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The
Dadra And Nagar Haveli
Gazette

सरकारी राजपत्र

संघ प्रदेश दादरा एवं नगर हवेली, प्रशासन



भारत सरकार / Government of India

असाधारण

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प्राधिकरण द्वारा प्रकाशित

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Administration of
Dadra and Nagar Haveli, U.T.,
Labour Department

LEO/IE(SO)/ACT/1739/2005

Silvassa. Date : 09/12/2005.

NOTIFICATION

Whereas the Administrator of Daman & Diu & Dadra and Nagar Haveli was of the opinion that the provisions of the Industrial Employment (Standing Orders) Act, 1946 (Act No. XX of 1946), should be applied to all industrial establishments in which twenty or more workers are employed or were employed on any day of the preceding twelve months and to prescribe a separate Model Standing Order for such industrial establishments.

And Whereas intention was published as required by proviso to sub-section (3) of Section 1 of the Industrial Employment (Standing Orders) Act, 1946 in the Gazette of Dadra and Nagar Haveli, Extra Ordinary, Part-V vide Notification No. LEO/IE(SO)Act/603/2005 dated 12/05/2005, for inviting objections and suggestions from all persons likely to be affected thereby on or before the expiry of a period of two months from the date of publication of the said Notification in the Official Gazette.

And Whereas copies of the said Gazette were made available to public on 13th May, 2005.

And Whereas the objections and suggestions received from the public on the said draft have been duly considered.

Now, therefore, in exercise of the powers conferred by proviso to sub-section (3) of Section 1 of the Industrial Employment (Standing Orders) Act, 1946, and after having considered the objection/ suggestion, the Administrator of Daman and Diu & Dadra and Nagar Haveli is hereby pleased to

apply the provisions of the Act and prescribe a separate Model Standing Orders for the industrial establishments in which twenty or more workers are employed or were employed on any day of the preceding twelve months and is further pleased to set out the following Model Standing Orders :-

1. Short title and Commencement

(1) These Orders may be called the Dadra and Nagar Haveli Industrial Employment Model Standing Orders, 2005.

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Classification of Workers

(1) Workers shall be classified as :-

(i) **Permanent** :- A worker who has been engaged on a permanent basis or who has satisfactorily completed his probation period.

Provided that if no appointment letter is issued or where the worker has been appointed on probation no letter of confirmation is issued at the end of the probation period, the worker shall be deemed to be a permanent worker.

(ii) **Probationer** :- A worker who has been employed to fill a permanent vacancy but is on trial.

Provided that period of probation shall be one year which may be extended by three months at a time so, however, that the total period of probation shall in no case exceed eighteen months.

Provided further that if the employer fails to issue the letter of confirmation after the maximum period mentioned in the first proviso the worker shall be deemed to have been confirmed.

(iii) **Temporary** :- A worker who is engaged for a fixed term for work which is temporary or for temporary increase in normal work.

(iv) **Apprentice** :- A person appointed under the provisions of the Apprentices Act, 1961.

(v) **Trainee** :- A person appointed for the purpose of being trained provided that such worker shall be paid at the same rate as a temporary worker.

(vi) **Badli** :- A person who is appointed to work in the place of a regular or temporary worker who is on leave of absence.

(2) Every worker shall be issued token number or identity card containing his name, his father's name, address, name of the establishment where he is employed, his designation, and classification such as permanent, probationer and so on.

3. Appointment Letter

- (1) Every worker shall be issued appointment letter containing the following details:
- (i) Name of the worker
 - (ii) Father's Name
 - (iii) Residential Address - Local & Permanent
 - (iv) Designation
 - (v) Date of appointment
 - (vi) Classification
 - (vii) Terms of Appointment
 - (viii) Nominee for Social Security Purposes
- (2) The letter of appointment shall be issued by a person duly authorized in this behalf by the employer.

