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## **THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) CENTRAL RULES, 1946<sup>1</sup>**

In exercise of the powers conferred by section 15, read with clause (b) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section 15, namely:—

1. (1) These rules may be called the Industrial Employment (Standing Orders) Central Rules, 1946.

<sup>2</sup>[(2) They extend to all Union territories, and shall also apply in any State (other than a Union territory) to industrial establishments under the control of the Central Government or a Railway administration or in a major port, mine or oil field.]

2. In these rules, unless there is anything repugnant in the subject or context,—  
(a) 'Act' means the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946),

(b) 'Form' means a form set out in Schedule II appended to these Rules.

<sup>3</sup>[2A. In the Schedule to the Act, after item 10, the following additional matters shall be inserted, namely:—

"10A. Additional matters to be provided in Standing Orders relating to all industrial establishments in coal mines—

- (1) Medical aid in case of accident;
- (2) Railway travel facilities;
- (3) Method of filling vacancies;
- (4) Transfers;
- (5) Liability of manager of the establishment or mine;
- (6) Service certificate;
- (7) Exhibition and supply of Standing Orders.

"10B. Additional matters to be provided in the Standing Orders relating to all Industrial Establishments,—

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1 Subs. by G.S.R. 208, dated 31st January, 1964.

2 Subs. by G.S.R. 208, dated 31st January, 1964.

3 Subs. by G.S.R. 30 (E), dated 17th January, 1983

- (1) Service Record—matters relating to service card, token tickets, certification of service, change of residential address of workers and record of age;
  - (2) Confirmation;
  - (3) Age of retirement;
  - (4) Transfer;
  - (5) Medical aid in case of accidents;
  - (6) Medical examination;
  - (7) Secrecy;
  - (8) Exclusive service.”]
- <sup>1</sup>[3. (1) Save as otherwise provided in sub-rule (2), the Model Standing Orders for the purposes of the Act shall be those set out in Schedule I appended to these rules.
- (2) The Model Standing Orders for the purposes of the Act in respect of industrial establishments in coal mines shall be those set out in Schedule IA appended to these rules.]
4. An application for certification of Standing Orders shall be made in Form I.
  5. The prescribed particulars of workmen for the purposes of sub-section (3) of section 3 of the Act shall be—
    - (1) Total number employed;
    - (2) Number of permanent workmen;
    - (3) Number of temporary workmen;
    - <sup>2</sup>[(3A) Number of casual workmen;]
    - (4) Number of badlis or substitutes;
    - <sup>3</sup>[\*\*\*]
    - (5) Number of probationers;
    - (6) Number of apprentices;
    - (7) Name of the trade union, or trade unions, if any, to which the workmen belong;
    - (8) Remarks.

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1 Subs. by G.S.R, 732, dated 12th May, 1971.

2 Ins. by S.R.O. 556, dated 24th February, 1956.

3 Item (4A) omitted by G.S.R. 655(E) dated 10<sup>th</sup> October, 2007 (w.e.f. 10-10-2007) earlier it was inserted by G.S.R. 936(E) dated 10<sup>th</sup> December, 2003(w.e.f. 10-12-2003). Item (4A), before omission, stood as under:  
 "4(A) Number of fixed term employment workmen,".

