industrial establishments Constituting the group.

### **8. Notice to workmen, employer etc.**

(1) On receipt of the draft amendments or modifications submitted by an employer, the Certifying Officer shall, as soon as practicable,

- (i) cause copies thereof together with notice in Form 'C' to be affixed on the notice board of the industrial establishments concerned for the information of the workmen of the said establishment, and
- (ii) forward by registered post copies of the draft amendments or modifications and of the notice in Form 'C' together with notice in Form 'D' to the trade union or unions named by the employer in the statement submitted by him in Form 'A' and to any other trade union or unions which in the opinion of the Certifying Officer are concerned with the establishment.

(2) On receipt of the draft amendments or modifications submitted by or on behalf of a workman, the Certifying Officer shall, as soon as practicable,-

- (i) cause copies thereof together with notice in Form 'C' to be affixed on the notice board of the industrial establishment concerned for the information of the workmen of the said establishment, and
- (ii) forward by registered post copies of the amendments or modifications and of the notice in Form 'C' together with notice in Form 'D' to the trade union or unions named by the workmen

in statement submitted by or on behalf of him in Form 'B' and to any other trade union or unions which in the opinion of the Certifying Officer are concerned with the establishment, and (iii) forward by registered post copies of the amendments or modifications to the employer requesting him to submit his objections, if any, to the amendments or modifications within fifteen days of the receipts of a communication to that effect from the Certifying Officer.

#### **9. Submission of copies of draft amendments and modifications**

The copies of the draft amendments or modifications to be submitted by the employer under sub-section (1) of Section 3 and under sub-section (2) of Section 10 of the Act shall be type-written on one side of the paper only.

#### **10. Authentication of amendments or modifications**

The amendments or modifications certified by the Certifying Officer or confirmed by the appellate authority shall be authenticated by affixing thereto the seal of the Certifying Officer or as the case may be, of the appellate authority. The amendments or modifications as certified by the Certifying Officer shall be forwarded to the parties by registered post acknowledgement due or by hand delivery.

#### **11. Register under Section 8**

The register of Standing Orders or 'model standing' orders together with all amendments required to be maintained under Section 8 of the Act shall be in Form 'E'.

#### **12. Fees**

The fee payable for furnishing a copy of the standing orders, or model standing orders together with all the amendments as certified by the Certifying Officer shall be five

naye paise for every 25 words or part thereof. For certified copies, an additional fee of five naye paise per 100 words or part thereof shall be charged, and on the total amount payable for a certified Copy a surcharge of 25 per cent shall be levied.

#### **13. Procedure in appeal**

(1) Any person desiring to prefer an appeal against an order of the Certifying Officer shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quadruplicate accompanied by a certified copy of the amendments or modifications and of the order of the Certifying Officer against which the appeal is preferred, to the Registrar of the Industrial Court.

(2) The appellate authority shall, after giving the appellant an opportunity of being heard, unless it comes to the conclusions that the decision of the Certifying Officer is contrary to law or otherwise erroneous, confirm the amendments or modifications as certified by him.

(3) Where the appellate authority does not confirm the amendments or modifications it shall fix a date for the hearing of the appeal and direct notice thereof to be given-

(a) where the appeal is filed by the employer or a workman, to trade unions of the workmen on the industrial establishment and where there are no such trade unions to the representatives of workmen elected under Rule 4, or as the case may be, to the employer;

(b) where the appeal is filed by a trade union, to the employer and all other trade unions of the workmen of the industrial establishment;

(c) where the appeal is filed by the representatives of the workmen, to the employer and any other workmen whom the appellate authority joins as a party to the appeal;

- (4) The appellate authority shall furnish each of respondents with a copy of the memorandum of appeal.
- (5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.
- (6) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or considers to be relevant.

#### **14. Application under Section 13-A of the Act**

- (1) Every application made under Section 13-A of the Act shall be forwarded to the Labour Court by registered post or be presented to the clerk of the Court or any other subordinate officer authorised by the Court in this behalf.
- (2) Such application may be made on behalf of any workman in any industrial establishment,-
- (i) by any other workman employed in such industrial establishment, or
  - (ii) by his representative under Rule 4.

#### **14A. Procedure to be followed by Labour Courts in deciding applications under Section 13-A of the Act**

- (1) The Labour Court in deciding applications under section 13A of the Act may follow the procedure of judicial enquiry which may cover examination of documents, witness and other evidence, produced by the parties. For this purpose, the Labour Court shall have the powers as are vested in it under the Industrial Disputes Act, 1947 in so far as they are applicable in deciding such applications.
- (2) Without prejudice to the generality of the provisions of sub-rule (1) the Labour Court shall, as far as it may be applicable, follow the same procedure which is being followed by it in dealing with matters under the Industrial Disputes Act, 1947, in regard to-
- (i) production and exhibiting documents,
  - (ii) examination of witnesses,
  - (iii) adjournments,
  - (iv) filing of affidavits,
  - (v) commissions,
  - (vi) sitting of the Court and hearing of matters,
  - (vii) authorisation of representatives,
  - (viii) maintenance of Rozanama,
  - (ix) awards and orders, and
  - (x) certified copies and charges therefor.

#### **15. Inclusion of additional matters in Schedule to the Act**

The following additional matters shall be included in the Schedule to the Act [after items 1, 7 and 10- A respectively,] namely:-

"1-A. Workmen's tickets and registers.

7-A. Closing and re-opening of the entire industrial establishment or departments thereof and the rights and liabilities of the employer and workmen arising therefrom."

8[10-B. Medical examination (including provision for bearing expenses therefor)]

#### **16. Repeals**

The Industrial Employment (Standing Orders) Central Rules, 1946 as in force in the Kutch area of the State of Maharashtra, the Central Provinces and Berar Industrial Employment (Standing Orders) Rules, 1947, as in force in the Vidarbha region of the State of Maharashtra, the Maharashtra Industrial Employment (Standing Orders) Rules, 1948, as in force in the - pre-Reorganisation State of Maharashtra, excluding the transferred territories, the Saurashtra Industrial Employment (Standing Orders) Rules, 1949, and the Hyderabad Industrial Employment (Standing Orders) Rules, 1953, as in force in the Hyderabad area of the State of Maharashtra are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

## **SCHEDULE I**

### **MODEL STANDING ORDERS**

#### **A. FOR WORKMEN DOING MANUAL OR TECHNICAL WORK**

1. These Orders shall apply to all workmen employed in the establishment to do manual or technical work.

2. In these orders, unless the context requires otherwise-

(a) 'the establishment' means 9[.....]

(b) 'Manager' means the person for the time being managing the establishment and includes any other officer duly authorised by the employer to act as manager, such authorisation being notified to the workmen by displaying it on the notice board of the establishment

(c) 'Proprietor' means the person having ultimate control over the affairs of the establishment;

(d) 'Ticket' includes a card, pass or token.

3.

(1) Workmen shall be classified as,-

(a) permanent workmen;

(b) probationers;

(c) 'badlis' or substitutes;

(d) temporary workmen;

(e) casual workmen; and

(f) apprentices.

(2) 10[

(a) 'Permanent workman' means a workman who has been employed on a permanent basis or who, having been employed as a badli or a temporary workman has subsequently been made permanent by an order in writing by the Manager or any person authorised by him in that behalf and includes an apprentice who is asked or appointed to work in post or vacancy of a permanent workman for the purpose of payment of wages to him, during the period he works on such post or in such vacancy.

(b) 'Probationer' means a workman who is provisionally employed to fill a permanent vacancy or post and who has not completed three months' 11"uninterrupted" service in the aggregate in that post.

(c) 'Badli' or 'substitute' means a workman who is appointed to the post of a permanent workman or probationer, who is temporarily absent and whose name is entered in the badli register.

(d) 'Temporary workman' means a workman who has been appointed for a limited period for work which is of an essentially temporary nature and who is employed temporarily as an additional workman in connection with temporary increase in work of a permanent nature.

(e) <sup>12</sup>['Casual workman' means a workman who is employed for any work which is not incidental to, or connected with the main work of manufacturing process carried on in the establishment and which is essentially of a casual nature].

