

The Industrial Employment (Standing Orders) Punjab Rules, 1978

Published vide Punjab Government Notification No. GSR. 63/C.A.20/46/Section15/78 dated the 18th June, 1978.

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1. Short title and application. - (1) These rules may be called the Industrial Employment (Standing Orders) Punjab Rules, 1978.

(2) They shall apply to all industrial establishments in respect of which the Punjab Government is the appropriate Government.

2. Definitions. - In these rules, unless there is anything repugnant in the subject or context,

(a) "Act" means the Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946);

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

3. Model Standing Orders. - Model standing orders for the purposes of the Act shall be those set out in Schedule II appended to these rules.

4. Application. - An application for certification of standing orders shall be made in Form I.

5. Particulars of workmen. - [Section 3(3)] - The prescribed particulars of workmen for the purposes of sub-section (3) of section 3 of the Act shall be -

(1) total number of workmen employed;

(2) number of permanent workmen;

(3) number of temporary workmen;

(4) number of casual workmen;

(5) number of badlies or substitutes;

(6) number of probationers;

(7) number of apprentices;

(8) name of the trade union or trade unions, if any, to which the workmen belong;

[(8A) number of Part time workmen.]

(9) remarks.

6. Form of notice. - [Section 5(1)] - As soon as may be, after the Certifying Officer receives an application under rule 4 in respect of an industrial establishment, he 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; and

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

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

(2) An application for certification of joint standing orders shall be made in Form IV and shall be accompanied by such number of copies of the joint draft standing orders as are equal to the number of trade unions of which the workmen working in such industrial establishments

are members, plus five and 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.

(3) On receipt of the application under sub-rule (2), the Certifying Officer shall scrutinise it to ensure that all requirements have been fulfilled and shall require the employers to make such modification as may be deemed necessary to bring the draft standing orders in conformity with the provisions of the Act and these rules.

8. Draft standing orders. - [Section 5] - As soon as may be after an application under rule 7 conforming to the provisions of the Act and these rules is received by him, the Certifying Officer shall forward a copy of the draft standing orders together with notice in Form II to Secretary of each trade union of which the workmen working in the concerned industrial establishments are members and where no workman of any of the industrial establishments is a member of any trade union, the Certifying Officer shall call upon these workmen to elect by ballot one representative from each such establishment and the representatives so elected shall be served with a copy of the draft standing orders together with a notice in Form II.

9. Clarification of draft standing orders. - [Section 5] - In case the workmen represent that they are unable to follow the exact implications of the 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 [Punjabi, Hindi or English] to such workmen within a fortnight or such extended period as may be permitted by the Certifying Officer.

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

10. Hearing of objections and suggestions. - [Section 5] - (1) On receipt of various objections within the specified period of fifteen days, the Certifying Officer shall give the employees and the trade unions and such other representatives of the workers 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 workmen exceeds twelve, the Certifying Officer may require that the representatives of the workmen shall call a joint meeting among themselves and elect by a two-thirds majority, a number of their representatives not exceeding twelve.

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

(2) 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 employers who intend to adopt the joint draft standing orders, but the total number of the employers shall not exceed twelve.

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

11. Authentication of standing orders. - [Section 6] - Standing orders certified in pursuance of sub-section (3) of section 5 and sub-section (2) of section 6 of the Act shall be authenticated by the signature and seal of the Office of the Certifying Officer or the appellate authority, as the case may be, and shall be forwarded by such officer or authority within a week of authentication by registered letter to the employer and to the trade union,

or as the case may be, to the representatives of the workmen elected in pursuance of rules 6 and 8.

12. Appeal. - [Section 6] - (1) Any person desirous of preferring an appeal under 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 to the appellate authority in quintuplicate along with a certified copy of standing orders, amendments or modifications, as the case may be.

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

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

(a) Where the appeal is filed by the employer or a workman, to trade unions of the workmen of the industrial establishments and where there is no such trade union, to the representatives of workmen elected under clause (b) of rule 6 or under rule 8, 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 workmen, to the employer and any other workmen whom the appellate authority allows to join as a party to the appeal.

(4) The appellant shall furnish each of the 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 considers relevant.

13. Register of standing orders. - [Section 8] - The register required to be maintained by section 8 of the Act shall be in Form III and shall be properly bound. The Certifying Officer shall furnish a copy of the standing orders approved for an industrial establishment to any person applying for it on payment of a fee calculated at the following rates:-

(i) for the first two hundred words or less, seventy-five paise;

(ii) for every additional one hundred words or fraction thereof, thirty-seven paise :

Provided that where the standing orders exceed five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words to the nearest hundred for the purpose of assessing the copying fee.

14.[-]

15. Repeal and saving. - The Industrial Employment (Standing Orders) Punjab Rules, 1949, are hereby repealed :

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

Schedule I

Form I

(See rule 4)

Industrial Employment (Standing Orders) Act, 1946

Dated _____ 19

To

The Certifying Officer,

Punjab Government,
_____(Place)

Sir,

Under the provisions of section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the Draft Standing Orders proposed by me for _____ (name) adoption in _____ (place) an industrial establishment owned/controlled _____ (postal address) by me with the request that these Orders may be certified under the terms of the Act. I also enclose a statement giving the particulars prescribed in rule 5 of the Industrial Employment (Standing Orders) Punjab Rules, 1978.