4. Working Hours

- (1) The working hours of the establishment shall be _____ to _____ (here give details of the timings of the establishment and also of the worker) and any change in this regard shall be communicated to the worker 24 hours in advance.
- (2) All workers shall be at work at the time fixed and notified. Workers attending late would be liable for deductions of wages.
- (3) For the work, beyond normal working hours overtime wages shall be paid to the workers as prescribed in the Law on Hours of Work, Leave & Other Working Conditions at the Workplace at double the rate of his normal wages, on a hourly basis.

5. Shift Working

Workers may be required to work in shifts, provided that no worker shall be required to work continuously for more than fifteen days in the night shift.

6. Leave

- (1) Every worker who has worked for 240 days or more shall be allowed during the subsequent calendar year one days earned leave with wages for every 20 days work in case of all establishments above ground and one days earned with wages for 15 days work in case of a worker working in a mine where the work is carried on below ground, provided that the employer may allow leave on a pro rata basis to the workers even before the completion of one year.
- (2) A worker who desires to go on leave shall apply to the employer or any other office of the establishment specified by the employer who shall issue orders on the application within a week of its submission or two days prior to commencement of leave applied for and where the leave application is made three days before its commencement, the order shall be given on the same day and if the leave is refused or postponed, the fact of such refusal or postponement shall be recorded in writing in the register to be maintained for the purpose and the worker shall be supplied with a copy of the entry made in the leave register. If the worker desires an extension thereof he shall apply to the employer or to the specified officer who shall send a written reply either granting or refusing extension of leave to the worker at the address maintained in the record or given in the original application for leave.

- (3) If the worker remains absent for more than 10 days beyond the period of leave originally granted or subsequently extended he shall lose the lien on service unless he explains to the satisfaction of the employer his inability to return before the expiry of his leave.

7. Casual Leave and Sick Leave

- (1) Every worker shall be allowed 8 days casual & sick leave in a year.
- (2) Causal leave shall not be granted for more than three days at a time except in case of sickness. The causal and sick leave is intended to meet special circumstances which cannot be foreseen. Ordinarily previous permission of the employer or the Head of the Department or Section shall be obtained before availing such leave and where the same is not possible the Head of the Deptt. shall be informed as soon as is practicable.

8. Festival Holidays

Every establishment shall observe 8 holidays in a year, out of which 3 would be National Holidays, i.e. Republic Day, Independence Day & Gandhi Jayanti and the remaining holidays shall be declared every year and notified to the workers by displaying the same on the notice board.

9. Attendance

All workers shall be at the workplace specified for them and shall not leave the place of work without permission during working hours or without sufficient reasons and any unauthorized absence shall be treated as absence liable to deductions being made from the wages pro-rata to the period of absence.

10. Stoppage of Work

The employer may in the event of breakdown of machinery, stoppage of power supply, raw material or for any other reason stop the working of the establishment and in the event of such stoppage the workers shall be notified by notice put up on the notice board. The workers shall be required ordinarily to remain within the establishment after commencement of stoppage for not more than 2 hours unless the employer has declared the lay off. In the event of lay off or if they are not required after remaining 2 hours in the establishment they shall be paid the lay off compensation. In case the lay off continues for more than 45 days the employer may retrench the workers as per law on the subject.

11. Termination of Service

- (1) For termination of employment of a permanent worker a one month's notice shall be required to be given either by the employer or the worker or either party may make payment of wages for one month in lieu of the notice period.
- LX (2) No notice shall be required by either side for termination of employment of a temporary, probationer or a badli worker unless the termination is on account of misconduct.
- LO (3) Where an employment of any worker is terminated or he or she quits, the wages earned by him or her and the other dues shall be paid before expiry of 48 hours of termination or as the case may be quitting of employment.

