

THE TAMIL NADU INDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES, 1947

In exercise of the powers conferred by section 15, read with section 2 (b) of the Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946), His Excellency the Governor of Madras hereby makes the following rules, the same having been previously published as required by section 15(1) of the said Act:-

RULES

1. (1) These rules may be called the Tamil Nadu Industrial Employment (Standing Orders) Rules, 1947.

(2) They shall extend to the whole of the State of Tamil Nadu including the Kanyakumari district and the Shencottah taluk of the Tirunelveli district and the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959)

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

(1) "Act" means the Industrial Employment (Standing Orders) Act, 1946.

(2). "Form" means a form appended to these Rules.

(3) "Section" means a section of the Act.

(4) Words and expressions not defined in these rules shall have the meanings assigned to them under the Act.

3. ¹[(1) Five copies of the draft standing orders in English and in Tamil which an employer proposes to adopt for his industrial establishment, shall be sent by him, by registered post, to the Certifying Officer along with the required number of spare copies to the trade union in the establishment.]

(2) In cases where a group of employers in similar industrial establishments proposes to submit a joint draft of standing orders under section 3(4), they shall notify the Certifying Officer accordingly and submit a joint draft of the standing orders signed by all of them and forward the same to him by registered post.

4. The Model Standing Orders for the purpose of the Act applicable to the workmen in Industrial establishments and to the Working Journalists in Newspaper establishments shall be those set out in Schedules I and II to these rules respectively.

¹Subs. by G.O. (2D) No. 33, Labour and Employment (G-1), dated the 1st July, 2014 (with effect from 30th July, 2014)

5. The draft standing orders shall be accompanied by a statement giving the following particulars of the workmen employed in the industrial establishment:-

(1) Name of the establishment

(2) Number of workmen (classified into men, women and children) employed under the following categories:-

- (a) Skilled ;
- (b) Unskilled ;
- (c) Clerical ;
- (d) Others, if any ;
- (e) Total ;
- (f) Number of permanent workmen ;
- (g) Number of temporary workmen ;
- (h) Number of badlis or substitutes ;
- (i) Number of casual workmen ;
- (j) Number of probationers ;
- (k) Number of apprentices ;
- (l) Names of the trade unions, if any, to which they belong with the number of workers in each such union

6. On receipt of the draft standing orders, the Certifying Officer shall forward a copy thereof together with a notice in Form "A" to the trade union, if any, of the workmen or where there is no trade union, ¹[to three representatives of the workmen] elected at a meeting convened for the purpose by a Labour Officer or other person authorised by a Certifying Officer, Madras after previous notice of not less than ten days.

6A. (1) Where, in the opinion of the Certifying Officer, it is not possible to follow the procedure prescribed in rule 6, he shall require the employer to publish a copy of the draft standing orders and a notice in Form "AA" on the notice board of the establishment.

(2) On receipt of the draft modification to the certified standing orders from a workmen or from his representative for certification under Sec. 10(2), the Certifying Officer shall forward a copy thereof together with a notice in Form "AAA" to the employer as well as to the trade union, if any, of the workmen requiring them to submit their objections, if any, to the certification of the modification within fifteen days from the date of receipt of the notice. Where there is no trade union, the Certifying Officer shall require the employer to publish a copy of the draft modification to the standing orders and a notice in Form "AAAA" on the notice board of the establishment.

(3) Where the procedure prescribed in sub-rules (1) and (2) is followed, a copy of the standing orders or the modification to the standing orders approved for the establishment shall be published on the notice board of the industrial establishment within seven days of the certification of the standing orders.

¹Subs. by G.O. Ms. No. 79, Labour and Employment (G1), dated the 17th May, 1995

6B. Standing orders certified in pursuance of section 5 (3) or section 6 (2) shall be authenticated by the signature and the seal of the office of the certifying officer or the appellate authority, as the case may be.

6C. Certified standing orders authenticated in the manner specified in rule 6B shall be forwarded by the Certifying Officer or the appellate authority, as the case may be, within a fortnight of authentication by registered letter post to the employer and to the trade union or, as the case may be, to the representatives of the workmen elected in pursuance of rule 6.

6D. (1) Any person desiring to prefer an appeal to pursuance of sub-section (1) of section 6 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) On receipt of the appeal under sub-rule (1), the appellate authority shall fix a date for hearing the appeal and direct notice thereof to be given to the appellant ; and

(a) where the appeal is filed by a workman or the employer, to the trade unions of the workmen of the industrial establishment, and where there are no such trade unions, to the representative of the workmen elected under rule 6 or, as the case may be, to the employer ;

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

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

(3) After giving the parties an opportunity of being heard on the date fixed under sub-rule (2), the appellate authority shall confirm the standing orders, amendments or modifications, as certified by the Certifying Officer, or amend or modify the standing orders, amendments or modifications, as the case may be.