(f) 'Apprentice' means a workman who is a learner and who may or may not be paid an allowance during the period of his training:

Provided that no workman shall be classified as an apprentice if he has had training for an aggregate period of one year.

(g) <sup>13</sup>['Uninterrupted service' includes service interrupted on account or any of the following reasons, namely:-

(i) Sickness, as certified by a doctor of Employees' State Insurance Scheme where such scheme is applicable, or elsewhere by a Registered Medical Practitioner.

(ii) Accident

(iii) Authorised leave

(iv) Lay-off as defined in the Industrial Disputes Act, 1947 (XIV of 1947)

(v) Strike which is not illegal

(vi) Lock-out

(vii) Cessation of work which is not due to any fault of the workman concerned

(viii) Involuntary unemployment

4. If a permanent workman 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.

14[4A. Every probationer who has completed the period of three months uninterrupted service in the post in which he is provisionally employed shall be made permanent in that post by the Manager by an order in writing, within seven days from the date of completion of such service]

Provided that, where certified standing orders which prevail on the date of coming into force of this rule prescribe a longer probationary period than three months, the probationer shall complete such probationary period:

Provided further that, if the services of the probationer are found to be unsatisfactory, the Manager may terminate his services after his probationary period.

Explanation: For the purposes of this clause, the probationary period shall not include any interrupted service and shall not be deemed to have been broken by such interrupted service.

4-B.

(1) Wherever the badli system prevails the Manager shall maintain a register of badlis shift wise containing the following particulars, namely:-

(i) their names and addresses,

(ii) the nature of work or occupation in which they were employed;

(iii) the shifts in which they were working while in employment,

(iv) the wages paid to them during employment, and

(v) the dates of termination of their services.

The names of badlis who are found to be irregular in attendance or inefficient in work; may be removed from such register after giving them sufficient opportunity to improve.

(2) All temporary vacancies of permanent workmen shall be filled by appointing their badlis whose names are entered in the register maintained under sub-clause (1). Such appointment shall be made on the basis of seniority-cum-regularity in attendance

(3) In filling permanent vacancies in any class of occupation in the establishment, badlis who have worked in that class of occupation shall be given preference wherever they are employed. Subject to clause 4-C, badlis appointed in such vacancies shall be made permanent on the basis of seniority-cum-regularity in attendance. Where badli system does not prevail, temporary workmen shall be given preference.

4-C.

A badli or temporary workman who has put in 190 days' uninterrupted service in the aggregate in any establishment of seasonal nature or 240 days "uninterrupted service" in the aggregate in any other establishment, during a period of preceding twelve calendar months, shall be made permanent in that establishment by order in writing signed by the Manager, or any person authorised in that behalf by the Manager, irrespective of whether or not his name is on the muster roll of the establishment throughout the period of the said twelve calendar months.

Explanation: For purpose of this clause any period of interrupted service, caused by cessation of work which is not due to any fault of the workman concerned, shall not be counted for the purpose of computing 190 days or 240 days, or, as the case may be, for making a badli or temporary workman permanent.

4-D.

(1) The Manager shall maintain a waiting list of all temporary workmen whose services have been terminated on account of the completion of the work for which they were appointed or on account of the expiry of the period for which they were employed, containing the following particulars, namely:-

(i) their names and addresses,

(ii) the nature of work or occupation in which they were employed,

(iii) the wages paid to them during employment, and

(iv) the dates of termination of their services.

(2) Whenever any vacancies in the establishment are required to be filled, the persons included in the waiting list maintained under sub-clause (1) shall be given preference after taking into consideration the nature of work done by them while in employment or the occupation in which they were employed, and on the basis of the aggregate of their services in the establishment prior to the termination of their services.

No person whose name is not entered in the waiting list maintained under clause 4-D shall be appointed in the establishment badli or temporary unless all person included in that list have been provided with employment in the establishment.

5.

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

(2) Every workman shall be given a ticket bearing,-

(i) the name of the department in which he is working; and

(ii) his number.

(3) Every workman shall, when entering the establishment, deliver up 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 Manager in this behalf.

(4) The days on which a badli works in the establishment shall be entered on his ticket.

6. Notices showing the periods and hours of work for every class and group of workmen in the establishment and for each shift shall be displayed on notice-boards maintained for the purpose in the departments concerned and at the time-keeper's office or at or near the main entrance of the establishment

7. Notices specifying:-

(a) the weekly holiday under Section 52 of the Factories Act, 1948,

(b) the dates on which compensatory holidays, if any, under Section 53 of the Factories Act, 1948, 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 or at or near the main entrance of the establishment.

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

9.

(1) An unclaimed wages pay day for each week (i.e. a day on which wages due to a workman 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 along with notices to be displayed under Standing Order 7 .

(2) The unclaimed amount of wages due a workman shall be paid on the days notified under this Standing Order and on the unclaimed wages pay day following the date on which a substantiated claim was presented by workman, or on his behalf, by his legal representative.

10.

(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 establishment, workmen 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 seven-days' notice shall be to be given to the workmen but if as a result of the discontinuance of the shift any permanent workman is likely discharged, a notice of one month shall be given.

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

(e) On re-starting a shift, notice thereof shall be given either in a newspaper having wide local circulation or by letters to individual workmen concerned; and the workmen discharged as a result of the discontinuance of shift, if they present themselves with seven days of the publication of the notice or the posting of the letters, be given preference for employment according to the length of their service in the establishment and the department and the occupation concerned.

(2) The Manager may close down any department or section of a department after giving one month's notice to the workmen. Before reopening such department or section, as the case may be, seven days' notice thereof shall be given either in a newspaper having wide local circulation or by letters to individual workmen concerned.

(3) The Manager may close down the whole establishment after giving one month's notice to the workmen. Seven days' public notice of the restarting of the establishment shall be given either in a newspaper having wide local circulation or by letters to individual workmen concerned.

(4) Notices of-

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

(ii) the closure and re-opening of a department or section of a department, and

(iii) the closure and re-opening of the establishment shall be displayed in the time-keeper's office or at the main entrance to the establishment and the

gate or gates appointed under the Standing Order 16, and in the case of a department or section also in the department concerned.

(5) On the re-opening of a department or section or the establishment, as the case may be, preference for employment will be given to the workmen whose services were terminated on account of the closure according to the length of their service in the establishment and the department and the occupation concerned provided that they present themselves for service at the latest by the day of re-opening.

11.

(1) All workmen shall be at work in the establishment at the time fixed and notified. Workmen attending late shall be liable to shut out and treated as absent:

Provided that no workman who attends within 15 minutes of the starting time shall be shut out.

(2) Any workman, 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

12. Subject to the provisions of clause (1) of the Standing Order 13, leave with wages and allowances shall be granted to all workmen in accordance with the law applicable to the establishment in which such workmen are employed or any agreement, settlement or award for the time being in force, or the contract of service or any Custom or usage of the establishment.

13.

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

(2) A workman who desires to obtain leave of absence 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 seven days before the date from which leave is to commence, except in urgent cases or unforeseen circumstances when it is not possible to do so. The Manager or any officer employed 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, leave pass showing the date from which the leave of absence commences and the date on which the workman will have to resume duty shall be issued to the workman. Where leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the workman so desires a copy of such entry in the register shall be supplied to him.

(3) If a workman after proceeding on leave desires an extension thereof, he shall make an application for the purpose to the Manager, in writing. A written reply conveying the grant or refusal of extension of leave shall be sent to the workman 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) A workman 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 leave his inability to resume his duty immediately on the expiry of his leave. A workman who loses his lien under the provisions of this Standing Order but reports for duty within fifteen days of the expiry of his leave

(i) shall be kept as 'badli' if he so desires and his name shall thereupon be entered in the 'bad' register, and

(ii) if no 'badlis' are employed, his name shall be kept on a waiting list of persons to be given preference for employment as and when suitable vacancies occur

14.

(1) Every workman shall be entitled to casual leave.