Yours, etc.

Signatures

Employer _____ Manager

Statement of Particulars of Workman Under Rule 5

Form II

(See rule 6)

Notice Under Section 5 of the Industrial Employment (Standing Orders) Act, 1946

Office of the Certifying Officer, Punjab

Dated the _____

I, _____, Certifying Officer _____ forward herewith a copy of the Draft Standing Orders proposed by the employer for adoption in the industrial establishment and submitted to me for certification under the Industrial Employment (Standing Orders) Act, 1946. Any objection which the workmen may desire to make to the draft standing orders should be submitted to me within fifteen days from the receipt of this notice.

CERTIFYING OFFICER _____

(SEAL)

To

The Secretary

_____ (Union)

Representative elected under rule 6 or 8

Occupation

Industrial Establishments.

Form III

(See rule 13)

Industrial Employment (Standing Orders) Act, 1946

Register Part I

Industrial Establishment

Serial No.	Date of despatch of the copy of Standing Orders authenticated under section 5 for the first time	Date of filing appeal	Date and nature of decision
1	2	3	4

Amendment made on	Date of despatch of	Any notice
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appeal, if any	the standing orders as settled on appeal	subsequently given or received Result of any amendment
5	6	7

PART II

(should contain the authenticated copy of the Standing Orders)

Form IV

(See rule 7)

To

The Certifying Officer,
Punjab, Chandigarh.

Sir,

Under the provisions of sub-section (4) of section 3 of the Industrial Employment (Standing Orders) Act, 1946, we enclose copies of the draft standing orders proposed by the Industrial Establishments specified in Annexure A with the request that these orders may be certified under the terms of the Act and the rules.

2. We also furnish in Annexure B, the particulars prescribed in rule 5 of the Industrial Employment (Standing Orders) Punjab Rules, 1978 and the matters set out in the Schedule to the Act as far as applicable in respect of each of the Industrial establishment, specified in Annexure A, which are intended to be adopted as the common standing orders.

3. A copy of the resolution in pursuance of which we are authorised to make this application for joint draft standing orders is enclosed as in Annexure C.

Yours faithfully,

Serial No.	Signature of Employer/Manager	of Representative, Secretary etc. of the Employers Association	President/Capacity
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The number of copies of draft standing orders to be sent should be equal to the number of trade unions of which the workmen working in any of the industrial establishments are members, plus the number of the establishments whose workmen are not members of any Trade Union, plus five.

Thus, if out of 20 industrial establishments, the workmen of 6 are members of one trade union, the number of copies required will be 1 plus (20-6) plus 5=20.

Annexure A

Serial No.	Name of Industrial Establishment	Postal address	Signature of Employer
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Annexure B

prescribed Particulars

Serial No.	Name of Industrial Establishment	Total number employed	Number of permanent workmen	Number of temporary workmen
1	2	3	4	5

Number of Badlis	Number of probationers	Number of apprentices	Name of Trade Union	Remarks
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substitutes			or Trade Unions, if any, to which the workmen belong	
6	7	8	9	10

Annexure C

This meeting held at _____ on _____ of the representatives of the management of M/s _____

- 1.
- 2.
- 3.
- 4.
- etc.

resolve to request the Certifying Officer to certify the enclosed draft of Joint Standing Orders in respect of their establishment.

Serial No.	Name of Establishment	Name of person representing the Establishment	Designation	Signatures	Remarks
1	2	3	4	5	6
1					
2					
3					
4					
etc.					

To
The Certifying Officer,
Punjab, Chandigarh.

Schedule II

Model Standing Orders

Standing Orders in respect of Messrs _____

1. 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 will apply to all workmen employed by Messrs _____

Note. - An employer may frame different sets of standing orders for different categories of workmen.

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

(a) "industrial establishment" means _____ and the company or the employer means Messrs _____ with registered office of the company at _____

(b) "manager" means the person designated 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 Factories Act, 1948, 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 pasted for the purposes of these standing orders;

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

(g) "muster roll" means all registers wherein the attendance of these workmen is marked and maintained under any of the labour laws;

(h) "medical certificate" means a certificate granted by a registered medical practitioner.

3. Classification of workmen. - (1) The workmen shall be classified as under :-

(a) Permanent;

(b) Probationer;

(c) Temporary;

(d) Badli or substitutes;

(e) Casual;

(f) Apprentice.

(2) A "Permanent workman" means one who has completed six months' satisfactory service having been appointed in a permanent vacancy or the 'probationer' who has completed the period of his probation and whose services are not discharged or terminated on the completion of such period of probation.

Explanation. - In computing the period of six months, the days on which the employee was absent due to authorised leave, lock-out and strike (which is not illegal) or closure of establishment shall be included.