(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 (2) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or considers to be relevant.

7. (1) The register required to be maintained by section 8 of the Act shall be in Form B.

(2) Copies of the standing orders approved for an industrial establishment may be obtained by any person from the Certifying Officer on payment of such fee as may be prescribed by him in that behalf.

8. Files relating to appeals under the Act shall be preserved for three years.

9. After the expiry of the period of three years mentioned in rule 8, the records may be destroyed either by tearing or by burning in the presence of the Assistant Commissioner of Labour, provided, however that records of a secret or confidential nature shall be destroyed only by burning.

The records destroyed by tearing may be sold or otherwise disposed of in such manner as the Commissioner of Labour thinks fit.

10. The Travancore-Cochin Industrial Employment (Standing Orders) Rules, 1952, in their application to the Kanyakumari District and the Shencottah Taluk of the Tirunelveli District, are hereby repealed.

11. The Hyderabad Industrial Employment (Standing Orders) Rules, 1953, in their application to the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), are hereby repealed.

APPENDIX**FORM A**

(Rule 6)

NOTICE

To

(The name of trade union or representative of the workmen)

Please take notice that the employer of _____ (name of industrial establishment) has submitted to me the enclosed draft standing orders proposed by him for adoption in his industrial establishment. Any objections which your desire to make to the draft standing orders should be submitted to me within fifteen days from the date of receipt of this notice. If no objections are received within fifteen days from the date of receipt of this notice, it will be deemed that you have no objection to make.

Place:

Date:

Certifying Officer

Note.- The date of receipt of notice is the date of actual service of the notice if effected personally by an employee of the Labour Department and if sent by registered post, the actual date of receipt of the notice by the addressee.

FORM AA**NOTICE**

The employer of the _____ (name of the industrial establishment) has submitted to the Certifying Officer the appended draft standing orders proposed by him for adoption in his industrial establishment. Any objections which any workman in the establishment desires to make to the draft standing order should be submitted to me within fifteen days from the date of publication of this notice. If no objections are received within fifteen days from the date of publication of this notice, it will be deemed that the workmen have no objections to make.

Place:

Date:

Certifying Officer

FORM AAA

[Rule 6-A (2)]

NOTICE

To

(The name of the employer and name of the Trade Union)

Please take notice that _____ a workmen of _____ (name of industrial establishment) has submitted to me the enclosed draft modification to the certified standing orders proposed by him for adoption in the industrial establishment. Any objections which you desire to make to the draft standing orders should be submitted to me within fifteen days from the date of receipt of this notice*. If no objections are received within fifteen days from the date of receipt of this notice, it will be deemed that you have no objections to make.

Place:

Date:

Certifying Officer

*Note.- The date of receipt of the notice is the date of the actual service of the notice if effected personally by an employee of the Labour Department and if sent by registered post the actual date of receipt of the notice by the addressee.

FORM AAAA

[Rule 6-A (2)]

NOTICE

_____, a workman of the _____ (name of the industrial establishment) has submitted to the Certifying Officer the appended modification to the certified standing orders proposed by him for adoption in the industrial establishment. Any objections which any workmen of the industrial establishment desire to make to the draft standing orders should be submitted to me within fifteen days from the date of publication of this notice. If no objections are received within fifteen days from the date of publication of this notice, it will be deemed that the workmen have no objections to make.

Place:

Date:

Certifying Officer

FORM B
(Rule 7)
[Industrial Employment (Standing Orders) Act, 1946 – Section 8]
Register – Part I
Industrial Establishment

Serial No.	Date of the despatch of the copy of standing orders authenticated under Section 5 for the first time	Date of filing appeal	Date and nature of decision	Amendment made on appeal, if any	Date of the despatch of the copy of the standing orders as settled on appeal	Any notice subsequently given or received of any amendment	Result
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Part II

(Should contain the authenticated copy of the Standing Orders)

SCHEDULE I

Model Standing Orders Applicable to Workmen

Standing orders of
(Certified on the
to parties on the .) and copies sent

1. Classification of workmen.— Workmen shall be classified as follows, namely : —

(1) Permanent ; (2) Probationers ; (3) Temporary ; (4) Badli ; (5) Casual ; (6) Seasonal ; and (7) Apprentices.