(2) Casual leave shall be non-cumulative and no leave of any kind may be combined with casual leave.

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

(4) Holidays declared by the establishment and weekly holidays may be prefixed or suffixed to casual leave

(5) 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 through any person of the absence from work and the probable duration of such absence.

15. Except in the case of casual workmen, a record shall be maintained in a register of all leave of absence which is sanctioned, refused or postponed and reasons for refusal or postponement shall in every case be entered therein. The record shall be open to inspection by the workmen concerned.

16. No workman shall enter or leave the premises of the establishment except by the gate or gates appointed for the purpose.

17.

(1) Any workman may, when leaving the department or the premises' or the establishment, be searched at the points of exit of the department, or the establishment by the gateman or any person appointed by the Manager for the purpose.

(2) Any female worker may be detained by the gateman or any person appointed by the Manager for the purpose of search by a female searcher, if acting without malice he suspects that she is in wrongful possession of property belonging to the establishment.

(3) Every search shall be conducted in the presence of not less than two persons and a female worker 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 Works Committee constituted under the provisions of the Industrial Disputes Act, 1947, may be present at a search made under this Standing Order.

18.

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

(2) In the event of a stoppage under clause (1) during working hours, the workmen affected shall be notified as soon as practicable, when work will be resumed and whether they are to remain or leave the establishment. The period of detention in the establishment shall not ordinarily exceed one hour after the commencement of the stoppage. If the period of detention does not exceed one hour, workmen so detained shall not be paid for such period. If the period of detention in the establishment exceeds one hour, workmen so detained shall be entitled to receive wages (including all allowances) for the whole of the time during which they are detained in the establishment as a result of the stoppage. In the case of piece-rate workmen the average daily earning for the previous months shall be taken to be the daily wages.

(3) Whenever practicable reasonable notice shall be given of the resumption of normal work, and all such workmen laid 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 establishment. Where a notice pertains to a particular department or departments only, it shall be displayed in the department concerned.

19. In cases where workmen are laid off under Standing Order 18, they shall be considered as 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. When however workmen have to be laid off for an indefinite period exceeding two months, their services may be terminated after giving them due notice or pay in lieu thereof.

20. Workmen may be laid off due to shortage of orders, temporary curtailment of production or similar reasons and consequent stoppage of any department, for a period not exceeding six

days in aggregate (excluding statutory holidays), in any month, provided that seven days' given. A workman laid off under the Standing Order for more than five days in a month may, on being laid off, leave his employment on intimation of his intention to do so.

21. Notwithstanding anything contained in Standing Orders 18,19 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 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.

22. The manager may, in the event of a strike effecting either wholly or partially any section or department of the establishment close down either wholly or partially such section or department as well as any other sections, or departments affected by such closing down. The fact of such closure shall, as soon as practicable, be notified by notice displayed on the notice-boards in the departments concerned, at the gate or gates appointed under Standing Order 16 and In the time-keeper's office or at or near the main entrance of the establishment. The workmen concerned shall also be notified by general notice put up at the places where notices of closure mentioned above are to be displayed prior to the resumption of work as to when work will be resumed.

23.

(1) Subject to the provisions of the Industrial Disputes Act, 1947, the employment of a permanent workman employed on rates other than the monthly rate of wages may be terminated by giving him fourteen days' notice or by payment of thirteen days' wages (including all admissible allowance) in lieu of notice.

(2) Save as otherwise provided in these Standing Orders a permanent workman employed on rates other than the monthly rates of wages desirous of leaving the service may do so by giving the Manager fourteen days' notice in

(3) Where the employment of a workman is terminated under sub-rule (1) or writing where a workman leaves the service under sub-rule (2) and such workman draws wages on piece rate basis, wages shall be computed on the average daily earnings of such workman for the days he actually worked during the previous

(4) The employment of a permanent workman employed on the monthly rates wage period of wages may be terminated by giving him one month's notice or on payment of one month's wages (including all admissible allowances) in lieu of notice.

15[(4A) The reasons for the termination of service of a Permanent workman shall be recorded in writing and 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 at the instance of the workman.]

(5) Save as otherwise provided in these Standing Orders, a permanent workman employed on the monthly rates of wages, desirous of leaving the service shall give in writing <sup>16</sup>[one month's notice] to the Manager of his intention to do so.

(6) If a permanent workman leaves the service without giving notice no deductions on that account shall be made for his wages, but he shall be liable to be sued for damages.

(7) All classes of workmen other than those appointed on a permanent basis may leave their service or their services may be terminated without notice or pay in lieu of notice: provided that the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed in the Standing Order 25.

(8) When the employment of any workman is terminated, the wages earned by him shall be paid to him before the expiry of the second working day from the day on which his employment is terminated. In the case of workman leaving the service, the payment of the wages earned by him shall be made within seven days from the date on which he leaves the service. All other sums due to a workman shall be paid before the expiry of one month from the date of termination of his service or, as the case may be, from the date he left service.

(9) An order of termination of service shall be in writing and shall be signed by the Manager and copy whereof shall be supplied to the workman concerned. In cases of general retrenchment, closing down of departments or termination of service as a result of a strike, no such order shall be given.

24. The following acts and commissions on the part of a workman shall amount to misconduct

(a) wilful insubordination or disobedience, whether or not in combination with another, of any lawful and reasonable order of a superior;

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

(c) wilful slowing down in performance of work, or abetment or instigation thereof;

(d) theft, fraud or dishonesty in connection with the employers' business or property or the theft or property of another workman within the premises the establishment;

(e) taking or giving bribes or any illegal gratification;

(f) habitual absence without leave, or absence without leave for more than ten consecutive days or overstaying the 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 establishment or any rules made thereunder;

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

(j) engaging in trade within the premises of the establishment;

(k) drunkenness, riotous, disorderly or indecent behaviour on the premises of the establishment;

(l) commission of any act subversive of discipline or good behaviour on the premises of the establishment;

(m) habitual neglect of work, or gross or habitual negligence;

(n) habitual breach of any rules or instruction for the maintenance and running of any department, or the maintenance of the cleanliness of any portion of the establishment;

(o) habitual commission 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 establishment except in accordance with any law or with the permission of the Manager;

- (q) wilful damage to work in process or to any property of the establishment;
- (r) holding meeting inside the premises of the establishment 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 establishment which may come into the possession of the workman in the course of his work;
- (t) gambling within the premises of the establishment;
- (u) smoking or spitting on the premises of the establishment where it is prohibited by the employer;
- (v) failure to observe safety instructions notified by the employer or interference with any safety device or equipment installed within the establishment;
- (w) distributing or exhibiting within the premises of the establishment hand-bills, pamphlets, posters, and such other things or causing to be displayed by means of signs or writing or other visible representation on any matter without previous sanction of the Manager;
- (x) refusal to accept a charge-sheet, order or other communication served in accordance with these Standing Orders;
- (y) unauthorised possession of any lethal weapon in the establishment;
- (z) <sup>17</sup>[sexual harassment which includes unwelcome sexual determined i behaviour (whether directly or by implication), such as:-
  - (i) physical contact and advances; or
  - (ii) a demand or request for .sexual favours; or
  - (iii) sexually coloured remarks; or
  - (iv) showing pornography;
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Explanation: No act of misconduct which is committed on less than three occasions with a space of one year shall be treated as "habitual".

25.

(1) A workman guilty of misconduct may be,-

(a) warned or censured, or

(b) fined subject to and in accordance with the provisions of the Payment of wages Act, 1936, or

(c) suspended by an order in writing signed by the Manager for a period not exceeding four days, or

(d) dismissed without notice.

(2) No order under sub-clause (b) of clause (1) shall be made unless the workman 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 <sup>18</sup>[under sub-clause (d) of clause (1) shall be made except after holding an enquiry] against the workman concerned in request of alleged misconduct in the manner set forth in clause (4)

(4) <sup>19</sup>[(A workman against whom an inquiry is proposed to be held shall be given a chargesheet clearly setting forth the circumstances appearing against him and requiring his explanation. He

shall be permitted to appear himself for defending him or shall be permitted to be defended by a workman working in the same department as himself or by any office-bearer of a trade union of which he is a member. Except for reasons to be recorded in writing by the officer holding the inquiry, the workman shall be permitted to produce witness in his defence and cross-examine any witness on whose evidence the charge rests. A concise summary of the evidence led on either side and the workman's plea shall be recorded.]

