

## RTI REQUEST DETAILS

<b>Registration No. :</b> CSLTD/R/E/23/00027	<b>Date of Receipt :</b> 12/05/2023	
<b>Type of Receipt :</b> Online Receipt	<b>Language of Request :</b> English	
<b>Name :</b>	<b>Gender :</b>	
<b>Address :</b>		
<b>State :</b>	<b>Country :</b>	
<b>Phone No. :</b>	<b>Mobile No. :</b>	
<b>Email :</b>		
<b>Status(Rural/Urban) :</b>	<b>Education Status :</b>	
<b>Is Requester Below Poverty Line ? :</b> No	<b>Citizenship Status :</b> Indian	
<b>Amount Paid :</b> 10 )	<b>Mode of Payment :</b> Payment Gateway	
<b>Does it concern the life or Liberty of a Person ? :</b> No(Normal)	<b>Request Pertains to :</b>	
<b>Information Sought :</b> Please provide copies of Standing Orders		
<input type="button" value="Print"/> <input type="button" value="Save"/> <input type="button" value="Close"/>		



CSL/SEC/CS/CORRESP/RTI/2023/2

June 02, 2023

## **Sub: Information Under Right to Information Act**

Dear Sir,

1. Please refer your RTI request no. CSLTD/R/E/23/00027 dated May 12, 2023. The Certified Standing Orders applicable to the workmen of Cochin Shipyard Limited is placed at **Annexure I**.
2. If you are not satisfied with the above reply, you may prefer an appeal within 30 days from the date of receipt of this letter to Shri Bejoy Bhasker, Director (Technical) & Appellate Authority, Cochin Shipyard Limited, Administrative Building, Cochin Shipyard Premises, Perumanoor, Kochi – 682 015.

Thanking You,



Yours faithfully,

**Syamkamal N**

**Company Secretary & CPIO**



COHIN SHIPYARD LIMITED  
KOCHI-682 015

CERTIFIED STANDING ORDERS  
(In English and Malayalam)

Issued by  
PERSONNEL DEPARTMENT

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COCHIN SHIPYARD LIMITED  
PERSONNEL DEPARTMENT

No.K-11-16/162/73

5-2-1980

Sub: Standing Orders

A copy of the Standing Orders as certified by the Chief Labour Commissioner (Central) and Appellate Authority under the Industrial Employment (Standing Orders) Act 1946, is published herewith.

For COCHIN SHIPYARD

LIMITED

Sd/-  
(Joy Joseph)  
MANAGER

(PERSONNEL)

Encl: a.a

FC/Chief Managers/All Heads of Departments.  
XA to C&MD/PA to GM  
Internal Audit  
General Secretary, CSEU, Cochin-15.  
All Notice Boards.

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**STANDING ORDERS FOR THE COCHIN SHIPYARD  
LIMITED, COCHIN, AS CERTIFIED IN APPEAL BY  
CLC(C)-  
APPELLATE AUTHORITY – NEW DELHI**

**1. COMMENCEMENT AND APPLICATION**

These Standing Orders shall apply to all workmen of Cochin Shipyards Limited and shall come into force as provided in Section 7 of the Industrial Employment (Standing Orders) Act 1946, as amended from time to time.

**2. DEFINITIONS**

In these orders, unless there is anything repugnant to the subject or context:

- (a) The “Company” means, Cochin Shipyards Limited, Cochin-15.
- (b) “Management” means the employer or any officer specified by the employer.
- (c) “Muster Roll” includes any register or registers or other records maintained for the purpose of keeping a list of employees employed by the Company for marking the attendance of the said employees. This includes the attendance register or the register maintained under the provisions of the Factories Act.
- (d) “Notice” means a notice in writing required to be given or exhibited on the Notice Board for the purpose of these Standing Orders.
- (e) “Notice Board” means the Notice Board specially maintained in a conspicuous place at or near each of the main entrances to the establishment and the Manager’s Office for the purpose of displaying notices required to be posted or affixed under the provisions of these Standing Orders.