2. Definitions.— (a) A 'permanent workman' is one who is employed on a permanent basis and includes any person who has satisfactorily completed the prescribed period of probation in the same or higher or equivalent category in the industrial establishment.

(b) A 'probationer' is one who is provisionally employed to fill a permanent vacancy in a post and has not completed the period of probation which shall be three months in the case of unskilled workmen and six months in respect of those other than unskilled :

Provided, in any particular case, the management may extend the period of probation of any workman upto a further period equivalent to the period of probation prescribed, if they are not satisfied with the work and/or conduct of any workman during the period of probation. In any case where the period of probation is extended, the concerned workman shall be informed in writing at least one week before the normal date of the completion of probation and in the absence of any such intimation the workman shall be deemed to have satisfactorily completed his probation on the normal date. If a permanent workman is employed in a different post, he may, at any time during the probationary period, be reverted to his old permanent post.

(c) A 'temporary workman' is one who has been employed for work which is of an essentially temporary nature likely to be finished within a specified period.

(d) 'Badli' is a workman who is employed in the place of another workman whose name is borne on the muster rolls of the establishment.

(e) 'Casual workman' is one who is employed for some unexpected or unforeseen work, which is not likely to last continuously.

(f) 'Seasonal workman' is one who is employed on seasonal basis during the working seasons only but whose name will be on the muster roll of the factory and who will be eligible for re-employment during every working season.

¹[(g) 'Apprentice' is one who is engaged essentially in learning any skilled work provided that the period of such learning shall not exceed one year for those with prescribed technical qualification and three years for others.]

3. Issue of departmental tickets to workmen.— (1) Every workman shall be provided with a ticket showing his number, classification of work and on attendance each day, shall deliver the ticket at the place provided when entering the industrial establishment and take it back when leaving the industrial establishment at the close of the day.

(2) Every badli, temporary, seasonal and casual workman and apprentice shall be provided with a special ticket showing his number, classification of work and his attendance on the day he works which he shall deliver at the place provided when entering the industrial establishment and take it back when leaving the industrial establishment at the close of the day :

Provided that the ticket system shall not apply to industrial establishments where the system of issue of metal tokens to workmen is in force or where the workmen are required to sign the attendance register maintained for the purpose or any other customary practice is in force.

4. Date and manner of payment of unclaimed wages.— Any wages due to a workman but not paid on the usual pay day on account of their being unclaimed shall if a claim is presented by the workman, or by his legal representative within three years from the date on which the wages become due to the workman, be paid by the employer to the workman or to his legal representative as the case may be, on such unclaimed wage pay day in each week, as may be notified in this behalf.

5. Shift working.— (1) At the discretion of the employer more than one shift may be worked in a department or departments or any section of a department of the establishment. If more than one shift is worked, the workman shall be liable to be transferred from one shift to another, No shift working shall be discontinued without one month's notice being given in writing to the workmen prior to such discontinuance.

¹ Subs. by G.O. Ms. No. 713, Labour and Employment, dated the 4th October, 1977.

Provided that no such notice shall be necessary

(a) If the establishment is a seasonal one where work is carried on intermittently ; or

(b) if the closing of the shift is under an agreement ; or

(c) if as a result of closing of the shift no permanent workman will be retrenched ; or

(d) if the closure is due to circumstances beyond the employer's control.

(2) If as a result of the discontinuance of the shift working, any workman is to be retrenched, the provisions of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) shall in so far as it relates to retrenchment of workmen, apply to such workman. If the employer proposes to take into his employ any person, the workman retrenched shall be given notice and re-employed in accordance with the abovesaid Act.

6. Attendance and late coming.— (1) All workmen shall be at work in the industrial establishment at the time fixed and notified. Workmen attending late shall be liable to the deductions provided for in the Payment of Wages Act, 1936.

(2) Any workman, who after presenting his ticket, leaves his proper place or places of work during any period of the working hours without the permission of the authority to be specified by the management or without any sufficient reason, shall be liable to be treated as absent for the whole day, in case his absence commences before the interval for rest and for half-a-day in case his absence commences after the interval.

7. Procedure for the grant of leave to workman ¹[***].— A workman who desires to obtain leave of absence shall apply to the manager who shall issue orders on the leave application within a week of its submission or two days prior to the commencement of leave applied for. If the leave is granted, a leave pass shall be issued. If the leave is refused or postponed, the fact of such refusal or postponement and reasons therefor shall be recorded in writing and communicated to the workman concerned before the day of commencement of the leave applied for if the application for leave had been received at least two days in advance. If the workman after proceeding on leave desires an extension thereof, he shall before the expiry of the leave originally granted to him make an

¹ Certain words omitted by G.O.Ms No. 143, Labour and Employment, dated the 27th January, 1979.

application in writing for the purpose to the authority granting leave, who shall send to the workman a written reply either granting or refusing the extension of leave to his last known address. If the leave is required urgently, it shall be applied at least within half-an-hour before the industrial establishment starts working.