(3) "probationer" is a workman who is provisionally employed to fill a 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 six 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.

Explanation. - (i) In computing the period of probation the days on which the workman was absent owing 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;

(ii) if a workman continues in service after the expiry of the period of probation, or extended period of probation, he shall be deemed to have been confirmed in his appointment on the date on which he completed the minimum period of probation;

(iii) 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, be reverted to his substantive post. He shall not lose his lien on his permanent post on this account.

(4) "Temporary Workman" is a workman who has been engaged for work, which is of an essentially temporary nature :

Provided that if such an employee is employed continuously for six months or more he shall be deemed to be a probationer.

(5) "badli" or "substitute workman" is a workman, who is appointed to the post of a permanent workman or a probationer who is temporarily absent;

(6) "casual workman" is a workman who is employed for work of a casual nature.

(7) "an apprentice" is a learner who is engaged for being trained in a job or trade, or skill. His conditions of service shall also be governed by the provisions of the Apprenticeship Act, 1961, and the Minimum Wages Act, 1948, and the rules made thereunder.

Note (1) - An employer may provide different periods 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 periods of apprenticeship shall be provided in individual units by the management.

4. Appointment letters. - Every workman except a casual or badli workman appointed for less than a month shall be given an appointment letter in the [Form I] appended herewith or prescribed under any other law.

Note. - This form is an application form for appointment and is to be filled in duplicate by the applicant as a candidate for the post. One copy thereof shall be returned to him by the management with orders of his appointment. On this form, the management shall incorporate any other conditions of service made applicable to the candidate; provided these are not incompatible with the standing orders.

[4A. Service Record. - Matters relating to service card, token tickets, certification of service, change of residential address of workers and record of age. -

(i) **Service Card.** - Every industrial establishment shall maintain a service card in respect of each workman in Form II appended to these orders, wherein particulars of that workman shall be recorded with the knowledge of that workman and duly attested by an officer authorised in this behalf along with date.

(ii) **Residential address of workman.** - A workman shall notify to the employer immediately on engagement the details of his residential address and thereafter promptly communicate to his employer any change of his residential address. In case the workman has not communicated to his employer the change in his residential address, his last known address shall be treated by the employer as his residential address for sending any communication.

(iii) **Record of age.** - (a) Every workman shall indicate his exact date of birth to the employer or the officer authorised by him in this behalf, at the time of entering the service of establishment. The employer or the officer authorised by him in this behalf may before the date of birth of a workman is entered in his service card, require him to supply, -

- (i) his Matriculation or school leaving certificate granted by the Board of Secondary Education or similar educational authority; or
 - (ii) a certified copy of his date of birth as recorded in the registers of a municipality, local authority or Panchayat or Registrar of Births;
 - (iii) in the absence of either of the aforesaid two categories of certificates, the employer or the officer authorised by him in this behalf, may require the workman to supply a certificate from a Government Medical Officer not below the rank of an Assistant Surgeon, indicating the probable age of the workman; provided the cost of obtaining such certificate is borne by the employer;
 - (iv) where it is not practicable to obtain a certificate from a Government Medical Officer, an affidavit sworn, either by the workman or his parents, or by a near relative, who is in a position to know about the workman's actual or approximate date of birth before a First Class Magistrate or Oath Commissioner as evidence in support of the date of birth given by him.
- (b) The date of birth of a workman, once entered in the service record of the establishment shall be the sole evidence of his age in relation to all matters pertaining to his service including fixation of the date of his retirement from the service of the establishment. All formalities regarding recording of the date of birth shall be finalised within three months of the appointment of workman.
- (c) Cases where the date of birth of a workman had already been decided on the date these rules come into force, shall not be reopened under these provisions.]

Note. - Where exact date of birth of a workman is not available and only the year of birth is established then the 1st July of the said year shall be taken as the date of birth.

5. Attendance cards and muster-roll. - (1) The name of every workman shall be entered on the muster-roll clearly indicating the classification and category to which he belongs.

(2) Every workman shall be given an attendance card which shall contain his particulars. The attendance card shall be passed on to the concerned employee within fifteen days after the expiry of the month for which it was issued.

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

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

(1) No workman shall enter or leave the premises of the establishment except through the gate or gates allowed for the purposes and clearly marked 'ENTRANCE', 'EXIT'.

(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 some contagious or infectious disease, shall immediately leave the premises of the establishment and shall not enter any part of it, except for *bona fide* purposes and with the express permission of the manager.

(3) All workmen shall be liable to be searched 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.

[6A. Secrecy. - No workman shall take any papers, books, drawing, photographs, instruments, apparatus, the documents or any other property of an industrial establishment out of the work premises except with the written permission of his immediate superior, nor shall he in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secrets and confidential

documents of the establishment to any unauthorised person, company or corporation without the written permission of the employer.]

7. Publication of working hours and periods of work. - The periods and hours of work for all classes of workmen in each shift shall be exhibited in English, Punjabi and Hindi or other language understood by a majority of workmen on the notice-board maintained at or near the entrance to the establishment and at the Time Keeper's office, if any.