6. As soon as may be after he receives an application under rule 4 in respect of an industrial establishment, the Certifying Officer shall—
  - (a) where there is a trade union of the workmen, forward a copy of the draft Standing Orders to the trade union together with a notice in Form II
  - (b) where there is no such trade union, call a meeting of the workmen to elect three representatives, to whom he shall, upon their election, forward a copy of the draft Standing Orders together with a notice in Form II.
7. Standing Orders certified in pursuance of sub-section (3) of section 5 or sub-section (2) of section 6 of the Act shall be authenticated by the signature and seal of office of the Certifying Officer or the appellate authority as the case may be and shall be forwarded by such officer or authority within a week of authentication by registered letter post to the employer and to the trade union, or, as the case may be, the representatives of the workmen elected in pursuance of rule 6.
  - <sup>1</sup>[7A.(1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quintuplicate to the appellate authority accompanied by a certified copy of the Standing Orders, amendments or modifications, as the case may be. <sup>2</sup>[The memorandum of appeal shall be in <sup>3</sup>[Form IVA] set out in Schedule II to these rules.]
  - (2) The appellate authority shall, after giving the appellant an opportunity of being heard, confirm the Standing Orders, amendments or modifications as certified by the Certifying Officer unless it considers that there are reasons for giving the other parties to the proceedings a hearing before a final decision is made in the appeal.
  - (3) Where the appellate authority does not confirm the Standing Orders, amendments or modifications, it shall fix a date for the hearing of the appeal and direct notice thereof to be given—
    - (a) where the appeal is filed by the employer or a workman, to trade unions of the workmen of the industrial establishments, and where there are no such trade unions to the representatives of workmen elected under clause (b) of rule 6, or as the case may be, to the employer;

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1 Ins. by G.S.R. 1166, dated 28th June, 1963.

2 Ins. by G.S.R. 732, dated 12th May, 1971.

3 Subs. by G.S.R. 910, dated 10th August, 1984.

- (b) where the appeal is filed by a trade union, to the employer and all other trade unions of the workmen of the industrial establishment;
  - (c) where the appeal is filed by the representatives of the workmen, to the employer and any other workman whom the appellate authority joins as a party to the appeal.
- (4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.
  - (5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.
  - (6) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or consider to be relevant.]
8. The register required to be maintained by section 8 of the Act shall be in Form III and shall be properly bound and the Certifying Officer shall furnish a copy of Standing Orders approved for an Industrial Establishment to any person applying therefore on payment of a fee <sup>1</sup>[calculated at the following rates per copy—
- (i) for the first two hundred words or less seventy-five paise;
  - (ii) for every additional one hundred words or fraction thereof thirty-seven paise:
- Provided that, where the said Standing Order exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words to the nearest hundred, for the purpose of assessing the copying fee.]
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<sup>1</sup> Subs. by G.S.R. 1573, dated 10th October, 1967.

## SCHEDULE I

### <sup>1</sup>[MODEL STANDING ORDERS IN RESPECT OF INDUSTRIAL ESTABLISHMENT NOT BEING INDUSTRIAL ESTABLISHMENTS IN COAL MINES]

1. These orders shall come into force on.....
2. Classification of workmen.—
  - (a) Workman shall be classified as—
    - (1) Permanent
    - (2) probationers
    - (3) badlis
    - <sup>2</sup>[\*\*\*]
    - (4) temporary
    - (5) casual
    - (6) apprentices,
  - (b) A 'permanent' workman is a workman, who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment including breaks due to sickness, accident, leave, lockout, strike (not being an illegal strike) or involuntary closure of the establishment.
  - (c) A 'probationer' is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months' service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationary period of three months, be reverted to his old permanent post.
  - (d) A 'badli' is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent,
  - (e) A 'temporary' workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period.

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1 Subs. by G.S.R. 732, dated 12th May, 1971.

2 Item (3A) omitted by G.S.R. 655(E) dated 10<sup>th</sup> October, 2007 (w.e.f 10.10.2007). Earlier it was inserted by G.S.R. 936(E), dated 10<sup>th</sup> December, 2003 (w.e.f. 10-12-2003). Item (3A) before omission stood as under:  
"3(A) fixed term employment".

(f) A 'casual' workman is a workman whose employment is of a casual nature.

(g) An 'apprentice' is a learner who is paid an allowance during the period of his training.

