

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) PUNJAB RULES, 1949

Contents

1. [Short Title and its extent	3
2. Definition	3
3. The model standing orders for the purposes of the Act shall be those set out in Schedule I appended to these Rules.	3
4. An application for certification of Standing Orders shall be made in Form I.	3
5. Prescribed particulars of workmen	3
6. Forwarding a copy of draft standing orders to the union/representative of workmen	4
6-A. [Submission of joint draft standing orders by similar industries establishments.....	4
6-B. Number of copies of draft standing orders	4
6-C. Furnishing copies of joint draft standing orders in the language spoken by the labour employed	4
6-D. Forwarding a copy of draft standing to the secretary of each trade union under Rule 6-A	5
6-E. Opportunity of being heard under Sub-Section. (2) of Section 5	5
7. Forwarding a authenticated copies of Standing orders	5
7-A. [Memorandum of appeal	6
8. [Submission of Hindi/Punjabi version of certified standing orders and exhibition thereof.....	6
9. Register to be maintained.....	6

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Notification No. 1102-LPR-49/18446 In exercise of the powers conferred by clause (b) of sub-section (2) of sub-section (2) of Section 15 of the Industrial (Employment Standing Orders) Act, 1946 (XX of 1946) hereby, the Governor of Punjab makes the following rules namely:

1. [Short Title and its extent

- (1) These rules may be called the Industrial Employment (Standing Orders) Punjab Rules, 1949.]
- (2) They shall apply to all industrial establishments in respect of which the Government or the State of Punjab as formed by section 11 of the States Reorganisation Act, 1956, is the appropriate Government.

2. Definition

In these rules, unless there is anything repugnant in the subject or context:

- "Act" means the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946).
- [fixed term employment": means an employment in which a workman has been engaged on the basis of a written contract of employment for a fixed period:]

Provided that-

(a) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman;

(b) he shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even if his period of employment does not extend to the qualifying period of employment required in the statute.]

(b) "Form" means a form set out in Schedule II append to these rules.

3[***]

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

4. An application for certification of Standing Orders shall be made in Form I.

5. Prescribed particulars of workmen

The prescribed particulars of workmen for the purposes of sub-section (3) of section 3 of Act shall be:

1 (1) Total number employed;

2 (2) Number of permanent workmen;

3 (3) Number of temporary workmen;

4 (3A) 4[Number of casual workmen;

1 (3B) 5[Number of fixed term employment workmen;]

2 (4) Number of badlies or substitutes;

3 (5) Number of probationers;

4 (6) Number of apprentices:

5 (7) Name of the trade union or trade unions. if any, to which the workmen belong;

6 (8) Remarks.

6. Forwarding a copy of draft standing orders to the union/representative of workmen

As soon as may be after he receives an application under rule 4 in respect of an industrial establishment the Certifying Officer shall:

(a) Where there is a trade union of the workmen, forward a copy of the draft standing orders to the trade union together with a notice in Form II.

(b) Where there is no such trade union, call a meeting of the workmen to elect three representatives to whom he shall, upon their election, forward a copy of the draft standing orders together with a notice in Form II.

6-A. 6[Submission of joint draft standing orders by similar industries establishments

A group of employers in similar industrial establishments may submit a joint draft of standing orders under sub-section (4) of section 3, to the Certifying Officer by registered post acknowledgement due.

6-B. Number of copies of draft standing orders

An application for certification of join draft standing orders shall be made in Form IV, and shall be accompanied by such number of copies of the joint drafts standing orders as shall equal the

number of trade unions of which the workmen working in any industrial establishment whose workmen are not members of any trade union, plus five.

The application shall also be accompanied by the particulars prescribed in rule 5 in respect of each industrial establishment intending to adopt the joint draft standing orders.

(2) On receipt of the application under sub-section (1) the Certifying Officer shall scrutinise whether all the requirements have been fulfilled and shall require the employer to comply, with such observations as may be deemed necessary to bring the draft standing orders in conformity with the provisions of the Act and these rules.