*[Handwritten signature]*



- (f) "Premises" includes the area or properties owned, leased or hired by the Company, where operations directly connected with the objectives of the Shipyard are carried out.
- (g) "Workmen" means any person employed by the Company who is covered by the definition of "Workmen" in the Industrial Employment (Standing Orders) Act, 1946.
- (h) "Works" means all departments, plants and other installations etc of the Company situated within or outside the perimeter wall existing or to come into existence anywhere.
- (i) "Wages" means wages as defined in the Payment of Wages Act, 1936 as amended from time to time.
- (j) "Year" means a period of 12 months.
- (k) "Habitual" means repetition of an Act or omission for four times within a period of 6 months.

Words denoting masculine shall include feminine and singular, the plural.

### 3. CLASSIFICATION OF WORKMEN

- (a) Workmen shall be classified as follows:
  - (i) Permanent
  - (ii) Probationer
  - (iii) Apprentice/Trainee
  - (iv) Temporary
  - (v) Casual
- (b) A Permanent workman is a person who has been engaged on a permanent basis against a permanent vacancy after satisfactorily completing the probationary period stipulated in his appointment letter in the same or another occupation in the Company.
- (c) A "Probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed six months' service therein. The management may at its discretion, extend the period of probation for a further period of three months. If a permanent employee is employed as a probationer in a new post he may, at any time during the period of probation as aforesaid be reverted to his old permanent post.

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- (d) "Apprentice/Trainee" is a learner who is paid an allowance or stipend during the period of his training. The Company is not obliged to employ him on conclusion of his apprenticeship.
- (e) "Temporary Workman" is a workman who has been engaged for work which is essentially of a temporary nature likely to be finished within a limited period.
- (f) "Casual Workman" is a workman whose employment is of a casual nature.

#### **4. IDENTITY CARD, BADGE, TOKEN, TICKET, PERMIT**

- (a) Every workman will be provided with an Identity Card, Badge, Token, Ticket or Permit bearing his name, personal number, photograph and such particulars as may be prescribed by the Company for purposes of Identification and signed by an Officer authorized by the Management.
- (b) Every workman shall always carry on his person during the working hours of the Company and shall show his identity card, etc to the Security Personnel at the gate when entering in or leaving the Factory, Works, or Offices or on demand at any time by any other proper authority while the workman is inside the Factory, Works or Offices.
- (c) A Workman may not be admitted within the Factory, Works or Offices without the said identity card etc. However any workman who has forgotten to bring his identity card etc, may be allowed to enter the Factory, Works, and Offices with a temporary pass valid for that day.
- (d) The Identity card etc is not transferable.
- (e) If a workman loses his identity card, etc, he shall immediately report the loss to the Issuing Authority and a new identity card, etc, shall be issued to him on payment of the cost not exceeding Rupee one. Such loss, if repeated on second and subsequent occasions, may entail a payment of Rs.2/- (Rupees two only) on each occasion.
- (f) On termination of service or on proceeding on leave preparatory to retirement or on being suspended from work, the workman concerned shall surrender his card, badge, token, ticket or

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permit to the Issuing Authority failing which the workman shall be liable to make good the cost as provided for cited above.

- (g) If the Identity card, etc becomes illegible or disfigured due to natural the Company will replace it without any charge.

## 5. ENTRY AND EXIT

Workman shall enter or leave the premises only by the gate or gates notified for the purpose. These gates may be closed during working hours at the discretion of the Management and the workmen shall not leave the premises during such hours except without the permission in writing of his In-charge which shall be shown at the gate.

## 6. SEARCH

- (i) On entering or leaving the works and at any other time in special circumstances, all workmen are liable to be stopped and searched by the security staff or any other person authorized for the purpose. Female workmen shall be searched by a female searcher with due regard to their modesty.

Note: For the above purpose "Workmen" shall include among other things, the physical persons himself and his vehicle or conveyance and his attachments.

- (ii) Any workman carrying tiffin carriers/boxes/documents/articles/case bags or other receptacles etc shall keep them open or show them when demanded by the security personnel as they pass in or out of the gate.
- (iii) The Company has a right to remove from those searched, any articles belonging to the Company or such other articles as the Company may consider would endanger the personnel or property of the Company.
- (iv) No workman shall bring inside the works any article or material which is not necessary for the performance of his duty inside the works or which is not permitted by the Management.