<sup>1</sup>[\*\*\*]

### **3. Tickets.—**

- (1) Every workman shall be given a permanent ticket unless he is a probationer, badli, temporary worker or apprentice.
- (2) Every permanent workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person authorised by the manager to inspect it.
- (3) Every badli shall be provided with a badli card, on which shall be entered the days on which he has worked in the establishment, and which shall be surrendered if he obtains permanent employment.
- (4) Every temporary workman shall be provided with a 'temporary' ticket which he shall surrender on his discharge.
- (5) Every casual worker shall be provided with a 'casual' card, on which shall be entered the days on which he has worked in the establishment,
- (6) Every apprentice shall be provided with an 'apprentice' card, which shall be surrendered if he obtains permanent employment,

**4. Publication of working time.—** The periods and hours of work for all classes of workers in each shift shall be exhibited in English and in the principal languages of workmen employed in the establishment on notice boards maintained at or near the main entrance of the establishment and at time-keeper's office, if any.

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1 Sub-paragraph (h) omitted by G.S.R. 655(E), dated 10<sup>th</sup> October, 2007 (w.e.f. 10.10.2007). Earlier it was inserted by G.S.R. 936(E), dated 10<sup>th</sup> December, 2003 (w.e.f. 10.12.2003). Sub-paragraph (h), before omission, stood as under:

(h) A 'fixed term employment' workman is a workman who has been engaged on the basis of contract of employment for a fixed period. However, his working hours, wages, allowances and other benefits shall not be less than that of a permanent workman. He shall also be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even though his period of employment does not extend to the qualifying period of employment required in the statute."

**5. Publication of holidays and pay days.**—Notices specifying (a) the days observed by the establishment as holidays, and (b) pay days shall be posted on the said notice boards.

**6. Publication of wage rates.**—Notice specifying the rates of wages payable to all classes of workmen and for all classes of work shall be displayed on the said notice boards.

<sup>1</sup>**7. Shift working.**—More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without two months' 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.]

<sup>2</sup>**7A. Notice of change in shift working.**—Any notice of discontinuance or of re-starting of a shift working required by Standing Order 7 shall be in the <sup>3</sup>[Form IV A] and shall be served in the following manner, namely:—  
The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment <sup>4</sup>[\*\*\*]:  
Provided that where any registered trade union of workmen exists, a copy of the notice shall also be served by registered post to the secretary of such union.]

**8. Attendance and late coming.**—A workman shall be at work at the establishment at the times fixed and notified under paragraph 4, Workmen

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1 Subs. by G.S.R. 557, dated 30th April, 1959.

2 Ins. by G.S.R. 655, dated 3rd June, 1960.

3 Subs. by G.S.R. 910, dated 10th August, 1984,

4 Omitted by G.S.R. 824, dated 30th June, 1975.



attending late will be liable to the deductions provided for in the Payment of Wages Act, 1936.

**9. Leave.—**

- (1) Holidays with pay will be allowed as provided for in <sup>1</sup>[Chapter VIII of the Factories Act, 1948] and other holidays in accordance with law, contract, custom and usage.
- (2) A workman who desires to obtain leave of absence shall apply to the <sup>2</sup>[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 its 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 <sup>2</sup>[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 within 8 days of the expiry of the leave, and (b) explains to the satisfaction of the <sup>1</sup>[employer or the officer specified in this behalf by the employer] his inability to return before the expiry of his leave. In case the workman loses his lien on his appointment, he shall be entitled to be kept on the badli list.

**10. Casual leave.—**A workman may be granted casual leave of absence with or without pay not exceeding 10 days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in case of

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1 Subs. by G.S.R. 732, dated 12th May, 1971.

2 Subs. by G.S.R. 732, dated 12th May, 1971

sickness. Such leave is intended to meet special circumstances which cannot be foreseen. 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.

**11. Payment of wages.—**

- (1) Any wages, due to the workman but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on an unclaimed wage pay day in each week, which shall be notified on the notice boards as aforesaid.
- (2) All workmen will be paid wages on a working day before the expiry of the seventh or the tenth day after the last day of the wage period in respect of which the wages are payable, according as the total number of workmen employed in the establishment does not or does exceed one thousand.