²[***]

8. *Grant of casual leave.*— Workman may be granted casual leave for ten days in the aggregate in a calendar year. Casual leave is intended only to meet special circumstances : Provided that the period of such casual leave taken at any time or on any one occasion shall not exceed three days, nor shall casual leave be combined with any other leave :

Provided further, that this standing order shall not apply in cases where a workman shall be entitled under any other law, contract, custom or usage to a large number of days of casual leave than that provided for under this standing order.

Ordinarily the previous permission of the head of the department in the establishment shall be obtained before such leave is taken, but when this is not possible, the head of the department shall as soon as may be practicable be informed in writing of the absence from and of the probable duration of such absence.

9. *Entry into and departure from establishment of workman.*— The workman shall not enter or leave the premises of the industrial establishment except by the gate or gates provided for the purpose.

10. *Liability for search.*— All male workers shall be liable to be searched by the gateman while leaving the premises of the industrial establishment and all female workers shall be liable to be detained by the gateman for search by the female searcher, if acting without malice, the gateman suspects that any worker is in wrongful possession of property belonging to the industrial establishment :

Provided that no search shall be made except in the presence of two other persons of the same sex as the suspected worker.

11. *Temporary closure of departments and lay-off of workmen for causes beyond the control of the employer.*— (1) The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery,

¹ Clauses (2) and (3) omitted by G.O. Ms. No 143, Labour and Employment, dated the 27th January, 1979.

or stoppage of power supply, epidemic, civil commotion or other cause beyond his control, stop working any machine or close any department or departments wholly or partially for any period or periods.

(2) In the event of any such stoppage or closure during working hours, the workmen affected shall be notified by notices put upon notice boards in the department concerned and at the time-keeper's office, as soon as practicable ; when work will be resumed and whether they are to remain or leave the industrial establishment. The workman detained in the industrial establishment during such stoppage or closure shall be entitled to receive wages for the whole of the time during which they are detained in the industrial establishment.

Explanation.— In the case of a workman who is paid at piece-rate, the wages due for the period of detention shall be calculated taking into account the average daily earnings of the workman for the previous wage-period in which he has worked excluding the overtime and night-shift allowance.

12. Resumption of work after temporary closure.— Any workman who has no work on account of the closure referred to in standing order 11, shall not be considered as discharged from service, but as temporarily unemployed. Whenever practicable, reasonable notice shall be given for resumption of normal work to the workmen and all workmen laid off under standing order 11 who present themselves for work when the normal working is resumed shall be allowed to resume work :

Provided that any workman who for any *bonafide* reason is unable to resume work on the day of resumption of normal work, may be permitted to resume the work subsequently, if he presents himself within a reasonable time to the satisfaction of the employer.

13. Closure due to strike and resumption of work thereafter.— In the event of a strike affecting either wholly or partially any one or more departments of the industrial establishment, the employer may subject to the provisions of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), or of the rules made thereunder, close down either wholly or partially such department or departments and any other department or departments affected by such closing down and for any period or periods. The fact of such closure shall be notified by notices put upon the notice board in the departments concerned and in the time-keeper's office as soon as practicable. The workmen concerned shall also be notified by a general notice, prior to the resumption of work, when work will be resumed.

14. Termination of employment of workmen— (1) Subject to the provisions contained in standing order 17, no employer shall dispense with the service of any workman with not less than one year of continuous service except for a reasonable cause and without giving such workman atleast one month's notice or wages in lieu of such notice.

(2) In cases of retrenchment as defined in section 2 (oo) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the provisions of the said Act shall apply :

Provided that no such notice shall be necessary in the case of *badli* and apprentices.

(3) No order of termination of service of a workman shall be made unless the workman is informed in writing of the reasons for the termination of his services and is given an opportunity to show cause against such termination. A copy of the said order shall be communicated to the workman.

(4) Where the employment of any workman is terminated by or on behalf of the industrial establishment, the wages earned by him shall be paid before the expiry of the second working day from the day on which his employment was terminated or the same shall be made available to him by the drawer of the wages, in case he does not turn up for receiving the wages.