## 7. PUBLICATION OF WORKING TIME

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- (a) The periods and hours of work including mid shift break for all classes and groups of workmen as may be fixed from time to time by the Management shall be exhibited on the Company's Notice Boards.
- (b) The Company reserves the right to require all or any of its workmen to work on weekly holidays and other holidays in the exigencies of work as provided by law.

## **8. ATTENDANCE & LATE COMING**

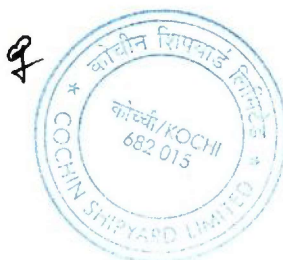
- (a) All workmen shall be at the workspot punctually at the specified time and shall register attendance by punching their cards or in any other manner prescribed. Workmen shall be liable to be shut out if they are not at the workspot at the scheduled time. However, workmen who come late may be admitted for work by the Department Head/Manager at his discretion and shall be subject to wage deduction for the time absent from duty as per the provisions of the Payment of Wages Act as amended from time to time.

If a workman is found to be habitually late in attendance, he will be treated as a habitual late comer and dealt with under the provisions of these Standing Orders.

- (b) No workman shall leave the workspot during working hours without prior permission from his supervisor/head of department obtained in the prescribed manner.
- (c) Any workman who is found absent from his proper place of work during working hours without permission, shall be treated as absent from the time of his absence and his wages shall be subject to deduction in accordance with the provisions of the Payment of Wages Act as amended from time to time.

## **9. PUBLICATION OF HOLIDAYS AND PAY DAYS**

Notices specifying the days observed by the Company as holidays and pay days shall be posted on the Company's Notice Boards.





## 10. PUBLICATION OF WAGE RATES

Notices specifying the rates of wages payable to all classes of employees may be displayed on the Notice Board.

## 11. PAYMENT OF WAGES

- (a) All wages due to the workmen or deduction from their wages shall be made in accordance with the provisions of the Payment of Wages Act, 1936, as amended from time to time.
- (b) Any wages due to an employee but not paid on the usual pay day on account of their being unclaimed shall be paid on an unclaimed wages pay-day which shall be notified on the Notice Boards, for each wage period.

## 12. SHIFT WORKING

More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, a workman shall be liable to be transferred from one shift to another. No shift working shall be discontinued without three weeks' notice being given in writing to the workmen prior to such discontinuance, provided that no such notice shall be necessary if the closing of the shift is under an agreement with the workmen affected. If as a result of the discontinuance of the shift working, any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 (14 of 1947), and the rules made thereunder. If shift working is re-started, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said Rules.

## 13. RIGHT TO REQUIRE WORKMEN TO DO OVERTIME ETC.

Subject to the provisions of the applicable laws, the Company has the right to require any workmen to work overtime and also to require the workmen to work on Sundays and other declared holidays in accordance with the instructions which may be issued from time to time.

## 14. GENERAL CONDITIONS FOR GRANT OF LEAVE

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- (1) All workmen will be entitled to leave under the provisions of relevant laws or under any award, agreement or settlement in force from time to time. No leave can be availed of as a matter of right and sanctioning authority has the discretion to revise, curtail, or revoke leave at any time according to the exigencies of work. In case of a conflict between the provisions of the relevant laws and any award or agreement, the workers will be entitled to the more beneficial provisions.
- (2) A workman who desires to obtain leave of absence shall apply to the employer or any other officer of the Industrial establishment specified in this behalf by the employer who shall issue orders on the application within a week of the submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issued to the worker. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefore shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof he shall apply to the employer or the Officer specified in this behalf by the employer who shall send a written reply either granting or refusing extension of leave to the workman if his address is available and if such reply is likely to reach him before the expiry of the leave originally granted to him.
- (3) If the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless he (a) returns with 10 days of the expiry of the leave, and (b) explains to the satisfaction of the employer or the officer specified in this behalf by the employer his inability to return before the expiry of his leave.