8. Publication of holidays and pay-days. - Notices specifying (a) the days observed by the establishment as holidays and (b) pay days, in English, Punjabi and Hindi or other language understood by a majority of workmen 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.

9. Publication of wage rates. - A notice specifying the rates of wages payable to all class of workmen and for all categories of work shall be pasted on the notice-board.

10. Shift-working. - (1) 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.

(2) No shift working shall be discontinued without one month's notice given in writing to the workmen prior to such discontinuance subject to the provisions of section 9-A of the Industrial Disputes Act, 1947.

(3) If as a result of the discontinuance of the shift, any workman is to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), and the rules made thereunder. If the shift working is restarted, the workmen shall be given notice and re-employed, in accordance with the provisions of the said Act and the rules made thereunder.

Note. - Shift work shall be arranged in such a manner that no workman is made to work permanently in the night shift.

[10A. Transfer. - A workman may be transferred according to the exigencies of work from one shop or department to another shop or Department of the establishment as the case may be or from one station to another station or from one establishment to another establishment under the same employer :

Provided that the wages, grade, continuity of service and other conditions of service of the workman shall not be adversely affected by such transfer :

Provided further that -

- (i) if a workman is transferred from one job to another job, that job shall be of a similar nature, which he was immediately doing before such transfer or which he is capable of doing;
- (ii) reasonable notice is given before making a transfer and reasonable joining time is allowed.
- (iii) transfer from one State to another State shall be made only either with the consent of the concerned workman or if a specific condition to this effect has been made in his appointment letter;
- (iv) the concerned workman shall be paid travelling allowance including the charges plus fifty per cent thereof to meet the incidental charges.]

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 10 minutes of the starting time may, at the discretion of the management, be shut out or allowed to resume work and their wages shall be liable to deductions provided for in the Payment of Wages Act, 1936, and rules made thereunder. Where workmen are available and can be employed for half a day, the workman coming late shall be shut out for half a day only, but if he fails to

attend punctually for the second half of the shift also, he shall be treated as absent for the whole day.

12. Absence from work place. - (1) Any workman who after presenting his ticket, attendance card or token or after clocking in, is found absent from his proper place of duty during the working hours without permission or without any such reason as may be beyond his control, shall be liable to be treated as absent from duty for the period of absence.

(2) If, however, a workman absents from the premises of the establishment, during hours of duty without proper permission, he shall be treated as absent for the whole day, in case the absence commences before the recess period and for the 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.

(3) A workman shall be deemed to be absent, if he fails to attend to his duty, unless he has obtained prior permission for such absence from the competent authority and in case of 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 on a working day before the expiry of the seventh day of the wage period, in respect of which the wages are payable if the number of workmen employed by the establishment does not exceed one thousand and before the expiry of the tenth 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 be paid on any of the 'two unclaimed wage days' which days shall be notified on the notice board in English, Punjabi and Hindi or other language understood by a majority of workmen. The unclaimed wage days shall be before the twentieth day from the expiry of the wage-period.

(3) Unclaimed wages of a deceased workman shall be paid to his legal nominee or legal heirs before the expiry of the third working day on which substantiated claim was 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 for amounts up to Rs. 500 it is certified by any Gazetted Officer or a Municipal Commissioner, M.L.A. or a Sarpanch of the village of the deceased workman or his heir, and for amounts above Rs. 500 it is accompanied by a succession certificate.

Note. - A nominee for the purpose of this clause shall mean a person specified by the deceased employee under the Employees Provident Fund Act, 1952, as a nominee.

(4) All unclaimed wages for the previous month shall be notified on the notice-board by the management within one week from the last date for the payment of wages under Payment of Wages Act, 1936, and the rules made thereunder. All unclaimed wages shall be kept for payment to the workman or the legal heirs or legal nominee for three years from the period they are due to be paid. After this period, these shall be remitted to the Welfare Commissioner for the purposes provided for under the Punjab Labour Welfare Fund Act, 1965, and the rules made thereunder within a period of three months.

(5) Where the employment of any workman is terminated or the workman resigns 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.

14. National 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 the settlement, agreement or award, if it is more beneficial.

15. Maternity benefit leave. - Maternity benefit leave shall be allowed as provided in the Maternity Benefits Act, 1961, or under any other Act in force or under any settlement, agreement or award, if more beneficial to the workman. -

[15A. - Medical aid in case of accident. - Where a workman meets with an accident in the course of or arising out of his employment, the employer shall, at the employer's expense, make satisfactory arrangements for immediate and necessary medical aid to the injured workman and shall arrange for his further treatment, if considered necessary by the doctor attending to him. Wherever the workman is entitled for treatment and benefits under the Employees State Insurance, Act, 1948 or the Workmen's Compensation Act, 1923, the employer shall arrange for the treatment and compensation, accordingly.]