15. Liability of workmen to give notice before voluntarily leaving service.— Any permanent workman desirous of leaving the service shall give one month's notice or one month's wages in lieu of notice to the employer or to such other officer as the employer may appoint to exercise the functions of an employer in connection with the business of the industrial establishment. The wages due to such a workman shall, if possible, be paid on the date on which the notice expires and in any case within two clays after the expiry of the notice :

Provided that the period of notice to be given by an employee in the case of a seasonal factory shall be two months instead of one month, as specified above.

16. Acts and omissions constituting misconduct.— The following acts and omissions shall be treated as misconduct —

(a) wilful insubordination or disobedience, whether alone or in combination with another or others, of any lawful and reasonable order of a superior ;

- (b) strike of work or inciting others to strike work in contravention of the provisions of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), or any other enactment or rule for the time being in force ;
- (c) theft, fraud or dishonesty in connection with the employer's business or property ;
- (d) taking or giving bribes or any illegal gratification, whatsoever ;
- (e) habitual absence without leave or absence without leave for more than 10 consecutive days ;
- (f) habitual late attendance ;
- (g) habitual breach of any standing orders ;
- (h) collection of any moneys within the premises of the industrial establishment for purposes not sanctioned by the employer ;
- (i) engaging in trade within the premises of the industrial establishment ;
- (j) '[drunkenness], riotous or disorderly behaviour during working hours in the premises of the industrial establishment or any act subversive of discipline ;
- (k) negligence or neglect of work ;
- (l) habitual breach of any rules or instructions for the maintenance and running of any department or the maintenance of the cleanliness of any portion of the premises of the industrial establishment ;
- (m) undertaking employment under any other employer or company in any capacity without the permission of the management ;
- (n) sleeping while on duty ;
- (o) smoking except in places specified and set apart for the purpose ;
- (p) distribution or exhibition within the premises of the industrial establishment of any bills or pamphlets or posters without the previous sanction of the employer ;
- (q) wilful damages or damages due to negligence or carelessness to work in process or to any other property of the company ;

¹ Ins. by G.O. Ms. No. 265, Labour, dated the 5th February, 1985.

(r) failure to observe duly notified safety instructions or interference with any safety device or equipment installed within the industrial establishment ;

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

(t) threatening, abusing, intimidating or assaulting any workman outside the premises of the establishment, if such threat, abuse, intimidation or assault is in connection with the employment in the establishment ;

(u) disclosing to any person trade information with regard to the working or process in the establishment, without the prior permission of the management ;

(v) squatting or remaining anywhere within the premises of the establishment other than the appointed place with a view to intimidate, coerce or threaten the establishment ;

(w) interfering with machines or process not connected with the work allocated and/or asked to do by a member of the supervisory staff ;

(x) conviction by any Court of Law for any criminal offence involving moral turpitude ;

(y) deliberately making false, vicious or malicious statements, public or otherwise, against the industrial establishment or any officer or employee of the establishment ;

(z) loitering, idling or wasting time during working hours or being within the establishment out of the authorised hours of work without previous written permission of the head of the department.

¹[(aa) intimidating, coercing or threatening any doctor at an E.S.I. Hospital or Dispensary to issue sickness certificate when the worker is not sick.]

17. Punishment for misconduct.— (1) A workman may be lined upto two per cent. of his wages in a month for acts and omissions notified by the employer in pursuance of section 8 of the Payment of Wages Act, 1936.

(2) The employer may withhold the increment due to a workman, if he is on an incremental scale or demote him to a lower post.

¹ Added by G.O. Ms. No, 2272. Labour, dated the 11th November, 1986.

(3) A workman may, on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose be suspended for a period not exceeding 30 days or dismissed but such workman shall not be entitled to any notice or any compensation in lieu of such notice.

¹[(4) (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 in progress 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 statement setting out in detail the reasons for such suspension shall be supplied to the workman within a week from the date of suspension.

(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 ninety days from the date of suspension, be equal to one-half of the basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled, if he were on leave with wages. If the departmental enquiry gets prolonged and the workman continues to be under suspension for a period exceeding ninety days, the subsistence allowance shall, for such period, be equal to three-fourths of such basic wages, dearness allowance and other compensatory allowances :

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of such basic wages, dearness allowance and other compensatory allowances.

(ii) Where the inquiry is by an outside agency or, as the case may be, where criminal proceedings against the workman are in progress, the subsistence allowance shall, for the first one hundred and eighty days from the date of suspension, be equal to one-half of his basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled to if he were on leave. If such enquiry or criminal proceedings gets prolonged and the workman

¹/Subs. vide S.R.O. No. A-1062 of 1970, dated the 7th July, 1970.

continues to be under suspension for a period exceeding one hundred and eighty days, the subsistence allowance shall, for such period, be equal to three-fourths of such basic wages, dearness allowance and other compensatory allowances :

Provided that where such enquiries or criminal proceedings are prolonged beyond a period of one hundred and eighty days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding one hundred and eighty days, be reduced to one-fourth of such basic wages, dearness allowance and other compensatory allowances.