All proceedings of the inquiry shall be conducted in English, Hindi or Marathi according to the choice of the workman concerned and the person defending him.

The inquiry shall be completed within a period of three months:

Provided that the period of three months may, for reasons to be recorded in writing, be extended to such further period as may be deemed necessary by the enquiry officer.

(5) A workman against whom any action is proposed to be taken under sub-clause (b), (c) or (d) of clause (1) may be suspended pending the 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 workman.

20[(5-A) Subject to the provisions of the Payment of Wages act 1936, a workman who is placed under suspension under sub-clause (5) shall, during the period of such suspension, be paid a subsistence allowance at the following rates, namely:-

(i) For the first ninety days of the suspension period subsistence allowance to be paid per month shall be equal to one-half of basic wages, dearness allowance and other compensatory allowance to which the workman would have been entitled if he were on leave with wages.

(ii) If the enquiry gets prolonged and the workman continues to be under suspension for a period exceeding ninety days, the subsistence allowance to be paid per month for a further period of ninety days shall be equal to three-fourths of such basic wages, dearness allowance and other compensatory allowances.

(iii) If the enquiry is not completed within a period for 180 days, the workman shall be paid basic wages, dearness allowance and other compensatory allowance in full as subsistence allowance to be paid per month until such time as the inquiry is finally concluded:

Provided that, where the findings of the Inquiry Officer show that such inquiry is prolonged beyond a period of 90 days, or as the case may be 180 days, for reasons directly attributable to the workman, subsistence allowance to be paid per month shall for the period exceeding 90 days or, as the case may be 180 days, shall be reduced to one-half of such basic wages, dearness allowance and other compensatory allowances.

(iv) If as a result of the inquiry held or explanation tendered, it is decided not to take any action against the workman under clause (1) the workman shall be deemed to have been on duty and shall be entitled to full wages minus such subsistence allowance as he may have already drawn and to all other privileges for the full period of suspension.

21[(5B) The payment of subsistence allowance under sub-clause (5-A) shall be subject to the workman concerned not taking up any employment during the 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 workman and any other extenuating or aggravating circumstances that may exist.

(7) If a workman refuses to accept a charge-sheet, order or other communication served in accordance with these Standing Orders, and provide that he has been asked to accept the charge-sheet in the presence of at least two witnesses he shall be told verbally the time and place at which enquiry into his alleged misconduct is to be held and if he refuses or fails to attend that time, the inquiry shall be conducted ex parte and the punishment awarded shall take account of misconduct under Standing Order 24 thus committed

26. A workman may be warned or censured, or subject to and accordance with the provisions of the Payment of Wages Act, 1936, fined for any of the 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 appoint place of work;

(f) entering or leaving or attempting to enter or leave the premises of the establishment except by a gate or entrance appointed;

(g) committing nuisance on the premises of the establishment;

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

27. The age for retirement or superannuation of the workmen may be sixty years or such other age as may be agreed upon between the employer and the workmen by any agreement, settlement or award which may be binding on the employer and the workmen under any law for the time being in force.

22[27A. Where an employer orders a medical examination of workman or a person desiring to be recruited as his workman under any law, contract, custom or usage applicable to his industrial establishment or under any award, agreement or settlement binding on the employer and the workman in his industrial establishment, such examination in the case of a female shall be made only by a lady doctor; and the expenses of such examination shall be borne by the employer.]

28.

(1) Any workman 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 a trade union of which he is a member, submit a complaint to the Manager in this behalf.

(2) The Manager or any such officer shall personally investigate the complaint at such times and places as he may fix. The workman and-

(i) any other workman of his choice, or

(ii) where the complaint is made through a trade union, a member of the be union shall have the right to be present at such investigation. Where the complainant alleges unfair treatment or wrongful exaction on the part of a superior, a copy of the order finally by the Manager shall be supplied to the complainant if he asks for one. In other case the decision of the investigating officer and the action if any, taken thereon by Manager shall be intimated to the complainant:

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

29. The decision of the manager upon any question arising out of, or in connection with, or incidental to these Standing Orders shall be subject to an appeal to the <sup>23</sup>managing agent.

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

31.

(a) Notice 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 establishment situated.

(b)

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

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

32. 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 a contract of service, custom or usage or an agreement, settlement or award applicable to the establishment.

## **B. FOR WORKMEN EMPLOYED ON CLERICAL OR SUPERVISORY WORK**

1. These Orders shall apply to all workmen employed in the establishment to do clerical or supervisory work.

2. In these Orders unless the context requires otherwise-

(a) 'Workman' means a workman employed to do clerical or supervisory work;

(b) The 'establishment' means <sup>24</sup>[.....]

(c) 'Manager' means the person for the time being managing the establishment, and includes, any other officer duly authorised by the employer to act as Manager on his behalf such authorisation being notified to the workmen by displaying it on the notice-board of the establishment.

3.

(1) Workmen shall be classified as-

(a) permanent workmen;

(b) probationers;

(c) temporary workmen; and

(d) part-time workmen.

(2)

(a) <sup>25</sup>['permanent workman' means a workman who has been employed on a permanent basis or who, having been employed on a temporary basis subsequently been made permanent by an order in writing by the Manager or any person authorised by him in that behalf and includes the apprentice who is asked or appointed to work in the post or vacancy of a permanent

Workman the purpose of payment of wages to him, during the period, he works on such post or in such vacancy].

(b) 'probationer' means a workman who is provisionally employed to fill permanent vacancy or post and who has not completed three months' <sup>26</sup>[uninterrupted service in the aggregate in a clerical or supervisory post in the establishment]

(c) 'temporary workman' means a workman 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 workman in connection with temporary increase in work of a permanent nature and includes a workman who is appointed in a temporary vacancy of a permanent workman or probationer;]

(d) 'part-time workman' means a workman who is employed to do work for less than the normal period of working hours;

(e) 'uninterrupted service' includes service interrupted on account of any of the following reasons, namely:-

(i) sickness, as certified by a doctor of Employees' State Insurance Scheme, where such scheme is applicable or, elsewhere, by a Registered Medical Practitioner.

(ii) accident,

(iii) authorized leave,

(iv) lay-off as defined in the Industrial Disputes Act, 1947 (XIV of 1947),

(v) involuntary unemployment,

(vi) lock-out,

(vii) cessation of work which is not due to any fault of the workman concerned.

4. Every workman at the time of his appointment, confirmation, promotion or re-classification shall be given a written order specifying his appointment, confirmation, promotion or re-classification, as the case may be, and signed by the Manager.

27[4A. Every probationer who has completed the period of three months' uninterrupted service in the post in which he is provisionally employed shall be made permanent in that post by the Manager by an order in writing, within seven days from the date of completion of such service:

Provided that where certified standing orders prevailing on the date of coming into force of this rule prescribe a longer probationary period than three months, the probationer shall complete such probationary period:

Provided further that, if the services of the probationer are found to be unsatisfactory, the Manager may terminate his services after his probationary period.

Explanation: For the purpose of this clause, the probationary period shall not include any interrupted service and shall not be deemed to have been broken by such interrupted service.

28[4B. A temporary workman, who has put in 190 days' uninterrupted service in the aggregate in any establishment of a seasonal nature or 240 days, uninterrupted service in the aggregate in any other establishment, during a period of preceding twelve calendar months, shall be made permanent in that establishment by an order in writing signed by the Manager, or any person authorised in that behalf by the Manager, irrespective of whether or not his name is on the muster roll of the establishment throughout the period of the said twelve calendar months.

Explanation: For purpose of this clause any period of interrupted service, caused by cessation of work which is not due to any fault of the workman concerned, shall not be counted for the purpose of computing 190 days or 240 days or as the case may be, for making a badli or temporary workman permanent.