6-C. Furnishing copies of joint draft standing orders in the language spoken by the labour employed

In case the workmen represent that they are unable to follow the exact Implication of the draft standing orders and would prefer to a translation of a draft standing orders before forwarding their comments, the Certifying Officer may require the employers to furnish such number of copies of the joint draft standing orders, as he may consider necessary in the circumstances, in such languages as are understood and spoken by the labour employed in the Industrial establishments applying for joint draft standing orders.

On being so required by the Certifying Officer, the employers shall furnish the necessary translations within a fortnight, or such extended period as may be permitted by the Certifying Officer.

6-D. Forwarding a copy of draft standing to the secretary of each trade union under Rule 6-A

1 (1) As soon as may be, after an application under rule 6-A, has been accepted by the Certifying Officer, under rule 6-B, the Certifying Officer shall forward a copy of the draft standing orders to the Secretary of each trade union of which the workmen working in any of the industrial establishment are members, and where the workmen of any of the industrial establishment are not members of any trade union the Certifying Officer shall call upon these workmen to elect one representative from each such establishment, and the representatives so elected shall be served with a copy each of the draft standing orders together with a notice in Form II.

6-E. Opportunity of being heard under Sub-Section. (2) of Section 5

1 (1) On receipt of the various objections and suggestions received within fifteen days or such extended period, as the Certifying Officer may permit, the Certifying Officer shall give the employers and the trade unions and such other representative of the workmen as have been elected by the individual industrial establishments, an opportunity of being heard as required under sub-section (2) of section 5 of the Act:

Provided that where the number of representatives of the workmen exceeds twelve the Certifying Officer, may require that the representatives of the workmen shall call a joint meeting among themselves, and elect by two-thirds majority a number of their representatives which shall not exceed twelve.

A meeting for holding such election shall be held after one week's clear notice given by the Certifying Officer to the various representatives and shall be attended by an officer of the Labour Department as an observer.

1 (2) The representatives of the employers for this purpose shall be deemed to be the signatories to the application made in Form IV:

Provided that such signatories may also be accompanied by other representatives of the employers who intend to adopt the joint draft standing orders; but the total number of the representatives of the employers shall not exceed twelve.

1 (3) If any of the representatives of the employers or the workmen, who are not eligible to attend the joint discussions in accordance with the provisions of sub-rules (1) and (2) above, desire to be heard, it shall be within the discretion of the Certifying Officer to admit any of them to the joint discussions.

7. Forwarding a authenticated copies of Standing orders

Standing orders, certified in pursuance of sub-section (3) of section 5 or sub-section (2) of section 6 of the Act shall be authenticated by the signatures and seal of office of the Certifying Officer or the appellate authority, as the case may be and shall be forwarded by the such officer or authority within a week of authentication by registered letter post to the

employer and to the trade union, or, as the case may be the representative of the workmen elected in pursuance of rule 6.

7-A. 7[Memorandum of appeal

1 (1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quintuplicate to the appellate authority accompanied by a certified copy of the Standing Orders, amendments or modifications, as the case may be.]

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

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

4 (a) Where the appeal is filed by a workman or by the employer to trade unions of the workmen of the Industrial establishments and where there are no such trade unions to be representatives of workmen elected under clause (b) of the rule 6, or as the case may be, to the employer;

5 (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;

6 (c) Where the appeal is filed by the representative of the workmen, to the employer and any other workman whom the appellate authority joins as a party to the appeal.

7 (4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

8 (5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.

9 (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.

8. s[Submission of Hindi/Punjabi version of certified standing orders and exhibition thereof

1 (1) The employer shall within thirty days of the receipt of a certified copy of the Standing Orders under rule 7, submit to the Certifying Officer, Hindi/Punjabi version thereof for his approval, who shall ensure correctness of the same.

2 (2) Every employer shall cause to be pasted the Hindi/Punjabi version of the Standing Orders so approved along with the English Text in the manner prescribed.]

9. Register to be maintained

1 (1) The register required to be maintained by section 8 of the Act shall be in Form III and shall be properly bound and the Certifying officer shall furnish a copy of standing

1 orders approved for an industrial establishment to any person applying thereof on payment of a fee of rupee one a copy.