Provided, however, that in case a workman, who has lost his lien on the post, as aforesaid reports back to the management within one year and explains with cogent and

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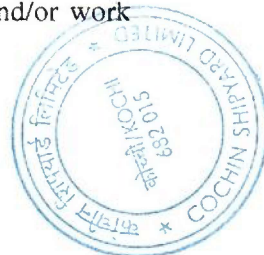
sufficient reasons the circumstances on account of which he could not return from leave, his case may be reviewed by the management, who may in their discretion, re-employ him in the establishment if there is a vacancy at the relevant time.

## 15. NATIONAL AND FESTIVAL HOLIDAYS

All workmen shall be entitled to 3 National and 9 Festival holidays in a Calendar year as declared by the Company in consultation with the Union.

## 16. DUTIES AND OBLIGATIONS DURING WORKING HOURS

- (i) Workmen shall not enter or pass through departments other than those in which they are employed unless it is necessary in the course of their duties.
- (ii) Workmen shall not engage themselves in any other work or trade excepting that of the Company either for themselves or for any other person during working hours.
- (iii) Each workman is responsible for and shall take proper care of all machines, plants, tools, gauges, jigs, fixtures, drawings, office equipment etc specifically entrusted to him. Workmen shall not take out of the premises any articles, documents, drawings, materials etc belonging to the Company without a pass in the prescribed form issued by the Company. Neither shall they deliberately conceal any such articles or materials.
- (iv) Workmen shall take precautions to safeguard the Company's property entrusted to them and to prevent accident or damage to it. Workmen shall at once report to his supervisor or Foreman or Manager any defect which he may notice in any machinery/equipment connected with his work. He shall also immediately report any defect or occurrence which he may notice and which might endanger himself or any other workman/employee/person or might result in damage to the Company's or any workmen's/employees'/person'/property. It is the duty of every workman to see that his machine and/or work place is kept clean and tidy.



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- (v) Strict observance of all safety instructions including fire prevention and protection is obligatory on the party of the workmen. Workmen shall not, unless specifically authorized, interfere with any safety device or any machine running or idle. Where the Company provides protective clothing or appliances for the safety of workmen, those shall be worn by them while engaged in such jobs.

## 17. STOPPAGE OF WORK AND LAYING OFF

- (i) The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, slowing down of work, strike in any part of the establishment, epidemics, civil/commotion or other cause beyond his control, stop any section or sections of the establishment, wholly or partially for any period or periods without notice.
- (ii) 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 as soon as practicable when work will be resumed and whether they are to remain or leave the premises. The period of detention in the premises shall not ordinarily exceed two hours after the commencement of the stoppage or closure. If the period of detention does not exceed one hour, workers so detained shall not be paid for the period of detention. If the period of detention exceeds one hour the workmen so detained shall be entitled to receive wages for the whole of the time during which they are detained as a result of the stoppage or closure.
- (iii) 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 such section or department and any other section or department affected by such closing down. The fact of such closure shall be notified by notices put 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 concerned shall also be notified by a general notice, prior to resumption of work, as to when work will be resumed.

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- (iv) In cases where workmen are laid off for short periods under these Standing Orders, compensation shall be paid to them in accordance with the provisions of the Industrial Disputes Act, 1947.
- (v) compensation for lay-off and retrenchment shall be governed by the provisions of Industrial Disputes Act, 1947.

## 18. RIGHT TO LAY-OFF

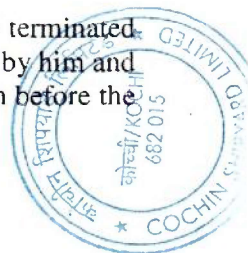
The Company may at any time, in the event of curtailment of production, shortage of orders of raw materials, power cuts, accumulation of stocks, break-down of machinery and for any other similar reasons lay-off any workman so long as the contingency which caused the lay-off, continues.

## 19. DEDUCTION FROM WAGE BILLS

Deduction from the wages of an employee will be made in accordance with the provisions of the Payment of Wages Act 1936 as amended from time to time.