29[4C.

(1) The manager shall maintain a waiting list of all temporary workmen whose services have been terminated on account of the completion of the work for which they were appointed or on account of the expiry of the period for which they were employed, containing the following particulars, namely:-

(i) their names and addresses,

(ii) the nature of work or occupation in which they were employed,

(iii) the wages paid to them during employment, and

(iv) the dates of termination of their services.

(2) Whenever any vacancies in the establishment are required to be filled the persons included in the waiting list maintained under sub-clause (1) shall be given preference after taking into consideration the nature of work done by them while in employment or the occupation in

which they were employed and on the basis of the aggregate of their services in the establishment prior to the termination of their services.

30[4-D. No person whose name is not entered in the waiting list maintained under Clause 4-C shall be appointed in the establishment as temporary workman, unless all persons included in that list have been provided with employment in the establishment.

5.

(a) Notices showing the periods and hours of work for every class and group of workmen in the establishment and for each shift shall be on notice-boards maintained for the purpose in the departments concerned at the time-keeper's office or at or near the main entrance of the establishment.

(b) Any workman required to work for a different period shall be notified to that effect at the least on the day previous to that on which he is required to work for such different period.

6.

(1) Notices specifying-

(i) the weekly holiday,

(ii) the dates on which compensatory holidays, if any, will be allowed, and

(iii) the days on which wages are to be paid, shall be displayed on the notice boards maintained for purpose at the time-keeper's office or at or near the main entrance of the establishment.

(2) Any workman required to work on a weekly holiday in accordance with law shall be personally notified to that effect in advance. The workman deprived of any of the holidays notified under clause (1) 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.

7. A register specifying basic starting salary, grades and scales of pays if any for each class of workmen and for each class of work shall be maintained and be open to inspection on two working days in each month to be notified by the Manager.

8.

(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 establishment the workman 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 seven days' notice shall be given, but if as a result of the discontinuance of the shift any permanent workman is likely to be discharged a notice of one month will be given. After giving one month's notice to the workmen, seven days' public notice of the restarting of the establishment shall be given either in a newspaper having wide local circulation or by letters to individual concerned.

(d) If as a result of discontinuance of shift working any permanent workmen are likely to be discharged they shall be discharged having regard to the length of their service the shortest term of service being discharged first.

(e) On re-starting a shift, notice thereof shall be given either in a newspaper having wide in the establishment and the department and the occupation concerned, those with local circulation or by letters to individual workmen concerned; and the workmen discharged as a result of the

discontinuance of the shift shall, if they present themselves, within seven days of the publication of the notice or the posting of the letters, be given preference for employment according to their length of service in the establishment and the department and the occupation concerned.

(2) The Manager may close down any department or section of a department after giving one month's notice to the workmen. Before reopening such department or section, as the case may be seven days' notice thereof shall be given either in a newspaper having wide local circulation or by letters to individual workmen concerned.

(3) The Manager may close down the whole establishment after giving one month's notice to the workmen. Seven days' public notice of restarting of the

establishment shall be given either in a newspaper having wide local circulation or by letters to individual workmen concerned.

(4) Notices of-

(i) starting, re-starting alteration and discontinuance of shift working.

(ii) the closure and re-opening of a department or section of a department, and

(iii) the closure and re-opening of the establishment shall be displayed in the time-keeper's office or at the main entrance to the establishment and at the gate or gates appointed under Standing Order 18, and in the case of a department or section also in the department concerned.

(5) On the re-opening of a department or section or the establishment as the case may be, preference for employment will be given to the workmen whose services were terminated on account of the closure of the length of their service in the establishment and the department and the occupation concerned, provided that they present themselves for service at the latest by the day of reopening

9.

(1) All workmen shall be at work in the establishment at the times fixed and notified. Workmen attending late shall be liable to be shut out and treated as absent:

Provided that no workman who attends within 15 minutes of the starting time shall be shut out.

(2) Any workman who 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.

10. 31[Subject to the provisions of Clause (1) of the Standing Order 11,-

(a) weekly holidays, where admissible, shall be allowed on full wages (including admissible allowance);

(b) leave with wages and allowances shall be granted to all workmen in accordance with the law applicable to the establishment in which such workmen are employed or any agreement, settlement or award for the time being in force or the contract of service or any custom or usage of the establishment.]

11.

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

(2) The Manager may require a workman 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 the Medical- Officer appointed for the purpose.

12. Sick leave, if due, shall be granted in continuation of maternity leave for female workers subject to the provisions of Clause (2) of Standing Order 11.

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

14. Subject to the provisions of the Factories Act, 1948, all holidays, including the weekly holiday; falling within the period of any kind of leave, shall be treated as leave.

15.

(1) Workman 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 is to commence, except in urgent cases or unforeseen circumstances when it is not possible to do so.

(2) If a workman after proceeding on leave desires an extension thereof, he shall make an application in writing to the Manager. A written reply either of the grant or refusal of extension of leave 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.

16.

(1) Every workman shall be entitled to casual leave.

(2) Casual leave shall be non-cumulative and no leave of any kind may be combined with casual leave.

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

(4) Holidays declared by the establishment and weekly holidays may be prefixed or suffixed to casual leave.

(5) 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 through any person of the absence from work and of the probable duration of such absence.

17. A record shall be maintained in a register of all leave of absence which is sanctioned, refused or postponed, and reasons for refusal or postponement shall in every case be entered therein. The record shall be open to inspection by the workman concerned.

18. No workman shall enter or leave the premises of the establishment except by the entrances appointed for the purpose.

19.

(1) Any workman may when leaving the premises of the establishment be searched at the point of exit by an officer appointed for the purpose by the manager

(2) Any female worker 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 establishment.

(3) Every search shall be conducted in the presence of not less than two persons, and a female worker 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 Works Committee constituted under the provisions of the Industrial Disputes. Act, 1947, may be present at a search made under this Standing Order.

32[19A.

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

(2) In the event of a stoppage under clause (1) during working hours, the resumed and whether they are to remain or when work will be resumed and whether they are to remain or leave the establishment. The period of detention in the establishment shall not ordinarily exceed commencement of stoppage. If the period of detention does not exceed one hour, workmen so detained shall not be paid for such period. If the period of detention in the establishment exceeds one hour, workmen so detained shall be entitled to receive wages (including all allowances) for the whole of the time during which they are detained in establishment as a result of the stoppage. In the case of piece-rate workmen the average daily earnings for the previous month shall be taken to be the daily wages.

(3) Wherever practicable, reasonable notice shall be given of the resumption of normal work, and all such workmen laid 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 establishment. Where a notice pertains to a particular department or departments only, it shall also be displayed in the department concerned.

19B. In cases where workmen are laid off under Standing Order 19A, they shall be considered as temporary 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. When however, workmen have to be laid off for an indefinite period exceeding two months, their services may be terminated after giving them due notice or pay in lieu thereof.

19-C. Workmen may be laid-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. A workman laid off under this Standing Order for more than five days in a month may, on being laid off, leave his employment or intimation of his intention to do so.

19-D. Notwithstanding anything contained in Standing Orders 19-A, 19-B and 19-C, 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 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 notification or order issued thereunder or any award for the time being in operation or any contract with the employer.

19-E. The Manager may, in the event of a strike affecting either wholly or partially, any section or department of the establishment close down either wholly or partially such section or department as well as any other sections or departments affected by such closing down. The fact of such closure shall, as soon as practicable, be notified by notice displayed on the notice-boards in the departments concerned, at the gate or gates appointed under Standing Order 18, and in the time keeper's office or near the main entrance of the establishment. <sup>33</sup>[The workmen concerned shall also be notified by a general notice put up at the place where notices of closure mentioned above are to be displayed, prior to the resumption of work as to when work will be resumed.]

20. In the event of the closure of the establishment or a department or part thereof, if the service of a permanent workman are dispensed with, he shall when the establishment or part thereof, as the case may be, is re-started 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 the time specified in the relevant Standing Orders governing the re-starting in question.

21.