¹[(bb) A copy of the enquiry proceedings shall be given to the workman concerned at the conclusion of the enquiry on request by the workman.]

(c) If on the conclusion of the inquiry or, as the case may be, 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 when an order of suspension is passed under this clause and 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 the final order of suspension was passed exceeds thirty days, the workman shall be deemed to have been suspended only for thirty days or for such shorter period as is specified in the said final order of 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 deducting the subsistence allowance paid to him for such period :

Provided also that where an order imposing fine or stoppage of annual increment or reduction in rank is passed under this clause, the workman

¹ Ins. by G O. Ms. No. 265, Labour, dated the 5th February. 1985.

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 :

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

(d) If on the conclusion of the inquiry or, as the case may be, 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.

¹[(dd) The proceedings of the enquiry shall be recorded in English or Tamil or in the language understood by the workmen.]

(e) 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.]

²[(5)] In awarding the punishment under this standing order the employer shall take into account the gravity of the misconduct, the previous record of the workman and any other extenuating or aggravating circumstances, that may exist.

²[(6)] If A workman who is suspended is after enquiry dismissed by the employer he shall be deemed to have been dismissed with effect on and from the date of suspension, unless otherwise indicated in the order of dismissal,

²[(7)] A copy of the order passed by the employer shall be communicated to the workman concerned.

18. Redress of grievance against unfair treatment.— All complaints arising out of his employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent or servant shall be submitted by the workman or on his behalf by a union of which he is a member to the manager or such other officer or officers as the

¹ Ins. by G.O. Ms. No. 265.Labour, dated the 5th February, 1985.

² Re-numbered by S.R.O. A-1062 of 1970, dated the 7th July, 1970.

employer may appoint. The employer or such other officer authorised by him in this behalf shall personally inquire into the complaint at such time and place as he or they may fix and the complainant workman or the employee member of the union shall have the right to be present. When the complainant alleges unfair treatment or wrongful exaction on the part of the employer or servant, a copy of the order finally passed shall be supplied to the complainant if he asks for the same. In other cases, the decision of the enquiring officer shall be communicated to the complainant :

Provided that complaints relating to —

(i) assault or abuse by any person holding a supervisory position ; and

(ii) refusal of an application for urgent leave

shall be enquired into as expeditiously as possible by the employer or such other officer as may be authorised by him in this behalf.

19. Issue of service certificate.— Every permanent workman shall be entitled to a service certificate at the time of leaving the service, dismissal or discharge.

20. Notice for absence from duty and penalty for absence without due notice.— If ten or more workmen acting in concert and without giving to the employer fourteen days' notice and without reasonable cause, absent themselves from work or being present at the workspot refuse to work, each one of them shall be liable to pay to the employer in lieu of such notice an amount equal to his wages for eight days.

Explanation.— For the purpose of this standing order, the expression “wages” shall have the meaning assigned to it in the Payment of Wages Act, 1936 (Central Act IV of 1936).

21. Retirement.— Every workman shall retire on attaining the age of 58 (fifty-eight) years which shall be the age of superannuation, provided that the management may in their discretion extend the period of service of any workman on reaching the said age of superannuation for such longer period as may be considered necessary.

22. Notice.— (1) Any matter required to be notified under these standing orders and any notice by the employer to the workman in the industrial establishment shall be displayed on notice boards maintained for the purpose at conspicuous place in the premises of the industrial establishment.

(2) Any notice or communication intended for any workman personally may be delivered to him personally in the premises of the industrial establishment or sent to him by post to the address of the workman as specified in the service records or as otherwise furnished by him.

¹[(3) Any matter required to be notified under these standing orders and any notice or communication by the employer to the workmen in the industrial establishment shall be in Tamil : Provided that if the majority of the workmen in the industrial establishment know English or any other regional language and express a desire to receive communication in that language, the communication may be sent to the workmen in that language.]

SCHEDULE II

Model Standing Orders applicable to Working Journalists.

1. Short title and commencement.— (1) These Orders may be called the Model Standing Orders for Working Journalists.

(2) These orders shall come into force on.....

2. Working journalists shall be classified as :

- (1) apprentices ;
- (2) part-time ;
- (3) permanent ;
- (4) probationers ; and
- (5) temporary.