16. Special leave without pay (Extraordinary leave). - A workman after having put in three years' service may be granted special leave without pay if no other leave is due to him for a period up to three months at a time and such leave may be extended at the discretion of the management for a further period of nine months. Such leave may, on demand, be granted only for the purpose of higher studies, or a visit to some place in a foreign country and may be combined with any other kind of leave with or without pay.

17. Privilege of earned leave. - Leave with wages shall be allowed to all workmen in accordance with the provisions of 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 sub-sections (8) and (9) of Section 79 of the Act shall apply to the manager for it in the manner prescribed below :-

- (i) 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 and duration for which it is required, giving the address for communication during the period of leave. It shall be submitted at least three days in advance if the leave is for a duration longer than three days, and one day in advance if the duration of leave applied for is less than three days, except when it is on medical grounds or due to death or serious illness in the family, accident or fire in the personal house or any such unforeseen catastrophe in which case the application may be made the same day. Orders on the application shall be passed without delay and always before the leave applied for it 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. These orders shall be communicated to the workman. If orders are not communicated to the workman, it shall be presumed that the leave applied for has been sanctioned.
- (ii) If leave applied for is granted, a leave pass shall be issued to the workman. If it is refused, the fact of such refusal and its reasons shall be recorded in writing in a register to be maintained for the purpose and a copy of the entry in the register shall be supplied to the workman.
- (iii) If a workman desires extension of the originally sanctioned leave or of subsequently extended leave, he shall make an application in writing to the management specifically stating the reasons for such an extension and shall submit it at least one day in advance of the expiry of the leave allowed. The manager or any other authorised person on his behalf shall immediately on receipt of such an application inform the workman on the address given by the applicant, whether the extension

applied for has been granted or refused. A reply shall be sent to the workman without delay under registered A.D. cover. If the workman desires a telegraphic reply by the management, he shall send a reply paid telegram.

(iv) If the workman remains absent without leave beyond the period of leave originally granted to or subsequently extended, he shall lose his lien on his appointment unless (a) he returns within ten days of the expiry of the leave period, and (b) explains to the satisfaction of the manager his inability to return on the expiry of the leave.

(v) In case he loses the lien on his appointment, he shall be entitled to be kept on the badli-list where the badli system exists.

18. Casual stoppages of work. - (1) The management may at any time in the event of fire, catastrophe, breakdown of machinery or stoppage or shortage of power supply, epidemic, civil commotion or for other cause beyond their control stop any section or sections of the establishment, wholly or partially for any period or periods.

(2) In the event of such a stoppage during the working hours, the workmen affected shall be notified by a notice pasted on the notice-board in the department concerned or at the office of the manager or time-keeper, as soon as may be practicable, as to when the work will be resumed and whether the workmen have to remain at or leave their places of work. The workmen shall not ordinarily be required to remain on the premises for more than two hours after the commencement of the stoppage.

(3) The lay-off compensation in this behalf shall be paid in accordance with the provisions of the Industrial Disputes Act, 1947 and the rules made thereunder.

(4) The employer 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 any such section or department and any other section or department affected by such a closing down. The fact of such a closure shall be notified by notices pasted on the notice-board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workmen affected by a stoppage shall be notified by a general notice, prior to the resumption of work, as to when the work shall be resumed. Copies of such a notice shall be sent to the concerned workmen under recorded delivery postal service. The affected workmen shall be entitled to resume work within ten days of the issue of such notice.

19. Termination of employment and resignation. - (1) Service of a workman who has been in continuous employment for not less than one year in the establishment, may be terminated, if he is declared as a traitor or as a person likely to jeopardise the safety of the establishment or if he develops a serious defect in the eye-sight or hearing or mental or a physical deficiency. Such termination of services shall be effected for reasons to be recorded and shall be subject to the provisions of the Employees State Insurance Act, 1948 and the Workmen's Compensation Act, 1923, and the management shall give to the workman one month's notice in writing or salary in lieu thereof. This clause shall not be invoked for termination of services on account of misconduct, retrenchment or closure.

(2) No notice shall be necessary for the termination of the services of any other class of employees. The above provisions shall not, however, absolve the management of their obligation to abide by the provisions of the Industrial Disputes Act, 1947, or any other law for the time being in force for the termination of services by way of retrenchment or otherwise.

(3) A workman who has been in continuous service for not less than one year in the establishment, intends to leave the service of the establishment shall give one month's notice of his intention to do so in writing to the management, or if he wants to be relieved earlier, surrender in lieu of notice wages equivalent to the days for which the notice falls

short of one month. But if the exigencies of work so require, the management may not relieve him earlier than the date of the expiry of period of the notice.

Explanation. - The expression "continuous service", for the purposes of these rules, shall have the meaning assigned to it in section 25-B of the Industrial Disputes Act, 1947.

20. Stoppage of annual increment. - Unless there is any order stopping the annual or periodical increment, the workman, if he is employed on a job carrying a grade or scale of pay, shall be deemed to have earned that increment.

21. Promotion and filling up of vacancies. - Except for a certain percentage of posts to be filled up by direct recruitment, a vacancy in a higher grade shall be filled up from amongst the existing staff on merit-cum- seniority basis. All vacancies shall be notified to the workmen by a notice on the notice board.