(1) The employment of a permanent workman 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 workman 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 to at the instance of the workman.

(3) Any permanent workman desirous 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 reliever signed by the Manager.

(4) If any permanent workman leaves the service without giving notice, <sup>34</sup>[no deduction on that account shall be made from his wages but] he shall be liable to be sued for damages.

(5) All classes of workmen other than those appointed on a permanent basis may leave their services or their services may be terminated without notice or, pay in lieu of notice; provided that the service of a temporary workman shall not, be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed in Standing Order 23.

(6) Where the employment of any workman is terminated, the wages earned by him shall be paid to him before the expiry of the second working-day from the day on which his employment is terminated. In the case of workman leaving the service the payment of the wages earned by him shall be made within seven days from the date on which he leaves the service. All other sums due to a workman shall be paid before the expiry of one month from the date of termination of his services or from the date he leaves 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 workman concerned. In cases of general retrenchment, closing down, strike or lock-out no such orders may be given.

22. Any of the following acts or omissions on the part of a workman shall amount to misconduct:-

- (a) wilful insubordination or disobedience, whether or not in combination with another, of any lawful and reasonable order of superior.
- (b) going on an illegal strike or abetting, inciting, instigating or acting in furtherance thereof;
- (c) wilful slowing down in performance of work, or abetment or instigation thereof;
- (d) theft, fraud, or dishonesty in connection with the employer's business or property: [or the theft of property of another workman within the premises of the establishment];
- (e) taking or giving bribes or any illegal gratification;
- (f) habitual absence without leave or absence without leave for more than ten consecutive days or overstaying the 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 establishment or any rules made thereunder;
- (i) collection without the permission of the Manager of any money within the premises of the establishment except sanctioned by any law for the time being in force;
- (j) engaging in trade within the premises of the establishment;
- (k) drunkenness, riotous, disorderly or indecent behaviour on the premises of the establishment;
- (l) commission of any act subversive to discipline or good behaviour on the premises of the establishment;
- (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 clean) cleanliness of any portion of establishment;
- (o) habitual commission 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 establishment, except in accordance with any law or with the permission of the Manager;
- (q) wilful damage to work in process or to any property of the establishment
- (r) holding meeting inside the premises of the establishment, 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 establishment which may come into the possession of his work
- (t) gambling within the premises of the establishment;
- (u) smoking or spitting on the premises of the establishment Where it is prohibited by the employer
- (v) failure to observe safety instruction notified by the employer or interference with any safety device or equipment installed with the establishment;

- (w) distributing or exhibiting within the premises of the establishment hand-bills, pamphlets and such other things or causing to be displayed by means of signs or writing or other visible representation on any matter without previous sanction of the Manager.
- (x) refusal to accept a charge sheet, order or other communication served in accordance with these Standing Orders;
- (y) unauthorised possession of any lethal weapon in the establishment.
- (z) <sup>35</sup>[sexual harassment which includes unwelcome sexual determined behaviour (whether directly or by implication), such as:-
  - (i) physical contact and advances; or
  - (ii) a demand or request for sexual favours: or
  - (iii) sexually coloured remarks; or
  - (iv) (iv)showing pornography; or
  - (v) other unwelcome physical, verbal or non-verbal conduct of sexual nature.]

Explanation: No act of misconduct which is committed on less than three occasions within a space of one year shall be treated as habitual.

23.

(1) A workman guilty of misconduct may be-

- (a) warned or censured, or
- (b) fined, subject to and in accordance with the provisions of the Payment of Wages Act, 1936, or

(c) suspended by an order i exceeding four days, or in writing signed by the Manager for a period not

(d) dismissed without notice.

(2) No order under sub-clause (b) of clause (1) shall be made unless the workman 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 sub-clause (d) of clause (1) shall be made except after holding an enquiry against the workman concerned in respect of the alleged misconduct in the manner set forth in clause (4).

(4) A workman against whom an inquiry is proposed <sup>36</sup>[to be held shall be given a charge-sheet, clearly setting forth the circumstances appearing against him and requiring his explanation. He shall be permitted to appear himself for defending him or shall be permitted to be defended by a workman working in the same department as himself or by any office bearer of a trade union of which he is member. Except for reasons to be recorded in writing by the officer holding the inquiry, the workman shall be permitted to produce witness in his defence and cross-examine any witness on whose evidence the charges rest. A concise summary of the evidenced on either side and the workman's plea shall be recorded.

All proceedings of the inquiry shall be conducted in English, Hindi or Marathi according to the choice of the workman concerned and the person defending him.

The inquiry shall be completed within a period of three months:

Provided that the period of three months may for reasons to be recorded in writing be extended to such further period as may be deemed necessary by the inquiry officer.

(5) A workman against whom any action is proposed to be taken under sub-clause (b), (c) or (d) of clause (1) may be suspended pending 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 workman.

37[5-A. Subject to the provisions of the Payment of Wages Act, 1936, a workman who is placed under suspension under sub-clause (5) shall during the period of such suspension, be paid a subsistence allowance at the following rates, namely:-

(i) For the first ninety days of the suspension periods, subsistence allowance to be paid per month shall be equal to one half of basic wages, dearness allowance and other compensatory allowance to which the workman would have been entitled if he were on leave with wages.

(ii) If the enquiry gets prolonged and the workman continues to be under suspension for a period exceeding ninety days, the subsistence allowance to be paid per month for a further period of ninety days shall be equal to three-fourths of such basic wages, dearness allowance and other compensatory allowances.

(iii) If the inquiry is not completed within a period of 180 days, the workman shall be paid wages, dearness allowance and other compensatory allowances in full as subsistence allowance to be paid per month until such time as the inquiry is finally concluded:

Provided that, where the findings of the Inquiry Officer show that such inquiry is prolonged beyond a period of 90 days, or as the case may be 180 days, for reasons directly attributable to the workman, the subsistence allowance to be paid per month shall for the period exceeding 90 days or, as the case may be 180 days, be reduced to one-half of such basic wages, dearness allowance and other compensatory allowances.

(iv) If as a result of the inquiry held or explanation tendered, it is decided not to take any action against the workman under clause (1) the workman shall be deemed to have been on duty and shall be entitled to full wages minus such subsistence allowance as he may have already drawn and to all other privileges for the full period of suspension.

(5-B) The payment of subsistence allowance under sub-clause (5-A) shall be subject to the workman concerned not taking up any employment during the 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 workman and any other extenuating or aggravating circumstances that may exist.

(7) If a workman refuses to accept a charge-sheet order to other communication served in accordance with these Standing Orders and provided that he has been asked to accept the charge-sheet in the presence of at least two witnesses, he shall be told verbally the time and place at which the enquiry into his alleged misconduct is to be held and if he refuses or fails to attend at that time, the enquiry shall be concluded ex-parte and the punishment awarded shall take account of misconduct under Standing Order 22 thus committed.

24. A workman 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 establishment except by a gate or entrance appointed;
- (g) committing nuisance on the premises of the establishment;
- (h) breach of any rule or instruction for maintenance or running of any department:

Provided that no workman shall be fined, except in accordance with the provisions of the Payment of Wages Act, 1936, where the provisions of the said Act are applicable to him.

25. The age for retirement or superannuation of the workmen may be sixty years or such other age as may be agreed upon between the employer and the workmen by an agreement, settlement or award, which may be binding on the employer and the workmen under any law for the time being in force.

38[25-A. Where an employer orders a medical examination of a workman or a person desiring to be recruited as his workman under any law, contract, custom or usage applicable to his industrial establishment or under any award, agreement or settlement binding on the employer and the workmen in his industrial establishment, such examination in the case of a female shall be made only by a lady doctor and expense of such examination shall be borne by the employer.]

26.

(1) Any workman 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 a trade union of which he is a member submit a complaint to a manager or any officer appointed by the Manager in his behalf;

(2) The Manager or any officer shall personally investigate the complaint at such times and places as he may fix. The workman and-

(i) any other workman of his choice, or

(ii) where the complaint is made through a trade union, a member of the union, shall have the right to be present at such investigation. Where the complainant 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 the action, if any, taken thereon 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 other officers as he may appoint.