9[SCHEDULE I

MODEL STANDING ORDERS

Standing Orders in respect M/s _____

1 1. Commencement

These standing orders shall come into force with effect from _____ in accordance with section 7 of the Industrial Employment (Standing Orders) Act, 1946, and the rules made thereunder, and shall apply to all workmen employed by M/s _____ provided that the employer may frame different sets of standing orders for different categories of workmen.

1 2. Definitions

In these standing orders unless the context otherwise requires:

(a) "the Company" means M/s _____

(b) "the Manager" means the person resignation as such and where the establishment is covered under the Factories Act, 1948, the person whose name has been notified to the Chief Inspector under section 7 of the said Act and shall include the acting Manager when the Manager is absent provided he is duly authorised to act as such by the company;

(c) "Workman" means a workman as defined in section 2 (i) of the Industrial Employment (Standing Orders) Act, 1946;

(d) "Season" means the period or periods of each year during which the principal operation of a seasonal undertaking is carried on;

(e) "Notice" means a notice in writing required to be given or to be posted for the purpose of these standing orders:

(f) "Notice-board" means the notice-board maintained in a conspicuous place at or near the main entrance of the Works Buildings for the purpose of displaying notices required to be pasted or affixed under the provisions of the standing orders and includes in the case of employees working in 8 particular department of the Works, the notice-board maintained in such department or departments;

(g) "Muster roll" means all registers wherein the attendance of the workmen is marked and maintained under any of the Labour Laws;

(h) "Medical certificate" means a certificate granted by a Registered Medical Practitioner;

(i) words importing the masculine gender shall include the feminine gender, except where expressly mentioned otherwise; and

(j) words importing the singular number shall include the plural number and vice versa.

Classification of workmen

1 **3. The workmen shall be classified as under**

2 (a) permanent;

3 (b) probationers;

4 (c) temporary;

5 (ca) ¹⁰[fixed term employment workman"; and]

6 (d) badli or substitutes;

7 (e) casual;

8 (f) apprentice;

9 (a) A 'permanent workman' is a workman who has been engaged on permanent basis and included any person engaged against a permanent post and confirmed as such in accordance with sub-clause (b) below.

10 (b)

11 (i) A 'probationer' is a workman who is provisionally employed to fill vacancy in a permanent post and has not been confirmed as permanent in accordance with these standing orders. Ordinarily the period of probation shall be 6 months, but it may be extended by a period of three months at a time at the discretion of the management, if the management considers it necessary in any case to further adjudge the work and merits of a workman. The maximum probation period shall, however, in no case extend beyond one year.

12 (ii) In computing the period of probation the days on which the workman was absent due to authorised leave, sickness, maternity leave, accident, lock-out or a strike (which is not illegal) or temporary closure of the undertaking shall be included.

13 (iii) If a workman continues in service on the expiry of the 13th (Thirteenth) month of service, he shall be deemed to have been automatically confirmed in his appointment.

14 (iv) If a permanent workman is employed as a probationer in a new post or a vacancy and his work during probation is not found satisfactory, he may at any time during the probationary period he reverted to his substantive post and shall not lost his lien on his permanent post on this account

15 (c) A 'temporary workman' is a workman who has been engaged for a work which is of as essentially temporary nature likely to be finished within a limited period.

16 (ca) 11[A 'fixed term employment workman' is a workman who has been engaged on the basis of a written contract of employment for a fixed period.

Provided that-

- (a) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman; and
- (b) he shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even if his period of employment does not extend to the qualifying period of employment required in the statute.]
- (d) A 'Badli' or 'Substitute' workman is a workman who has been appointed in the post of permanent workman or a probationer, who is temporarily absent.
- (e) A 'casual workman' is a workman who is employed for work of a casual nature
- (f) An 'apprentice' is a learner who is engaged for training in a job, trade or craft for a specified period to be expressed in the contract of appointment irrespective of his being paid an allowance or not for the training and of the understanding of his subsequent absorption in the establishment.

Note 1: An employer may provide different period of probation for different categories of workmen of his establishment subject to the maximum of one year as in clause (b) (i).

Note 2: Suitable period of apprenticeship shall be provided in individual units by tin management.

1 **4. Appointment letter**

Every workman shall be given an appointment letter in form, appended herewith.