22. Complaints. - All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent shall be submitted to the manager or other person specified in this behalf with the right of appeal to the employer.

23. Misconduct. - (1) The following acts or omissions on the part of an employee shall amount to major misconduct :-

- (a) conviction by a court of law for an offence involving moral turpitude;
- (b) theft, fraud or dishonesty in connection with the business or property of the establishment;
- (c) theft of the property of any employee within the premises of the establishment;
- (d) taking or giving any illegal gratification;
- (e) wilful insubordination, or disobedience, whether alone or in combination with others to any lawful and reasonable orders of superiors;
- (f) gambling within the premises of the establishment;
- (g) drunkenness or intoxicating or disorderly or riotous behaviour during working hours at the establishment or conduct endangering the life or safety of any person, intimidation, physical duress, or any act subversive of discipline;
- (h) advancing or collecting of money within the premises of the establishment without the permission of the manager.
- (i) engaging in trade or business within the premises of the establishment including collection of pay tickets given to the employees or the sale of tickets, coupons or any commodity or articles without the previous sanction of the manager;
- (j) canvassing for trade membership and collection of union's dues within the premises of the establishment except as permitted by the management;
- (k) striking work in contravention of the provisions of law;
- (l) inciting or instigating other employees to take part or otherwise act in furtherance of a strike of the employees of the establishment, in contravention of the provisions of law or these standing orders;
- (m) organising or participating in acts resulting in wrongful confinement or restraint of any person within the premises of the establishment or outside;
- (n) wilful slowing down in performance of work or abetment or instigation thereof;

- (o) wilful damage or attempt to cause damage to the working process or to any other property of the establishment or of the customer or an employee of the establishment;
 - (p) disclosing to any unauthorised person confidential information which may have come into his possession during the course of his work in the establishment;
 - (q) habitual absence without leave or unauthorised absence from duty for consecutive ten days or more without sufficient justification;
 - (r) habitual negligence or neglect of work;
 - (s) failure to observe safety instructions or unauthorised removal of guard, fencing or other safety device installed in the premises of the establishment or any act or behaviour which is likely to cause injury or harm to any person or endanger the life or safety of such a person; and
 - (t) abetment of the commission of the aforesaid acts.
- (2) The following acts on the part of an employee shall amount to minor misconduct :-
- (a) late or irregular attendance;
 - (b) absence from duty without leave and without sufficient justification for any period less than ten days;
 - (c) over-staying sanctioned leave without sufficient grounds for any period less than 10 days.
 - (d) neglecting work or negligence in the performance of duties;
 - (e) sleeping during working hours;
 - (f) refusal to work on a job or assignment of similar nature without giving adequate reasons for the same;
 - (g) holding a meeting inside the premises of the establishment without the previous permission of the manager or except as permitted by law; and
 - (h) failure to show consideration or attention to officers, customers or other employees of the establishment or unseemly behaviour while on duty.

24. Penalties for major misconduct. - The following penalties may, for good and sufficient reasons, be imposed on an employee found guilty of a major misconduct, namely:-

1. warning or censure;
2. making an adverse entry in his service record;
3. withholding of one or more annual increments of pay with or without cumulative effect;
4. recoveries of damages or the amount of loss suffered by the establishment on account of misconduct;
5. demotion;
6. discharge; and
7. dismissal.

25. Penalties for minor misconduct. - The following penalties may for good and sufficient reasons, be imposed on an employee found guilty of a minor misconduct :-

1. warning or censure ;
2. making an adverse entry in his service record;

3. withholding of increment of pay for a period of six months with or without cumulative effect;
4. recovery of loss of goods expressly entrusted to the employee or money for which he is accountable;
5. recovery from his pay of the whole or part of any pecuniary loss caused by him to the employer by negligence or breach of orders.

26. Procedure for awarding penalties for acts of minor misconduct. - Where an allegation of a minor misconduct is alleged against a workman, he shall be called upon to explain his position. He shall be given one week's time to submit his explanation. The manager shall, after considering the reply received from the workman and taking into account any extenuating or aggravating circumstances that may exist, decide whether the workman deserves any punishment and if so, pass orders accordingly. The management may, in special circumstances, hold an enquiry into the allegations after serving him with a proper charge-sheet. The workman may appeal against the order so passed to the higher authorities.

27. Procedure of enquiry and punishment for major misconduct. - No order imposing any of the penalties specified in clause 24 shall be made except after an enquiry, as far as may be, in the manner provided in this rule :-

(a) The employer or the manager or a person authorised by the employer or the manager shall give to the concerned workman a charge-sheet clearly setting forth the imputation of misconduct and the circumstance appearing against him and requiring his explanation.

(b) The employee shall be given at least six days for submitting his explanation :

Provided that such time may be extended for a maximum period of fifteen days after the expiry of six days, if sufficient reasons are advanced by the employee for seeking an extension.