27. The decision of the Manager upon any question arising out of, in connection with, or incidental to these Standing Orders shall be subject to an appeal to the <sup>39</sup>Managing Agent/Proprietor, except where the Manager is himself the Proprietor.

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

29.

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

(b)

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

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

30. 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 of contract of service, custom or usage or an agreement, settlement or award applicable to the establishment.

#### 40[C. FOR WORKING JOURNALISTS

1. These orders shall apply to all working journalists employed in newspaper establishments.

2. In this Standing Orders unless the context requires otherwise.

(a) "editor" means a person appointed as an editor and who directs and supervises the work of the editorial side of a newspaper establishment;

(b) "manager" means the person for the time being managing a newspaper establishment;

(c) "newspaper establishment" means a newspaper establishment referred to in Section 14 of the Act and defines in clause (d) of Section 2 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955;

(d) "Working Journalists" shall have the same meaning as under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act,-1955;

3.

(1) Working Journalists shall be classified as-

(a) permanent,

(b) probationers,

(c) temporary,

(d) apprentices, and

(e) part-time.

(2)

(a) A "permanent working journalist" means a working journalist who has been engaged on a permanent basis or whose appointment has been, confirmed in writing by the Manager or any other officer authorised in that behalf and includes any person who has completed a probationary period of three months in aggregate in the same newspaper establishment, including breaks due to sickness, accidents, leave, lock-outs, strike or involuntary closure of the establishment.

(b) A "probationer" means a working journalist who is provisionally employed to fill a permanent vacancy or a post and who has not completed three months service in the aggregate in the same newspaper establishment or such extended period not exceeding three months as the Manager in consultation with the editor may direct to give him a chance to show improvement:

Provided that where a permanent working journalist is employed as a probationer on a new post, is at any time during the probationary period, reverted to his old permanent post by an order in writing signed by the Manager, he shall cease to be a probationer in the new post.

(c) A "temporary Working journalist" means working journalist who has been engaged for work which is of essentially temporary nature likely to be finished within a limited period and who is engaged strictly on that understanding in writing.

(d) An "apprentice" means a working journalist who is learner and who is paid an allowance during the period of his training which shall not exceed six months

(e) A "part-time working journalist" means a working journalist who is employed to do work as a Working journalist for less than the normal period of working hours, of a newspaper establishment.

4. Every working journalist 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.

5.

(1) Notices in English, Hindi and the regional languages of the local area wherein the newspaper establishment is situated showing the periods and hours every of work and the place of work for each shift group of working journalists in the newspaper establishment and for each shift shall be displayed on the notice boards maintained for the purpose in the departments concerned, in the time-keeper's office and at or near the main entrance to the newspaper establishment.

(2) Any working journalist required to work on an out-door job or at a different place of work shall be notified to that effect in advance.

6. Notices specifying-

(a) the days observed by the newspaper establishment as holidays including the weekly day of rest, and

(b) days on which wages are to be paid, shall be posted on the notice-board specified in Standing Order 5.

7.

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

(2) If more than one shift is worked, the working journalist shall be liable to be transferred from one shift to another.

(3) Whenever an additional shift is started or shifts are altered or discontinued, a seven days' notice shall be given but if a result of the discontinuance of any shift any permanent working journalist is likely to be discharged, a proper notice as prescribed by or under any law for the time being in force and applicable to the newspaper establishment shall be given provided, however that no such notice shall be less than one month.

(4) Before restarting a shift, a seven days' notice thereof shall be given in a newspaper having wide local circulation and any working journalist discharged as a result of the discontinuance of the shift shall, if he presents himself within seven days of the restarting of the shift, be given preference for employment.

(5) The Manager may close down any department or section of department after giving one month's notice to the working journalists concerned, provided, however, that the provisions of any other law for the time being in force and applicable to the working journalists, laying down a different period for such notice shall prevail wherever applicable in individual case of working journalists. Before reopening such a department or a section of a department, as the case may be, seven day's notice thereof shall be given in a newspaper having wide local circulation and any working Journalist discharged as a result of the closure of such department or section of a department shall, if he presents himself within seven days of restarting of the department or section of the department, as the case may be, given preference for employment.

(6) The Manager may close down the whole newspaper establishment after giving one month's notice to the journalists. The notice shall prevail wherever applicable in individual cases of working. A seven days' public notice of the re-starting of the newspaper establishment shall be given in a newspaper having wide local circulation and any working journalists discharged as a result of the closure of the newspaper establishment shall, if he presents himself within seven days of the restarting of the newspaper establishment, be given preference for employment.

(7) Notices of-

- (i) starting, re-starting, alteration and discontinuance of shift working;
- (ii) closure and reopening of a department or a section of a department;
- (iii) closure and reopening of the newspaper establishment;

shall be displayed on notice-boards maintained for the purpose in the department and the section concerned in the time-keeper's office and at or near the main entrance of the newspaper establishment.

8. In the event of the closure or discontinuance of a newspaper establishment or a department or a section of a department if the services of a permanent working journalist are dispensed with he shall, on restarting of the newspaper establishment or department or a section of department, as the case may be, be given an opportunity to service in a post substantially, similar in pay and status to the post he was holding at

the time of the closure or discontinuance provided he reports for duty within the time specified in the relevant standing order governing the re-starting in question.

9.

(1) All working journalists shall be at work at their respective places of work at the time fixed and notified. Wages of working journalists attending late shall be liable to deductions, at the discretion of the Manager provided that such deductions shall be made in accordance with the principles laid down under the Payment of Wages Act, 1936.

(2) Any working journalist, who is found absent from his proper place of duty during his working hours without permission of the Manager or any other authority appointed for this purpose or without sufficient reason, shall be liable to be treated as absent without leave for the period of such absence and the said deductions shall be made in accordance with the principles laid down under the Payment of Wages Act, 1936.

10.

(1) All working journalists shall be paid wages on a working day before the expiry of the seven days after the last day of the wage period (which shall not exceed one month) in respect of which the wages are payable.

(2) Any wages due to a working journalist but not paid on the usual pay day on account of their being unclaimed shall be paid by the employer on one or more unclaimed wage pay day or days in the following week shall be notified on the notice board as far as possible.

11. The Manager may, any time, in event of fire, catastrophe, break-down of machinery or stoppage of power supply, epidemic, civil commotion or any cause beyond his control, close down any department or departments of the newspaper establishment wholly or partially or the whole or part of the newspaper establishment of any period or periods without notice.

Wherever practicable, reasonable notice shall be given of the resumption of the normal work.

12.

(1) Subject to the Provisions of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, or any other law for the time being in force and applicable to the working journalists, the services of a working journalists may be terminated by six months' notice in the case of an editor and three months' in the case of any other journalist.

(2) A permanent working journalist desirous of leaving the service may do so by giving to the Manager six months' notice in writing in the case of an editor and three months' notice in the case of any other working journalist.

(3) Where the employment of any working journalist is terminated the wages earned by him shall be paid before the expiry of the second working day from the date on which his service is terminated and other dues, paid to him or if he is dead to his heirs as far as possible within one month and in any case not later than three months from the date on which his service is terminated.

(4) Where a working journalist leaves the services, the wages earned by him shall be paid within seven days from the date on which he leaves the services and other dues, if any, shall be paid to him or if he is dead, to his heirs as far as possible within one month, and in any case not later than three months from the date on which he leaves the services.

(5) All cases of working journalists other than those appointed on a permanent basis may leave their services without notice but the services of a working journalist shall not be terminated, as a punishment unless the procedure laid down under Standing Order 14 is followed.

(6) An order relating to termination of services of a working journalist shall be in writing and shall be signed by the Manager or an official of the newspaper establishment authorised by him for this purpose. The reason for the termination of the services shall be given in the order, a copy of which shall be given to the working journalist concerned.