Note: This form shall in fact be an application form for appointment to be filled in duplicate by the applicant as a candidate for the post and one copy thereof shall be returned to him by the management containing orders of his appointment. On this form the management shall incorporate any other conditions of service made applicable to the candidate not inconsistent with the standing orders.

1 **5. Attendance cards and muster rolls**

2 (1) The name of every workman shall be entered on the muster roll clearly indicating the classification to which he belongs.

3 (2) Every workman shall be given an attendance card/token/ticket which shall contain his particulars.

4 (3) If a workman loses his attendance card, - it shall be replaced on application and payment of a sum of twenty-five paise.

5 **6. Requirement to enter the premises by certain gates and liability to be searched**

6 (1) No workman shall enter or leave the premises of the establishment except by the gate or gates appointed for the purpose and clearly marked 'Entrance or Exit'.

1 (2) A workman who is off his duty, has resigned, or has been discharged, suspended or declared by a competent medical authority to be suffering from a contagious or infectious disease shall immediately leave the premises of the establishment and shall not enter any part of it, except for bonafide purposes and with the express permission of the Manager.

2 (3) All workmen shall be liable to search with due dignity both at the time of entry, and exit at the main entrance by a person of the same sex authorised by the Manager in this behalf and if he so chooses in the presence of a co-workman of his choice, if readily available.

3 **7. Publication of working hours and period of work**

The periods and hours of work for all classes of workmen in each shift shall be exhibited in English or Hindi on the notice boards maintained at or near the entrance to the establishment and at the Time Keepers Office, if any.

1 **8. Publication of holidays and paydays**

Notices specifying (a) the days observed by the establishment as holidays and (b) pay days, in English or Hindi shall be displayed on the notice-boards maintained at or near the entrance of the establishment and at the Time Keeper's Office, if any.

1 **9. Publication of Wage rates**

Notices specifying the rate of wages payable to all classes of workmen and for all categories of work shall be displayed on the said notice board.

1 **10. Shift Working**

More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another.

If as a result of the discontinuance of the shift working any workmen are to be retrenched such retrenchment shall be affected in accordance with the provisions of the industrial Disputes Act, 1947 (Act XIV of 1947), and the rules made thereunder.

If shift working is restarted, the workman shall be given notice and reemployed in accordance with the provisions of the said Industrial Disputes Act and Rules.

Note: The Shift working shall be arranged in such a manner of rotation that no work men shall be permanently in the night shift.

1 **11. Attendance and late coming**

All workmen shall be at work in the establishment at the time fixed and notified. Employees attending late by more than five minutes of the starting time may, at the discretion of the management be shut or allowed to resume work and shall be liable to the deductions provided for in the Payment of Wages Act. 1936. and the rules made thereunder. Habitual late attendance shall be treated as misconduct.

1 **12. Absence**

(a) Any workman, who after presenting his ticket, attendance card or token or after clocking, is found to be absent from his proper place of duty during working hours without permission or without any such reasons as may be beyond his control, shall be liable to be treated as absent from duty for the period of such absence.

(b) If, however, a workman is absent from the premises of the establishment during hours of his duty without proper permission, he shall be treated as absent for the whole day in case the

absence commences before the recess period and do for half day in case it commences after the recess period, such a workman shall be liable for deduction in his wages in accordance with the provisions of the Payment of Wages Act, 1936 and the rules made thereunder, provided further that this will be without prejudice to any disciplinary action which may be taken against him:

Provided further that if ten or more workmen acting in concert absent themselves without giving 15 days notice in writing and without reasonable cause, the management shall be entitled to deduct upto 8 days of wages of the workmen as per section 9 (2) of the payment of Wages Act, 1936.

(c) A workman shall be deemed to be absent, if he fails to attend his duty, unless he has obtained prior permission for such absence from the competent authority unforeseen circumstances made an application to this effect within forty-eight hours of the commencement of the absence.

13. Payment of Wages

(1) All workmen shall be paid wages the expiry of the seventh day of the wages period in respect of which the wages are, if the number of workmen employed by establishment does not exceed one thousand and before the expiry of the tenth of the day of such wage period in all other cases.