**12. Stoppage of work.—**

- (1) The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, 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.
- (2) In the event of such stoppage during working hours, the workmen affected shall be notified by notices put upon the notice board in the departments concerned <sup>1</sup>[and at the office of the employer and at the time-keeper's office, if any], as soon as practicable, when work will be resumed and whether they are to remain or leave their place of work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceeds one hour the workmen 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. In the case of piece-rate workers, the average daily earning for the previous month shall be taken to be the daily wage. No other compensation will be admissible in case of such .stoppages.

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<sup>1</sup> Subs. by G.S.R. 824. dated 30th June, 1975.

Wherever practicable, reasonable notice shall be given of resumption of normal work.

- (3) In cases where workmen are laid off for short periods on account of failure of plant or a temporary curtailment of production, the period of unemployment shall be treated as compulsory leave either with or without pay, as the case may be. When, however, workmen have to be laid off for an indefinitely long period, their services may be terminated after giving them due notice or pay in lieu thereof.
- (4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down either wholly or partially 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 resumption of work, as to when work will be resumed.

### **13. Termination of employment.—**

- (1) For terminating employment of a permanent workman, notice in writing shall be given either by the employer or the workmen—one month's notice in the case of monthly-rated workmen and two weeks' notice in the case of other workmen: one month's or two weeks' pay, as the case may be, may be paid in lieu of notice.
- <sup>1</sup>[(2) Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947), no temporary workman whether monthly rated or weekly rated or piece rated, and no probationer or badli or fixed term employment workman as a result of non-renewal of contract of employment or on its expiry, 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 in the manner prescribed in paragraph 14.]
- (3) Where the employment of any workman is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the day on which his employment is terminated.

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<sup>1</sup> Subs. by G.S.R. 936(E), dated 10th December, 2003 (w.e.f. 10-12-2003).

**14. Disciplinary action for misconduct.—**

(1) A workman may be fined up to two per cent, of his wages in a month for any of the following acts and omissions, namely:—

.....  
.....

**Note.—** Specify the acts and omissions which the employer may notify with the previous approval of the..... Government or of the prescribed authority in pursuance of section 8 of the Payment of Wages Act, 1936.

(2) A workman may be suspended for a period not exceeding four days at a time or dismissed without notice or any compensation in lieu of notice, if he is found to be guilty of misconduct.

(3) The following acts and omissions shall be treated as misconduct:—

- (a) willful in-subordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;
- (b) theft, fraud, or dishonesty in connection with the employer's business or proper way;
- (c) willful damage to or loss of employer's goods or property;
- (d) taking or giving bribes or any illegal gratification;
- (e) habitual absence without leave or absence without leave for more than 10 days;
- (f) habitual late attendance;
- (g) habitual breach of any law applicable to the establishment;
- (h) riotous or disorderly behaviour during working hours at the establishments or any act subversive of discipline;
- (i) habitual negligence or neglect of work;
- (j) frequent repetition of any act or omission for which a fine may be imposed to a maximum of 2 per cent, of the wages in a month;
- (k) striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law.

<sup>1</sup>[(1) sexual harassment which includes such un-welcome sexual determined behaviour (whether directly or by implication) as—

- (i) physical contact and advances; or
- (ii) demand or request for sexual favours; or

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1 Ins. by G.S.R. 3S6, dated 5th November, 1999 (w.e.f. 20-11-1999).

- (iii) sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other un-welcome physical, verbal or non-verbal conduct of sexual nature.]

<sup>1</sup>[Provided that where there is a complaint of sexual harassment within the meaning of clause (1) of sub-paragraph (3), the Complaints Committee constituted under sub-paragraph (3B) in each establishment for inquiring into such complaints, shall, notwithstanding anything contained in paragraph 15, be deemed to be the inquiring authority appointed by the employer for the purpose of these rules.

(3A) The Complaints Committee shall hold the inquiry, unless separate procedure has been prescribed for the Complaints Committee for holding such inquiry into the complaints of sexual harassment, as far as practicable, in accordance with the procedure laid down in these rules.