## 20. TERMINATION OF EMPLOYMENT

- (i) Employment of a workman may be terminated for good and sufficient reasons to be intimated to the workman in writing and on one month's notice in writing or payment of wages in lieu of notice. Like-wise, the workman may also leave service of the Company by giving one month's notice in writing or by payment of an amount equal to one month's wages in lieu of notice. The Company may deduct one month's wages from the dues of the workman who leaves its employment without giving due notice.
- (ii) No temporary workman and no probationer shall be entitled to any notice or pay in lieu thereof if his services are terminated but the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him.
- (iii) Where the employment of any workman is terminated, when he leaves the service, the wages earned by him and all other sums due to him shall be paid to him before the



expiry of the second working day from the day on which he leaves the services of his employment is terminated.

- (iv) An order of termination of service shall be in writing and shall be signed by the Management or a person duly authorised in this behalf and a copy thereof shall be supplied to the workman concerned.
- (v) The termination of services of Apprentices (Trainees) will however be determined in accordance with the terms of contract/agreement between them and the Company.
- (vi) If a workman absents himself without permission for more than 10 consecutive calendar days, he shall be deemed to have left the services of the Company on his own accord without notice and his services shall stand terminated automatically, without any separate overtaction by the management.
- (vii) Similarly, if a workman, having been laid off under these standing orders fails to report for duty within 10 days of the posting of notice of lifting of lay-off or recall notice or of being otherwise notified in this behalf, he shall be deemed to have left the services of the Company on his own accord and his services shall stand terminated automatically.
- (viii) The Company has a general right to discharge a workman bonafide from service when the employer has lost confidence in him.
- (ix) The management may terminate the services of a workman who is detained under any law for a continuous period of two months or more and thus remains absent from duty for the aforesaid period.

## 21. TRAVELLING ALLOWANCE

Workman shall be granted travelling allowance for journeys on duty in accordance with the Travelling Allowance Rules of the Company.

## 22. PROVIDENT FUND

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Workman shall be entitled to the benefits of Provident Fund Scheme in accordance with the Provident Fund Rules of the Company and modifications thereof from time to time as may be effected by the Company.

### 23. REPORTING ACCIDENTS

- (a) Any workman to whom an accident occurs in the course of his work or any other person on his behalf in case the workman is unable to report it himself, shall as soon as possible report the accident however slightly may be, to his Supervisor/or any other person duly authorized by the Management in the department, plant or section in which the workman is working.
- (b) The Supervisor or any other person duly authorized by the Management in the department, plant or section, to whom the accident is reported, shall at once prepare an Accident Report in the prescribed form and ensure that the workman to whom the accident has occurred reports to the Company Medical Officer with the Accident Report.

### 24. ACTS AND OMISSIONS CONSTITUTING MISCONDUCT

In particular and without being exhaustive or in any way limiting the meaning of the word 'misconduct' such expression shall be deemed to include, inter-alia, the following acts or omissions:

- (1) Wilful insubordination or disobedience, whether alone or in combination with others to any lawful and reasonable order of a superior.
- (2) Refusal to be searched as provided in Standing Order No.6.
- (3) Striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law.
- (4) Slowing down in performance of work or abetment or instigation thereof.

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- (5) Theft, or dishonesty in connection with the employer's business or property.
- (6) Taking or giving bribes or any illegal gratification.
- (7) Habitual absence without leave or absence without leave for more than ten consecutive days or overstaying the sanctioned leave without sufficient grounds or proper or satisfactory explanation.
- (8) Habitual late attendance.
- (9) Habitual breach of any Standing Orders or any law applicable to the Company or any rules made thereunder.
- (10) Collection, of any money or canvassing for same within the Company's premises without written permission of the Management.
- (11) The sale or canvassing for the sale of tickets or chances in any lottery or raffles within the Company premises and the sale or canvassing for the sale of any commodity without the written permission of the Management.
- (12) Drunkenness, rioting, fighting, riotous or disorderly behaviour or conduct likely to cause breach of peace or conduct endangering the life or safety of any person or any action subversive of discipline.
- (13) Habitual negligence, neglect of work.
- (14) Habitual breach of any rules or instructions for the maintenance of the cleanliness of any portion of the Company's premises.
- (15) Canvassing for union membership or the collection of union dues within the premises of the Company without the previous permission of the Management.
- (16) Wilful damage to or loss of employer's goods or property.
- (17) Attending or holding meetings inside the premises of the Company without the previous permission the Management.