(2) Any wages due to a workman, but not paid on the usual pay day on account of their having remained unclaimed shall he paid on unclaimed wages pay day which day shall be notified on the notice-board in English and Hindi and shall be notified before the twentieth day from the expiry of the wage period.

(3) Unclaimed wages of a deceased workman shall he paid to his legal nominee or legal heirs before the expiry of the third working day on which a substantiated claim is presented by his nominee or heir or on his behalf by a legal representative, provided such a claim is submitted within three years of the death of the workman. For this purpose a claim shall be considered to be substantiated, if it is certified by an Gazetted Officer or a Municipal Commissioner, MLA or a Sarpanch of the Village of the deceased workman or of his heir. However, where a deceased workman has already declared his nominee tinder the Provident Funds Act, he will be considered as rightful claimant and heir for the unclaimed wages.

(4) All unclaimed wages shall be kept for payment to the workmen or the legal heirs or legal nominees for three years from the period they are due to be paid tiller which period these shall be remitted to the Welfare Commissioner for the purposes

1 provided for under the Punjab Labour Welfare Fund Act, 1965, and the rules made thereunder.

2 (5) Where the employment of any workman is terminated which term shall include resignation, the wages earned by him and his other dues payable by the management shall be paid before the expiry of the second working day from the day on which he ceases to be in the employment of the establishment, provided the workman has handed over the possession of the quarter, tools, furniture and all other property of the Company entrusted, to him.

3 **14. National and Festival Holidays and Casual and Sick Leave**

National and festival holidays, casual and sick leave shall be granted to all workmen in accordance with the provisions of the Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave), Act, 1965, and the rules made thereunder or in accordance with any settlement agreement or award, whichever is more beneficial to the workman.

1 15. Maternity Benefit Leave

Maternity benefit leave shall be allowed as provided in the Maternity Benefit Act, 1961, and the Employees State Insurance Act, 1948.

1 16. Privilege or Earned Leave

Leave with wages shall be allowed to all workman in accordance with Chapter VIII of the Factories Act, 1948. A workman, who desires to avail of his leave due under the Factories Act otherwise than in accordance with the scheme approved by the Chief Inspector of Factories under section 79 (8) and (9) shall apply to the Manager for it in the manner prescribed below.

1 (1) An application shall be made in writing to the Manager or the person authorised and notified for the purpose stating clearly the date from which the leave is required, reasons warranting the grant of such leave and the duration for which it is required giving the address for communication during the period of leave and shall be submitted to the Officer notified for the purpose or the Manager, at least 15 days in advance, if the leave is for a duration longer than three days and two days, in advance by the duration applied for is less than three days, except when it is on medical grounds, death or serious illness in the family-accident or fire in the personal house or any such natural catastrophe in which case the application may be made the same day. Orders on the leave application shall be passed without delay and always before the leave applied for is to commence or within twenty-four hours of the receipt of the application in case it is received on the same day under the circumstances mentioned above and shall be communicated to the workman and in the alternative it shall be presumed that the leave applied for has been sanctioned to the workman.

2 (2) If the leave applied for is granted, a leave pass shall be issued to the workman, if it is refused, the fact of such refusal shall be communicated to the workman before the leave applied for is to commence.

1 (3) In the event of a workman desiring extension of the originally sanctioned leave or a subsequently extended and sanctioned leave he shall make an application in writing to the Manager specifically stating the reasons warranting such an extension and shall submit it sufficiently in advance of the expiry of the leave allowed. The manager or any other authorised person on his behalf shall as soon as possible on receipt of such application inform the workman on the address given by the applicant whether the extension applied for has been sanctioned or refused. Reply shall be sent without delay under certificate of posting. If the workman desires a telegraphic reply by the management he shall send a reply paid telegram.

2 (4) If the workman remains absent without sanctioned leave or beyond the period of leave originally granted or subsequently extended he shall lose his lien on his appointment unless (a) he returns within 10 days of the commencement of the absence of the expiry of the leave and (b) explain to the satisfaction of the Manager the reason of his absence of his inability to return on the expiry of the leave, as the case maybe.

In case he loses his lien on his appointment he shall be entitled to be kept on the Badli list where there is Badli system.