(c) In case the workman fails to submit his explanation within the prescribed time or extended time allowed to him or where the explanation submitted by him is not found satisfactory, the employer or the manager or the person authorised by the employer or by the manager shall appoint a person to hold an enquiry and issue a notice containing the name of the enquiry officer and the date, time and place of the enquiry :

Provided that in a case where the workman admits in writing the charges levelled against him and the employer is satisfied that such an admission is voluntary, it shall be open to the employer or the manager to award any one of the punishments provided in clause 24 without holding any enquiry.

(d) While holding the enquiry, first of all the evidence produced by the employer against the concerned employee shall be recorded and the accused employee shall be given full opportunity to cross-examine witnesses produced by the management against him. After that the detailed statement of the accused employee shall be recorded and he shall be given full opportunity to state his position in respect of all the evidence produced against him. After this, he shall be asked to produce evidence in defence. In case he does not want to produce any evidence in defence, his statement to that effect shall be recorded by the enquiry officer. If he wants to produce evidence in

defence, it shall be recorded. Defence witnesses may be cross-examined by the management's representative.

- (e) The enquiry officer may ask any question in the interest of justice;
- (f) If a request is made by the employee, the enquiry officer shall issue a written requisition to the employer to produce before him any document or information in his custody which is considered relevant or necessary for the purpose of the enquiry. The employer shall produce the document or information unless production of the document is prejudicial to the interest of the establishment.
- (g) The concerned employee shall be furnished with the copies of the documents, statements and depositions sought to be relied on as evidence against him before he is called upon to make his submission to the enquiry officer at the close of the enquiry.
- (h) The accused employee may cite any employee of the establishment as defence witness. The enquiry officer shall call him to give evidence unless for reasons to be recorded, in writing, he considers his evidence to be irrelevant.
- (i) At such an enquiry the concerned employee shall be entitled to be assisted by any other representative of a registered [-] trade union or a co-worker;
- (j) The enquiry officer shall on the conclusion of the enquiry, submit his report in writing giving his findings with reasons therefor to the authority, which appointed the enquiry officer;
- (k) In case the management decides to impose any of the major punishments on the accused employee on the basis of the findings of the enquiry officer, it shall supply a copy of the report of the enquiry officer to the accused employee.
- (l) The order of punishment shall set forth reasons for the action taken against the employee. A copy of this order shall be given to the concerned employee immediately.

Note. - Any notice, order, charge-sheet, communication or intimation under these standing orders which is meant for an individual employee shall be in language understood by the employee concerned. In the case of an employee who is absent, such a notice shall be sent to him by registered post acknowledgement due to his last known address. Evidence may be explained to employee in the language understood by him.

28. Method of service. - In case an employee refuses to accept or evades any communication under these standing orders when offered to him by hand, such a communication shall be sent to him by registered post at his last known address and a copy of the same put up on the notice-board and another copy endorsed to a recognised and registered trade union of which he may be a member and this shall be deemed to be sufficient service on him.

29. Ex parte proceedings. - If the concerned employee refuses or avoids or neglects to receive the charge-sheet or to submit his explanation or to appear at the enquiry without any justification or good reasons, it shall be open to the employer or the enquiry officer to proceed with the enquiry in his absence.

30. Disciplinary proceedings during the pendency criminal proceedings. - It shall be open to the employer to initiate disciplinary proceedings under these standing orders against an employee even during the period when the criminal case on more or less similar

or same allegations is pending against him or even after the acquittal of the employee in such criminal proceedings.

31. Suspension. - When disciplinary proceedings against an employee are pending for a major misconduct or where criminal proceedings against him in respect of any offence involving moral turpitude are pending and the employer is satisfied that it is necessary or desirable to place the employee under suspension, he may, by an order in writing suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the employee within a week from the date of suspension or shall be forwarded to him at his address.

32. [-]

33. Irregularity not to affect order. - Any irregularity in the issue of the charge-sheet or holding of the enquiry shall not vitiate the ultimate order passed or made by the employer unless such an irregularity has resulted in the miscarriage of justice.

34. Consequences of a workman found guilty. - If, as a result of the enquiry, the workman has been guilty of the charge, the employer or manager may pass orders, awarding punishment to the employee. The employer shall also decide whether the workman should be paid anything more than the subsistence allowance already paid to him

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

35. Consequences of a workman found not guilty. - If, as a result of the enquiry, the workman has been found not guilty of the charge, 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 suspended.

36. Matters to be considered in awarding punishment. - In awarding punishment under these standing orders, the employer or the manager shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any extenuating or aggravating circumstances that may exist.

[36A. Exclusive Service.] - A workman shall not at any time work against the interest of the industrial establishment in which he is employed and shall not make any employment in addition to his job in the establishment which may adversely affect the interest of his employer.]

37. Supply of copy of order. - A copy the orders passed by the employer or the manager shall be supplied to the workman concerned, whereupon the order shall become operative.