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- (18) Disclosing to any unauthorized person any information in regard to the processes of the work which may come into the possession of the employee in the course of his work.
- (19) Gambling within the premises of the Company.
- (20) Smoking in the prohibited areas of the Company.
- (21) Failure to observe safety instructions or the unauthorized removal, interference, or damage to machine guards, fencing and other safety devices installed in the work premises.
- (22) Distributing or exhibiting inside the Company any hand bills pamphlets, placards, banners, unauthorized badges or posters etc. without the previous sanction of the Management.
- (23) Conviction by a Court of Law for an offence involving moral turpitude.
- (24) Sleeping while on duty.
- (25) Threatening, abusing, assaulting any superior or any employee of the Company within the Company premises or outside.
- (26) Money lending in the Company's premises.
- (27) Allowing unauthorized persons to operate Company's vehicles or machinery or equipment.
- (28) Entering or remaining in Company's premises without permission while not on duty.
- (29) Making false complaints against superiors or other workmen.
- (30) Refusal to accept or take notice, charge sheet or any other communication served either in person or by post or by notification on Company's notice boards.
- (31) Making false statement before a superior or forging the signature of superior or that of any person

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- (32) Proxy registering of attendance or abetting in the act of registering attendance of another workman.
- (33) Carrying lethal weapon, fighting, quarrelling, using abusive language, or causing or attempting bodily injury to another person, boot legging, committing any act which violates common decency or morality of the community and threatening or intimidating any employee/workman of the Company within the Company's premises or outside.
- (34) Picketing or demonstrations within the Company premises.
- (35) Violation of terms and conditions of allotment of Company's quarters.
- (36) Forcible occupation of or refusal to vacate the Company's quarters.
- (37) Falsification of record and/or defalcation.
- (38) Removal from Company's premises of any records, papers or other documents or any other Company's property without prior written permission of the Management.
- (39) Impersonation.
- (40) Indulging in political activities during working hours of the Company with the Company's premises.
- (41) Any false statement made in connection with application for appointment and when physical fitness examination record is being made.
- (42) Using or commercializing any invention discovery patent invented, discovered or patented as the case may be in the course of the employee's employment under the Company to the benefit of himself or any other person, firm or corporation.
- (43) Applying for appointment, scholarships, fellowships, travelships, or for any training not sponsored by the Company otherwise than through the Departmental

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Head/Manager or contrary to the Rules of the Company on the subject.

- (44) Non return of Company's properties within the stipulated period.
- (45) Wilful surrounding, blocking or detaining the Company Officers, Supervisors, Workmen or any other employees either inside or outside the premises of the Company.
- (46) Manufacturing or attempting to manufacture unauthorized articles within the Company premises.
- (47) Refusal or failure to obtain permission to acquire or dispose of properties or to furnish necessary particulars/information relating to assets and liabilities of himself/herself/spouse and children as may be required by the Company from time to time.
- (48) Any act or omission punishable under Law.
- (49) Leaving work without permission or sufficient reason.
- (50) Engaging in any other employment/absence while still in the service of the Company.
- (51) Sexual Harassment of Women at work place  
Sexual harassment includes such unwelcome sexually determined behaviour whether directly or by implication as (a) physical contact and advances (b) a demand or request for sexual favours (c) sexually coloured remarks (d) showing pornography and (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

NOTE:- Abetment of any of the acts or omissions mentioned above shall amount to acts subversive of discipline and hence will constitute misconducts.