1 **17. Termination of employment and resignation**

2 (1) Where it becomes necessary to terminate the services of a permanent workman due to reasons to be recorded in writing such reasons being reasons other than misconduct, retrenchment or close down, such as his being declared by the Government as a traitor or a person likely to jeopardise the safety of the establishment, and subject to the provision of the Employees State Insurance Act and Workmen's Compensation Act or a workman who develops serious defect in the eyes-sight or hearing or mental deficiency one month's notice in writing shall be given by the management or salaries in lieu thereof to the workman concerned.

3 (2) ¹²[Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947):

4 (i) no notice of termination of employment shall be necessary in the case of temporary workmen whether monthly rated, weekly rated or piece rated and probations or badli workmen; and

5 (ii) no workman employed on fixed term employment basis as a result of non-renewal of contract or employment or on the expiry of such contract period without it being renewed, shall be entitled to any notice or pay in lieu thereof, if his services are terminated:

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 paragraph 20.

2(a) Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947);

(i) no notice of termination of employment shall be necessary in the case of temporary and badli workmen; and

i (ii) no workman employed on fixed term employment basis as a result of non-renewal of contract or employment or on the expiry of such contract period without it being renewed, shall be entitled to any notice or pay in lieu thereof, if his services are terminated:

Provided that a temporary workman, who has completed three months continuous service, shall be given two weeks notice of the intention to terminate his employment, if such termination is not in accordance with the terms of the contract of his employment:

Provided further that when the services of a temporary workman, who has not completed three month's continuous service, are terminated before the completion of the term of employment given to him, he shall be informed of the reasons for termination in writing and when the services of a badli workmen are terminated before the return to work of the permanent incumbent or the expiry of his (badli's) term of employment, he shall be informed of the reasons for such termination in writing".]

1 (3) If a permanent workman intends to leave the service of establishment he shall give one month's notice of his intention to do so in writing to the management or may, if he wants to be relieved earlier, surrender in lieu thereof wages equivalent to the delays for which the notice falls short of one month. But if the exigencies of the work so require, the management may refuse to relieve him earlier than the entire period of notice has run out.

13[***]

1 **18. Stopping of annual increments**

Unless there is an order stopping the annual or periodical increment of a workman and if no orders are passed with holding such increment within one month of the completion of each year of service in the cadre, the workman if he is employed on a job carrying a grade of scale of pay, shall be deemed to have earned that increment and shall be entitled to its grant with arrears of payment.

1 **19. Complaints and grievances procedure**

Any workman having a cause for complaint about his work or working conditions shall have a right to present his case for investigation and consideration within two days of the arising of the cause. The procedure for its redress shall be as follows:

Stage I - A workman desiring to raise any question in which he is directly concerned shall in the first instance discuss it with his immediate supervisor or his sectional head.

Stage II - Failing a satisfactory solution of his problems by his immediate supervisor or his sectional head, as the case may be, within three days the workman may request the consideration of his case by the Grievance Committee which shall be constituted as under:

Grievance Committee

(a) Two members to be nominated by the management.

(b) Two representatives of the workmen to be nominated by the concerned workmen,

(c) The Manager or any other officer of the establishment notified in this behalf shall be the chairman of this committee, but he will not vote in case of a division.

(d) The committee shall be constituted by the Management in the presence and with the approval of the Labour Officer or Conciliation Officer of the area.

Stage III - Failing a satisfactory solution by the Grievance Committee within one week the workman may raise a regular industrial dispute.

1 **20. Disciplinary action of misconduct**

2 (1) The following acts and omissions shall be regarded as acts of misconduct.

Note: This list is illustrative and not exhaustive.

(a) Wilful insubordination or disobedience whether alone or in combination with others, to any lawful and reasonable orders of a superior.

(b) Theft, fraud or dishonesty in connection with the employer of business or property or co-workers property.

(c) Wilful damage to or loss of employers property.

(d) Taking or giving bribes or illegal gratification.

(e) Habitual absence without leave or absence with leave for more than 10 days.

(f) Habitual breach of any law applicable to the establishment.

(g) Habitual late attendance.

(h) Riotous or disorderly behavior during working hours at the establishment.