13. Any of the following acts or omissions on the part of a working journalist (a) wilful insubordination or disobedience Whether or not in combination with shall amount to misconduct:-

(a) of any lawful or reasonable order of a superior;

(b) going on a strike or abetting, inciting, instigating or acting in furtherance of a strike in contravention of the provisions of any law or rule having the force of law;

(c) wilful slowing down in the performance of work or abetment or instigation thereof;

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

- (e) taking or giving bribes or any illegal gratification;
- (f) habitual absence without leave or absence without leave far more than ten consecutive days or overstaying sanctioned leave without sufficient ground or proper or satisfactory explanation;
- (g) habitual late attendance;
- (h) habitual breach of any Standing Order or any law applicable to the newspaper establishment or any rules made under such law;
- (i) riotous or disorderly or indecent behaviour or commission of any act subversive of discipline on the premises of the newspaper establishment or while on duty.
- (j) habitual neglect of work or habitual or gross negligence;
- (k) habitual breach of any rule or instruction for the maintenance and running of any department with which he is concerned;
- (l) wilful damage to work in process or to any property of the establishment;
- (m) refusal to accept a charge-sheet, order or other communications served in accordance with these Standing Orders.

(n) <sup>41</sup>[(Sexual harassment which includes unwelcome determined ns behaviour (whether directly or by implication), such as:-

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.]

14.

(1) The following penalties may be imposed by the Manager or similar authority to be nominated by him on a working journalist found guilty of any of the misconduct-

- (a) warning,
- (b) censure,
- (c) Withholding of increments,
- (d) withholding of promotions,
- (e) termination of employment by way of discharge, and
- (f) termination of employment by way of dismissal:

Provided that no such penalty shall be imposed on any working journal other than the editor except after consultation with the editor.

(2) No penalty as mentioned above shall be imposed unless a working journalist is informed in writing of the reasons for awarding a penalty and is given a reasonable opportunity to defend himself personally or through a co-worker of his choice or through an official of a trade union of working journalists of which he is a member, including the right to be heard in person and to examine the witnesses.

(3) A working journalist may be suspended during the period of an enquiry against him provided that he shall be paid during such period a subsistence allowance not less than half the wages last drawn by him while on duty.

Explanation: For the purpose of this Standing Order "wages" means wages

(4) An order of suspension shall be in writing and may take effect immediately on delivery to the working journalists.

(5) If a working journalist refuses to accept a charge-sheet, order or other communications served in accordance with these Standing Orders and provided that he has been asked to accept the charge-sheet in the presence of at least two witnesses, he shall be told verbally the time and place at which the enquiry into his alleged misconduct is to be held and if he refuses or fails to attend at that time, the enquiry shall be conducted exparte and the punishment awarded shall take account of misconduct under Standing Order 13 thus committed.



(6) If on enquiry the charges against the working journalist are not proved to be correct he shall be deemed to have been on duty during the period of suspension and shall be entitled to the wages which he could have received if he had not been suspended.

(7) In awarding penalty under this Standing Order the authority inflicting the punishment shall take into account the gravity of the misconduct, the previous record of the working journalist and any other extenuating or aggravating circumstances, that may exist.

42[14A. The age of retirement or superannuation of the working journalist may be sixty years or such other as may be agreed upon between the employer and the working journalist by an agreement, settlement or award which may be any binding on the employer and the working journalist under any law for the time

15. Any working journalist desirous of redressing any 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 a trade union of the working journalists of which he is a member, submit a complaint to the Manager or any officer appointed in this behalf. An appeal against the order of the Manager shall lie to the employer except where the Manager is the employer.

43[15A. Where an employer orders a medical examination of a workman or person desiring to be recruited as his workman under any law, contract, custom, usage applicable to his industrial establishment or under any award, agreement or settlement binding on the employer and the workmen in his industrial establishment such examination in the case of female shall be made only by a lady doctor, and the expenses of such examination shall be borne by the employer].

16. Every working journalist shall on the termination of his services, or on his leaving services, or retiring, be entitled to a service certificate.

17. The Manager of the newspaper establishment shall be personally held responsible for the proper and faithful observance of the Standing Orders.

18. The decision of the Manager on any question arising out of, in connection with, or incidental to these Standing Orders, including decision in connection with taking disciplinary action against a working journalist for misconduct shall be subject to an appeal to the employer, except where Manager is himself an employer.

19. Every working journalist shall be supplied free of cost with a copy of the certified Standing Orders applicable to him and relating to the newspaper establishment in which he is employed, as soon as after the date they come into operation; but in any case not later than three months from such date.

20.

(1) Notices to be exhibited or given under these Standing Orders shall unless otherwise provided be in English and also in the principal regional language of the local area wherein the newspaper establishment is situated.

(2) Any notice, order, charge-sheet or other communication or intimation which is addressed to the individual working journalist and is given in writing under these Standing Orders shall be in English or in the principal regional language of the local area wherein the newspaper establishment is situated.

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

2 Subs. by G.N. 1960 for "State of Maharashtra."  
3 Subs. by G. N. of 12.3.1960  
4 Ins. by G. N. of 12.3.1960.  
5 Del. by G. N. of 12.3.1960.  
6 Ins. by G. N. of 12.3.1960.  
7 Subs. by G. N. of 24-10-1972.  
8 Ins. by G. N. of 24-10-1972.  
9 Here ins. the name in full of establishment and the place and the dist. in which it is situated  
10 Subs. vide Mah. Industrial Employment (S. O. S.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
11 Subs. vide Industrial Employment (S. O. S.) Amendment Rules, 1977 published in M.G.G. dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
12 Subs. vide Industrial Employment (S. O. S.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
13 Subs. vide Mah. Industrial Employment (S. O. S.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978  
14 Subs. vide Industrial Employment (S. O. S.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
15 Ins. by G. N. of 20-2-1960.  
16 Subs. by G. N. of 20-2-1960.  
17 Ins. vide the Maharashtra Industrial Employment (S. O.) (First Amendment) Rules, 2002, published in M.G.G. Pt. 1-L, Ext. dt. 16-10-2002, p. 538.  
18 Subs. by G. N. of 20.2.1960.  
19 Subs. vide industrial Employment (S. O. S.) Amendment Rules 1977 published in MGG Pt. i-L, cit. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
20 Subs. vide the Mah. Industrial Employment (S. O. S.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
21 Subs. vide the Mah. Industrial Employment (S. O. S.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
22 Ins. by G. N. of 24-10-1972.  
23 Proprietor except where the Manager is himself the proprietor.  
24 Here ins. the name in full of establishment and place and district in which it is situated.  
25 Subs. vide the Mah. Industrial Employment (S.O.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
26 Subs. vide the Mah. Industrial Employment (S.O.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
27 Subs. vide the Mah. Industrial Employment (S.O.) Amendment Rules, 1977 published in M.3.3' Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
28 Subs. vide the Mah. Industrial Employment (S.O.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
29 Subs. vide the Mah. Industrial Employment (S.O.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
30 Subs. vide Industrial Employment (S. O.) Amendment Rules, 1977 published in M.G.G. Pt. 1-1, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
31 Ins. by G. N. of 20.2.1960.  
32 Ins. by G. N. of 20.2.1960.  
33 Ins. by G. N. of 20.2.1960.  
34 Added. by G. N. of 20.2.1960.  
35 Ins. vide the Mah. Industrial Employment (S. O.) (First Amendment) Rules, 2002, published in M.G.G. I - L, Ext. dt. 16-10-2002, p. 538.  
36 Subs. vide Mah. Industrial Employment (S. O.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
37 Subs. vide Mah. Industrial Employment (S. O.) Amendment Rules, 1977 published in M.G.G. Pt. 1-L, dt. 17-11-1977 at pages 6812-18 (w.e.f.) 2-1-1978.  
38 Ins. by G. N. of 24-10-1972.  
39 Deleted. which ever is applicable.  
40 Ins. by G. N. of 12.3.1960.  
41 Ins. vide the Mah. Industrial Employment (S. O.) (First Amendment) Rules, 2002, published in L, Ext. dt. 16-10-2002, p. 538.  
42 Added. by G. N. of 8-9-1967.  
43 Ins. by G. N. of 24-10-1972.