## 25. PENALTIES FOR MISCONDUCT

- (a) Any workman who is found guilty of any act of misconduct may be awarded the following punishments by the Management:
  - (i) Censure; Or

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- (ii) Suspension as a substantive punishment for a period not exceeding four days at a time; Or
  - (iii) With-holding of increment for a specified period with or without cumulative effect; Or
  - (iv) Reduction to a lower stage in the scale or wages for a specified period with or without affecting future increments; Or
  - (v) Demotion; Or
  - (vi) Dismissal
- (b) The order of punishment shall be in writing.
- (c) In awarding punishment under these Standing Orders the Management shall take into account the gravity of the misconduct, the past record if any, of the Workman and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the Management Authorised Officer shall be supplied to the workman concerned.

## 26. SUSPENSION PENDING ENQUIRY

- (a) Where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension he may, by order in writing, suspend him with effect from such date as may be specified in the Order. A 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

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compensatory allowances to which the workman would have been entitled if he was 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 allowance.

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 allowance.

- (ii) Where the enquiry is by an outside agency or, as the case may be, where criminal proceedings against workman are under investigation or trial, 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 was on leave. If such enquiry or criminal proceedings gets prolonged and the workman 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-fourth of such wages.

Provided that where such enquiry or criminal proceedings is 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 wages.

- (ba) The enquiry officer should hold an enquiry in the presence of the charge sheeted workman and one representative of the Management who would lead evidence on its behalf. In the enquiry, the workman shall be entitled to appear in person or to be represented

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by a co-worker or an officer-bearer of a trade union of which he is a member.

- (bb) The proceedings of the enquiry shall be recorded in Hindi or in English or in the language of the State where the industrial establishment is located, whichever is preferred by the workman.
- (bc) The proceedings of the enquiry shall be completed within a period of three months.

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

- (c) If on the conclusion of the enquiry 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 where the period between the date on which the workman was suspended from duty pending the enquiry or investigation or trial and the date on which an order of suspension was passed under this clause exceeds four days, the workman shall be deemed to have been suspended only for four days or for such shorter period as is specified in the said 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 a stoppage of annual increment or reduction in rank is passed under this

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clause, the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received, if he had not been placed under suspension after deducting the subsistence allowance paid to him for such periods.

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 enquiry, 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.
- (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.

## 27. DISCIPLINARY ACTION PROCEDURE

No punishment other than censure shall be awarded to a workman unless proved guilty of misconduct in any enquiry conducted in the following manners:

- (a) As soon as a report is received by the Head of the Department, or any other officer of the Company authorized by the Management that a workman has committed an act of misconduct he shall immediately issue a charge sheet to the workman in which the charge of misconduct must be specified. Such charge sheet may also be issued without keeping the workman concerned on suspension depending upon the gravity of the misconduct and exigencies of the circumstances.
- (b) The Charge Sheet should be served personally or by Registered Post Acknowledgement Due. If any workman refuses to receive the charge sheet against him, the refusal should be recorded in the presence of a witness and then served by post under registered A.D. cover. If the registered cover is returned by the Postal authorities undelivered for any reason, the charge sheet shall be considered as having been duly served, if it is

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exhibited on the Notice Board and after the lapse of a period of three days thereafter.

- (c) Where a workman who has been served with a charge sheet, submits unqualified admission of the charge sheet against him, no further enquiry need be held and the competent authority may award suitable punishment which should invariably be recorded. Where the Head of the department or other authorized officer, on examining the explanation offered by the workman comes to the conclusion that the charge/charges have been proved but decides that a minor penalty as enumerated in items (i) to (iv) of Standing Order No.25 will meet the ends of justice, he may pass orders accordingly. If however, he feels that the written explanation submitted by the charge sheeted workman is not satisfactory and that an inquiry is required on the charges leveled against him shall issue a notice to the workman requiring him to appear before an Enquiry Officer on a stipulated date.
- (d) The Head of the Department or other authorized officer after receipt of the Enquiry Officer's report and recommendations shall proceed to record his own findings in each charge. If he disagrees with the findings of the Enquiry authority on any particular charge, he shall record his reason for such disagreement. If any charge is proved, he may award appropriate punishment except that if he feels that the gravity of the misconduct warrant a punishment which he is not competent to impose, he shall forward the recommendations with his note to the higher authority competent to impose such punishment for orders.