- (i) Gross negligence or habitual neglect of work.
- (j) Habitual repetition of any act or omission for which a fine may be imposed.
- (k) Striking work illegally or inciting others to strike work illegally.
- (l) Smoking in places where smoking is prohibited by a notice duly displayed.
- (m) Sleeping while on duty.
- (n) Wilful and deliberate slowing down of work or inciting others to slow down.
- (o) Conviction by a court of law for an offence involving moral turpitude.

Note: If the workman is subsequently acquitted by the court of law he shall be reinstated.

- (p) Throating, intimidating, abusing or assaulting any superior or a co-worker in connection with the employers business.
- (q) Preaching of or inciting to violence likely to jeopardise the safety of the establishment.
- (r) Borrowing from a subordinate.

- (s) Wilful tampering with any safety devices installed in the establishment.
- (t) Drunkenness or intoxication while on duty.
- (u) Refusal to undergo training in First aid and Air-raid precautions without cogent reasons.
- (v) Distribution of pamphlets and holding of meetings in the premises without permission.
- (w) Any other act subversive of discipline.

(2) The services of a workman shall not be terminated on the ground of misconduct, unless he has been adjudged guilty of misconduct after a domestic enquiry held in the manner prescribed below:

(a) Where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension he may, by order in writing suspend him with effect from such date as may be specified in the order. A charge-sheet shall also be served on the workman within a week from the date of suspension setting out the details of the alleged misconduct and shall contain the name of the Enquiry Officers and the place where the enquiry shall be held. The workman shall be given an opportunity for explaining the circumstances alleged against him. Such a workman may be assisted by another workman of the choice of the workman ' for by an office bearer of a trade union of which he is a member], If the workman refuses to accept the charge-sheet in the presence of another workman, it shall be pasted on the notice board and shall be deemed to have been served on him. If the workman fails to present himself at the proper place before the Enquiry Officer to participate in the enquiry, the enquiry shall be proceeded ex-parte.

(aa) ¹⁴[The proceedings of the enquiry shall be recorded in Hindi or English as is preferred by the workman.]

(b) A workman who is placed under suspension under clause (a) shall during the period of such suspension be paid a subsistence allowance at the following rates, namely,

(i) Where the enquiry contemplated or pending is departmental the subsistence allowance shall for the first 60 days from the date of suspension, be equal to half of the basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled if he was on leave with wages. If the departmental enquiry gets prolonged and if the workman continued to be suspended for a period exceeding 60 days the subsistence allowance

shall for such period be equal to 3/4th of such basic wages, dearness allowances and other compensatory allowance:

Provided that where such enquiry is prolonged beyond the period of 60 days for reasons directly attributable to the workman the subsistence allowance shall, for the period exceeding 60 days, reduced to 1/4th of such basic wages, dearness allowance and other compensatory allowances.

i (ii) Where the enquiry is by an outside agency where criminal proceedings against the workman are under investigation or trial, the subsistence allowance shall for the first 180 days from the date of suspension be equal to half of his basic wages, dearness allowance and other compensatory allowance which the workman would have been entitled to if he were on leave. If such enquiry or criminal proceedings get prolonged and the workman continues to be on suspension for a period exceeding 180 days, the subsistence allowance shall for such period be equal to 3/4th of such wages;

Provided that where such enquiry or criminal proceeding is prolonged beyond the period of 180 days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding 180 days, be reduced to 1/4th of such wages.

(c) If on the conclusion of the enquiry or of the criminal proceedings, the workman has been found guilty of the charges framed against him and it is considered, after giving the workman concerned, a reasonable opportunity of making representation on the penalty proposed, that an order of dismissal or suspension or fine, or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly:

Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period and the subsistence allowance already paid to him shall not be recovered:

Provided further that where the period between the date on which the workman was suspended from duty pending the enquiry or investigation or trial and the date on which an order of suspension was passed under this clause exceeds 4 days, the workman shall be deemed to have been suspended only for 4 days or for such shorter period as if specified in the said order or suspension and for the remaining period he shall be entitled to the same wages as he would have received if he had not been placed under suspension after deduction the subsistence allowance paid to him for such period:

Provided further that where an order imposing fine or stoppage of annual increment or reduction in rank is passed under the clause, the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed

under suspension, after deducting the subsistence allowance paid him for such period:

Provided further that in the case of a workman to whom the provisions of clause (2) of the article 311 of the Constitution apply the provisions of that article shall be complied with.