3. (a) An 'apprentice working journalist' means a learner who is either paid an allowance or not paid any allowance during the period of his training, which shall not exceed one year ;

(b) A 'part-time working journalist' means a working journalist who is employed to do work as a working journalist for less than the normal period of working hours of a newspaper establishment ;

(c) A 'permanent working journalist' means a working journalist who has been engaged on a permanent basis or whose appointment has been confirmed in writing by the manager or any other officer authorised by the manager in that behalf and includes any person who has completed

¹ Ins. by S R.O. No. A-14 of 1973, dated the 30th November, 1972.

to the satisfaction of the manager, a probationary period of six months in aggregate or such extended time as may be given to him by the manager to show improvement, in the same newspaper establishment, including breaks due to sickness, accidents, leave, lock-outs, strike which is not illegal or involuntary closure of the establishment ;

(d) A 'probationer means a working journalist who is provisionally employed to fill a permanent vacancy of a post and who has not completed six months' service in aggregate or such extended period, not exceeding six months, as the manager, in consultation with the Editor, may fix with a view to giving him a chance to show improvement, in the same newspaper establishment :

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

Explanation.— The expression "probationary period" shall, for the purpose of the proviso includes breaks due to sickness, accidents, leave, lock-outs, strike which is not illegal, or involuntary closure of the establishment ;

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

4. Appointment letter.— Every working journalist shall be given an appointment letter at the time of his appointment. On a working journalist being promoted he shall be given a letter setting out the terms of the post to which he has been promoted.

5. Leave records.— Every newspaper establishment shall maintain a book which shall show the amount of leave earned, the amount of leave taken and the amount of leave due to each working journalist. The leave record may be seen by the working journalist concerned, when necessary.

6. Attendance Register.— Every newspaper establishment shall maintain a daily attendance register which shall be signed by each working journalist in the manner indicated in the standing order No. 10.

7. Service Register.— Every newspaper establishment shall maintain a Service Register in respect of each working journalist and enter therein the nature of his appointment, his name and address, the date of his first appointment, the rate of his wages, the amount of increment earned, whether the increments have been withheld and, if so, the reasons for withholding increments, punishments, if any, awarded with reasons, number of warnings, if any, issued, number of times censured, and such other matters as may be prescribed by the management.

8. Publication of working time.— The periods, hours of work and the place of work for all classes of working journalists shall be exhibited in Tamil, in English and in the language of publication of the newspaper, if it be other than Tamil or English, on the notice boards maintained at the newspaper establishment.

9. Publication of holidays and pay days.— Notices specifying —

(a) the days which shall be observed by the newspaper establishment as holidays (including weekly holidays) ; and

(b) pay day,

shall be pasted on the said notice boards,

10. Attendance and late coming.— (1) All working journalists shall be at work at the place and time published under standing order No. 8.

(2) All working journalists shall sign every day the attendance register and shall state therein the time of their arrival at, and departure from, the newspaper establishment. If any working journalist comes late by over ten minutes on three consecutive days in a week the employer may deduct one day's casual leave from the working journalists casual leave account :

Provided that any working journalist may, with the permission of the Head of Department or the Editor or any other authority appointed for this purpose, absent himself from his proper place of duty during his working hours. No late attendance shall be permitted after recess or rest interval.

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

(2) Any wages due to the working journalists but not paid on the usual pay day on account of their being unclaimed shall be paid by the employer on one or more unclaimed wage pay day or days in the following week, which shall be notified on the notice boards as aforesaid.

12. Stoppage of work.— The manager may, at any time, in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemic, civil commotion or any cause beyond his control, close down any department or departments or a section or sections of department or departments of the newspaper establishment wholly or partially or the whole or part of the newspaper establishment for any period or periods in accordance with the law for the time being in force. Wherever practicable, reasonable notice shall be given of the resumption of the normal work by the department, section of newspaper establishment concerned.

13. Termination of employment.— (1) The services of a working journalist shall not be terminated as a punishment unless the procedure laid down in the standing order No. 15 has been followed.

(2) An order relating to termination of services of a working journalist shall be in writing and it shall be signed by the appointing authority or by an official of the newspaper establishment authorised in this behalf by the appointing authority. The reasons for the termination of the services shall be given in the order, a copy of which shall be supplied to the working journalist concerned.

(3) Where the employment of any working journalist is terminated, the wages earned by him and the other dues, if any, should be paid to him before the expiry of a fortnight, in the case of wages, and six weeks, in the case of other dues, from the day on which his employment is terminated.