38. Service of notice. - All notices to be served upon a workman shall be served personally or by registered post.

39. Superannuation. - [(1) The age of retirement on superannuation of a workman shall be such as may be agreed upon between the employer and the workman under an agreement or as specified in a settlement or award which is binding on both the workman and the employer. Where, there is no such agreed age, retirement, on superannuation shall be on completion of fifty-eight years of age by the workman.]

(2) The workman who retires from the service on superannuation shall be paid gratuity in accordance with the provisions of the Payment of Gratuity Act, 1972, and the rules made thereunder.

(3) A workman who has attained the age of superannuation may be appointed or retained in service even after attaining that age for a specified period.

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

41. Liability of manager. - The manager of the establishment shall be held personally responsible for the proper and faithful observance of these standing orders.

42. Exhibition of standing orders. - (1) A copy of these standing orders in English, Punjabi and Hindi or any other language understood by a majority of workmen 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.

(2) In case of any conflict in the meaning of the standing orders in English and those in Punjabi or in other language, the English text shall be deemed to be authentic.

(3) A copy of the standing orders shall be supplied to the workman on application and payment of one rupee.

[Form I]

(See clause 4)

Employment Proposal And Application Of Employment Including Appointment Letter

To
The Manager

_____ (Here insert name of the establishment)

Dear Sir/Sirs,

I beg to apply as a candidate for the post indicated below and submit my personal particulars for your consideration :-

Name (in block letters) _____

Address - _____

(i) Present _____

(ii) Permanent _____

Father's name _____

Occupation and address _____

Date of birth _____ Height _____ Weight _____

Nationality _____ Caste _____ Religion _____

Present occupation _____

Whether you were/are the member of Provident Fund ? If so, give number of Fund

1. No. of Account _____ Fund No _____ and particulars _____

2. Whether you were/are covered under Employees State Insurance Scheme ? If so, give

No. _____

Date _____

EDUCATION

School or College attended	From	To	Examination passed	Subjects
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Any vocational or technical training acquired with name of the institution attended and the period and nature of training _____

Post desired and minimum salary acceptable _____

Employment Record

Name of employer address	Nature of post held	From	To	Salary	Reasons of leaving
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Proficiency in games _____

Whether married/unmarried with number of dependents and their relationship _____

Reference - Names and address of two respectable persons other than relatives to whom the applicant is known intimately :-

1. _____

2. _____

Name and address of the nominee who can get payment of dues in case of death _____

I hereby affirm that the particulars and information given above are true and correct, that I have not knowingly withheld any fact or circumstance which would, if disclosed, affect my application unfavourably. In the event of my appointment, I shall comply with all orders, rules and regulations of the company while in the employment of the company.

1. In addition to specific terms and conditions attaching to my appointment the acceptance of employment by me in the factory shall be deemed to include my acceptance to abide by the provisions of the Standing Orders

2. That whole of my time shall be at the disposal of the company and I shall serve the company in its business in such a capacity and at such place and time, as I may, from time to time be directed

3. I shall maintain the strictest secrecy regarding the manufacturing process and shall not divulge directly or indirectly any information of confidential nature either to a member of the public or to any other employee unless compelled to do so by a judicial or administrative authority or with the permission in writing of the Company's Manager.

Date _____

(Signature or thumb-impression)

Do Not Write Below This Line

Date of application received _____

Number of receipt register _____

Date of interview _____ Date of employment _____

Position _____ Salary _____ Grade _____

Category _____ Period of Probation _____

Approved _____

Appointment Order

Shri _____ is appointed with effect from _____

A copy is forwarded to _____ (the workman concerned) for information (Shri _____)

Appointing Authority _____

[Form II]

(See clause 4A)

Service Record

Name of Establishment/Factory _____

Ticket/Token No _____

1. Register Serial No _____

2. Name _____

3. Specimen Signature/Thumb Impression _____

4. Father's or Husband's name _____

5. Sex _____

6. Religion _____

7. Date of birth _____

8. Place of birth _____

9. Date of joining _____

10. Details of Medical Certificate at the time of joining _____

11. Educational and other qualification _____

12. Can read _____

13. Can write _____

14. Can speak _____

15. Height _____

16. Identification marks _____

17. Category of workman _____

18. Department _____

19. Details of family members _____

20. Permanent address _____

21. Local address _____

22. Quarter No
23. Life Insurance Policy No
24. Provident Fund Account No
25. Nominee of gratuity
26. Nominee of pension, if any
27. Employees' State Insurance No.
28. Training courses attended (details)
29. Eligibility for higher jobs
30. Proficiency tests passed
31. Employment history -

Department	Token No	Designation	Pay Scale	Date of joining	Date of leaving	Reasons
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32. Absence periods :-

From	To	Reason	Medical Reports regarding suitability for continued employment
(1) Sick Leave			
(2) Earned Leave			
(3) Any other Leave			

33. Maternity Benefit
34. Workmen's Compensation
- Details of Accidents :-
35. Details of Disciplinary action
36. Promotion :- (i) Details (ii) Awards (iii) Issue of Certificates of commendation
37. Date of Superannuation
38. Any other matter.