(d) If a workman is found guilty under clause (c) above and it is considered that the period of suspension up to the conclusion of the enquiry was sufficient punishment orders shall be passed to reinstate the workman and treating the period of suspension as punishment without any further payment for the Period excepting the suspension allowance admissible: provided that this period of suspension shall not exceed 30 days.

(e) If on the conclusion of the enquiry of the criminal proceedings the workman has been found to be not guilty of any of the charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension after deducting the subsistence allowance paid to him for such period.

(f) The payment of subsistence allowance under this Standing Order shall be subject to the workman concerned not taking up any employment during the period of suspension.

(g) In awarding punishment under this Standing Order, the management 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.

(h) A copy of the orders passed by the manager shall be supplied to the workman concerned. whereupon the order shall become operative, if the workman makes an application a copy of the enquiry proceedings shall be supplied to him without delay.

21. Certificate of termination of service

Every workman shall be entitled to a service certificate at the time of his discharge, dismissal or retirement from the service.

1 22. Liability of the manager

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

1 23. Exhibition of Standing Orders

2 (1) A copy of these Standing Orders in English or Hindi shall be pasted at the Manager's office as well as on a notice board maintained at or near the main entrance of the establishment marked "Standing Orders" and shall be kept in a legible condition.

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(2) In case of any conflict in the meaning of the Standing Orders in English or Hindi language, the English text shall be taken to be authentic.

- ¹ Subs. vide Pb. Govt. No. 1372-IV-Lab-11-60/5394. dated 25th February, 1960.
- ² Inserted by Haryana Govt. Gaz, Notification No. 11/25/2018-4Lab. dated the 14th December, 2018.
- ³ The Haryana Government made the draft rules vide notification No. 11/4/2012-4Lab, dated 10th July, 2012 are as under-
In the Industrial Employment (Standing Orders) Punjab Rules, 1949, as applicable to the State of Haryana (hereinafter called the said rules), after rule 2. the following rule shall be inserted, namely:
'2A. In Schedule to the Act, after item 10, the following item shall be added namely:
"10A. Age of Superannuation of a workman."
- ⁴ Added by Punjab Govt. Noti. No. 10646/4231-C-LP-56/56676, dated 11th July, 1950.
- ⁵ Inserted by Haryana Govt. Gaz, Notification No. 11/25/2018-4Lab. dated the 14th December, 2018.
- ⁶ Added by Punjab Government notification No. 9149-LP-50/5648, dated the 30th November, 1950.
- ⁷ Inserted by Pub. Govt. Notification No. GSR 51/CA 20/46/S. 15/64. dated 27th January. 1964.
- ⁸ Subs. vide Hr. Govt. Notification No. GSR-144/CA-20/46/S. 15/Amd 69. dated 25.9.1969.
- ⁹ Subs. vide Haryana Govt. Notification No. GSR-144/CA-20/46/S-15/Amd 69 dated 25.9.1969.
- ¹⁰ Inserted by Haryana Govt. Gaz, Notification No. 11/25/2018-4Lab. dated the 14th December, 2018.
- ¹¹ Inserted by Haryana Govt. Gaz, Notification No. 11/25/2018-4Lab. dated the 14th December, 2018.
- ¹² Substituted by Haryana Govt. Gaz, Notification No. 11/25/2018-4Lab. dated the 14th December, 2018.
- ¹³ The Haryana Government made the draft rules vide notification No. 11/4/2012-4Lab, dated 10th July, 2012 are as under-
In the said rules, In Schedule 1, in model standing orders, after clause 17, the following clause shall be inserted namely: -
"17A. Age of Superannuation.- The age for retirement or superannuation of the workman may be sixty years or such other age as may be agreed upon between the employer and the workman by any agreement, settlement or award, which may be binding on the employer and the workman under any law for the time being in force."
- ¹⁴ Inserted vide Hr. Govt. Notification No 1308-4-Lab-77/3549, dated 28.2.1977.