14. Act of misconduct.— Any of the following acts or omissions on the part of a working journalist shall amount to misconduct, namely : --

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

(b) striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law, or deliberate slowing down in performance ;

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

- (d) Taking or giving bribes or any other illegal gratification ;
- (e) habitual absence from duty without leave or absence from duty without leave for more than ten consecutive days or overstaying the sanctioned leave without sufficient grounds or proper satisfactory explanation ;
- (f) habitual late attendance ;
- (g) habitual breach of any standing order or any law applicable to the establishment or any rules made thereunder ;
- (h) riotous or disorderly behaviour during working hours at the newspaper establishment or any act subversive of discipline ;
- (i) habitual neglect of work or habitual negligence ;
- (j) habitual breach of any rules or instructions for the maintenance and running of any department with which he is concerned ;
- (k) wilful damage to work in process or to any property of the newspaper establishment ; and
- (l) refusal to accept a charge-sheet, order or other communication served in accordance with these standing orders.

15. Disciplinary action against a working-journalist.— (1) The following penalties may be imposed on a working journalist by an authority or authorities to be nominated by the newspaper establishment for proved inefficiency or gross negligence or any misconduct specified in standing order No. 14, namely : --

- (a) warning ;
- (b) censure ;
- (c) suspension not exceeding ten days ;
- (d) withholding of increments ;
- (e) withholding of promotion ;
- (f) demotion (reduction to a lower rank) ; and
- (g) termination of service ;

Provided that the penalty of termination of service shall not be imposed on any working journalist other than the Editor except after consultation with the Editor or the head of the section concerned.

(2) No disciplinary action shall be taken against any working journalist unless he has been given a copy of the charge leveled against him and unless he has been given an opportunity of showing cause and of defending himself either personally or through a co-worker of his choice

or through an official of a trade union of working journalists of which he is a member against the action proposed to be taken against him. The working journalist concerned shall have the right to be heard in person and to examine witnesses and to produce evidence.

(3) No penalty shall be imposed on a working journalist unless he is informed in writing of the reasons for awarding the proposed penalty and is given a reasonable opportunity of showing cause either himself personally or through a co-worker of his choice or through an official of a trade union of working journalists of which he is a member as to why the proposed penalty should not be imposed on him.

(4) A working journalist may be suspended by the appointing authority or by any person authorised by him in this behalf, during the period of an enquiry against the working journalist provided that the working journalist shall be paid during such period of suspension a subsistence allowance which shall not be less than one-half of the wages which had been last drawn by him while on duty.

Explanations.— (a) For the purposes of this standing order, 'wages' means wages as defined in the Industrial Disputes Act, 1947.

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

(c) If a working journalist refuses to accept a charge-sheet, order or other communication served in accordance with these standing orders and provided that he has been asked to accept the charge-sheet in the presence of at least two witnesses, he shall be told verbally the time and place at which enquiry into his alleged misconduct is to be held and if he refuses or fails to attend at that time, the enquiry shall be conducted *ex-parte* and the punishment awarded shall take account of misconduct under standing order No. 14 thus committed

Provided that the service of charge-sheet and intimation of time and place of enquiry shall also be made to the working journalist concerned by registered post with acknowledgement due.

(d) If on enquiry the charges against the working journalist, who was under suspension, during the period of the enquiry, are not proved, he shall be deemed to have been on duty during the period of suspension and shall be entitled to receive the wages and other allowances which he would have received if he had not been suspended.

(5) In awarding a penalty under these standing orders, the punishing authority shall take into account the gravity of offence, the previous record, if any, of the working journalist and any other extenuating or aggravating circumstances that may exist. A copy of order passed by the punishing authority as well as the remarks made by the Editor, if any, shall be supplied to the working journalist concerned.

16. Complaints.— Any working journalist desirous of getting redress in respect of any grievance arising out of his employment or relating to unfair treatment or wrongful exaction on the part of the superior shall submit a complaint in writing to the Manager or any officer appointed in this behalf. An appeal against the order of the manager shall lie to the employer except where the Manager is the employer.

17. Certificate of termination of service.— Every working journalist shall be entitled to a service certificate at the time of his termination of service.

18. Liability of Manager.—The Manager of the newspaper establishment shall be personally held responsible for the proper and faithful observance of the standing orders, provided that where the manager is overruled by his superior, the latter shall be held responsible for the decision taken.

19. Supply of Standing Orders.— Every working journalist shall be supplied free of cost with a copy of the certified standing orders applicable to him either at the time of his employment or as soon as possible after the date they come into operation but in any case not later than three months from such date.