Discipline, Misconducts and Disciplinary Action

- (1) All workers shall perform the duties entrusted to them by the management from time to time.
- (2) All workers shall maintain discipline in the establishment and with respect to the work of the establishment.
- (3) The following is an illustration of acts or omissions which shall be treated as misconduct:-
 - (a) Wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior.
 - (b) Theft, fraud or dishonesty in connection with the employer's business or property.
 - (c) Wilful damage to or loss of employer's goods or property or to the work in progress.
 - (d) Taking or giving bribes or any illegal gratification.
 - (e) Habitual absence without leave or absence without leave for more than 10 days.
 - (f) Habitual late attendance.
 - (g) Habitual breach of any law applicable to the establishment.
 - (h) Riotous or disorderly or violence behaviour during working hours at the establishment or any act subversive of discipline.
 - (i) Habitual negligence or gross neglect of work.
 - (j) Resorting to 'go-slow' or 'work to rule'.
 - (k) Striking work or inciting others to strike work in contravention of the provision of any law, or rule having the force of law.
 - (l) Conviction in any Court of Law for any criminal offence involving moral turpitude.
 - (m) Drunkenness, fighting or riotous, disorderly or indecent behaviour while on duty at the place of work
 - (n) Failure or refusal to wear or use any protective equipment given by the employers.
 - (o) Failure to comply with norms relating to safety or working in a manner which is likely to cause an accident.
 - (p) Causing sexual harassment to female workers.
 - (q) Sleeping on duty.
 - (r) Malingering or slowing down the work.
 - (s) Leaving work without permission or sufficient reason.
 - (t) Threatening or abusing or assaulting any superior or co-worker.
 - (u) Preaching of or instigating others to resort to violence.
 - (v) Going on illegal strike either singly or with others.

- (w) Disclosing to any unauthorised person of any confidential information in regard to the working or process of the establishment which may come, into the possession of the worker in the course of his work.
 - (x) Refusal to accept any order or notice or any communication in writing.
- (4) No order of punishment, under the Standing Orders shall be made unless the worker concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the allegations made against him. A departmental inquiry shall be instituted before dealing with the charges or awarding any punishment.
- (5) Where a disciplinary proceeding against a worker is contemplated and where the presence of such worker is likely to, in the opinion of the employer, create indiscipline or jeopardise the investigation into alleged misconduct, the employer may suspend the worker pending enquiry.
- Provided that during the pendency of suspension, the worker shall be paid subsistence allowance at the rate of 50% of the wages for the first three months and 75% wages thereafter and if after enquiry, the charges levelled are not proved, the worker will be entitled to full wages.
- Provided further that if the delay in completion of proceedings and enquiry into misconduct is attributable to the worker the subsistence allowance shall not exceed 50% of his wages.
- (6) Where a worker is found guilty of misconduct after an enquiry, the employer may warn the worker or impose the punishment of suspension without wages for a period of not exceeding 15 days or stoppage of increments or demotion or termination or dismissal from service depending on the gravity of the misconduct.
- Provided that no such punishment shall be imposed without giving an opportunity to the worker to explain his position except if he or she is only warned.
- (7) If a worker is arrested on charge of offence relating to moral turpitude, the employer may suspend the worker without pay till such time the worker is honourably acquitted and where the worker is held guilty and sentenced, the employer may terminate the services of such a worker.

13. Payment of Wages

- (1) The employer shall specify a wage period and the date on which wages shall be paid provided that no wage period shall exceed one month.
- (2) Wages to monthly paid workers shall be paid by the seventh day of the succeeding month and in other cases as per provisions of Wages Act.

14. Transfer

Every worker shall be liable for transfer from one department to another and from one unit to another provided such units are under the same management.

15. Retirement

A worker will be liable to retirement on attaining the age of superannuation, i.e. 58 years.

Provided that a worker may be retired earlier on medical grounds.

16. Certificates on Termination of Service

Every permanent worker shall be entitled to a service certificate at the time of his dismissal, discharge, resignation or on termination of employer - employee relationship for any other reason or retirement from service.

17. Providing a Copy of Standing Orders to the Workers

A copy of these Standing Orders shall be given to every worker along with the appointment letters.

By order and in the name of the
Administrator, Daman & Diu and
Dadra and Nagar Haveli.

(SATNAM SINGH)
Deputy Secretary (Development)