A copy of the order passed by the punishing authority has to be supplied to the charge sheeted workman.

Appeal (a) A workman aggrieved by an order imposing punishment, may within twenty one days from the date of receipt of the orders, appeal to the appellate authority.

- (b) The employer shall, for the purposes of clause (a) specify the appellate authority.
- (c) The appellate authority, after giving an opportunity to the workman of being heard, shall pass such order as he thinks proper on the appeal within fifteen days of its receipt and communicate the same to the workman in writing.

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28. Notwithstanding anything herein before contained, a workman who has been convicted by a court of law in any trial involving moral turpitude, may be dismissed or discharged without notice or compensation in lieu of notice.

**29. OTHER EMPLOYMENT**

No workman while in the service of the Company shall undertake any work or service or profession or business whether direct or indirect without the written permission of the management. Such permission, however, shall not be necessary with regard to honorary cultural or social activities.

**30. MEDICAL EXAMINATION**

Every workman is liable to be examined by the Company's Medical Officer or by any other qualified Medical Officer specified by the Company in case the Management has reasonable cause to doubt his fitness or otherwise for continuance of his employment in the Company. If the workman is found unfit for further employment after medical examination his services shall be terminated with the required notice or payment in lieu of notice.

**31. PUBLICATION OF WRITTEN ARTICLES**

No workman shall publish or cause to be published, without the written permission of the Management, any articles etc. which may have a bearing on the business or affairs of the Company except in the case of articles written for any Magazine, House Organ, etc sponsored and published by the Company when the discretion for publication devolves on the "Editorial Board".

**32. SECRECY**

(i) No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of the Company out of the works premises except with the permission of a person authorized by the Management, nor shall be, in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the

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manufacturing process, trade secrets including cost of production and confidential documents of the Company to any unauthorized person, Company or Corporation without the permission of the Management.

- (ii) Breach of this order shall be deemed to be misconduct and the defaulting workman shall be liable to punishment in accordance with these Standing Orders in addition to any other penalties to which he may be liable under the law.

### **33. SERVICE CERTIFICATE**

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

### **34. RETIREMENT**

Workman shall retire from the employment of the Company on completion of the age of 60 years\*. The age set forth in the workmen's application form during appointment (which shall be verified with the dates entered in the Matriculation/School leaving certificate or other appropriate certificates at the time of appointment) shall be the basis for determination of the age of the workman and the workman shall not be entitled to challenge the date of birth and age thereafter.

(\* Stands superseded Clause 14 of the Long Term Settlement dated 11-4-1978 read with Clause 36 of the Long Term Settlement dated 31-8-1981.)

### **35. PROCEDURE REGARDING NOTICE**

- (a) All notices required to be affixed under these Standing Orders shall be in English or Malayalam.
- (b) Any notice, order, charge sheet, communication or intimation which is personal i.e. meant for an individual workman and is given in writing under these Standing Orders, shall be in English or Malayalam and shall be deemed to have been duly served and received by the workman if sent by Regd. Post A/D or displayed on Company Notice Board and after a lapse of a period of three days thereafter.

### **36. EXHIBITION OF STANDING ORDERS**





- (a) A copy of these Standing Orders in English as well as in Malayalam shall be posted at the Time Keeper's office and such other places as the Company may decide. A copy of each of the Malayalam and English version to be supplied to each individual worker, at the cost of the Management.
- (b) For the purpose of interpretation of these orders or other communications from the Company the English version shall be taken as final and binding.

In case of any difference between these Standing Orders and the current applicable law the latter shall prevail.

37. The Management may if it so desire, delegate any of the powers under the Standing Orders to any Officer specified for the purpose and notified on the Company's Notice Board.

38. **ADDRESS**

Every workman shall furnish to the Company the address to which notices, letters, etc affecting him are to be sent and it shall be the duty of the workman to notify any change in his address.

No.IE-5(3)/77-LS.I

CERTIFIED UNDER MY HAND AND SEAL

THIS DAY OF 19<sup>th</sup> JANUARY, 1980

(Sd/-)

(ISHWARI PRASAD)

Chief Labour Commissioner and Appellate Authority.

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