(3B) The Complaints Committee shall consist of—

- (a) a Chairperson who shall be a woman;:
- (b) two members representing Non-Government Organisation (NGO) or any other body which is familiar with the issue of sexual harassment or nominees of the National or State Human Rights Commission or the National or State Commission for Women familiar with the issue of sexual harassment, to be nominated by the employer:

Provided that one of the two members of the Complaints Committee shall be a woman.

(3C)The Complaints Committee shall make and submit every year an annual report, to the appropriate Government, of the complaints and action taken.

(3D)The employers or their agents shall report, to the appropriate Government, on the compliance of the guidelines issued by the Central Government in pursuance of the directions of the Supreme Court in Writ Petition (Criminal) Nos. 666-670 of 1992 (Vishakn v, State of Rajasthan and Others) including on the reports of the Complaints Committee.]

<sup>2</sup>(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 under investigation or trial and the employer is satisfied that it

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1 Ins. by G.S.R. 25(E), dated 19th January, 2006 (w.e.f. 19-1-2006).

2 Subs. by G.S.R. 1123, dated 18th July, 1967.

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.]

<sup>1</sup>[(b) A workman who is placed under suspension shall be paid subsistence allowance in accordance with the provisions of section 10A of the Act.]

<sup>2</sup>[(ba) In the inquiry, the workman shall be entitled to appear in person or to be represented by an office bearer of a trade union of which he is a member.

(bb) The proceedings of the inquiry shall be recorded in Hindi or in English or the language of the State where the industrial establishment is located, whichever is preferred by the workman.

(be) The proceedings of the inquiry 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 for such further period as may be deemed necessary by the inquiry officer.]

(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 where the period between the date on which the workman was suspended from duty pending the inquiry 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

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1 Subs. by C.S.R. 910, dated 10th August, 1984.

2 Ins. by G.S.R. 824, dated 30th June, 1975.

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 stoppage of annual increment or reduction in rank is passed under this 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 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, 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,

<sup>1</sup>[(5)] In awarding punishment under this standing order, the <sup>2</sup>[authority imposing the punishment] shall take into account the gravity of the misconduct, the previous record, if any, of the workmen and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the <sup>3</sup>[authority imposing the punishment] shall be supplied to the workman concerned.

<sup>4</sup>[(6)(a)] A workman aggrieved by an order imposing punishment, may within twenty-one days from the date of receipt of the order, appeal to the appellate authority;

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1 Clause (6) re-numbered as clause (5) by G.S.R. 1128, dated 18th July, 1967.

2 Subs. by G.S.R. 824, dated 30th June, 1975.

3 Clause (6) re-numbered as clause (5) by G.S.R. 1128, dated 18th July, 1967.

4 Subs. by G.S.R. 824, dated 30th June, 1975.

- (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.]

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

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

**17. Liability of <sup>1</sup>[employer].**—The <sup>2</sup>[employer] of the establishment shall personally be held responsible for the proper and faithful observance of the standing orders.

<sup>3</sup>[17A.—(1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the ground 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) The appellate authority shall, after giving the appellant an opportunity of being heard, confirm the standing orders, amendments or modifications as certified by the Certifying Officer unless it considers that there are reasons for giving the other parties to the proceedings a hearing before a final decision is made in the appeal.

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

(a) where the appeal is filed by the employer or a workman, to trade unions of the workmen of the industrial establishments, and where there are no such trade unions, to the representatives of the workmen

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1 Subs. by G.S.R. 824, dated 30th June, 1975.

2 Subs. by G.S.R. 824, dated 30th June, 1975.

3 Ins. by G.S.R. 1166, dated 28th June, 1963.



elected under clause (b) of 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 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 workman whom the appellate authority joins as a party to the appeal,
- (4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.
- (5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.
- (6) On the date fixed, under sub-rule (3) of the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or consider to be relevant.]

**18. Exhibition of standing orders**—A copy of these orders in English and in local language shall be posted <sup>1</sup>[\*\*\*] and on a notice board maintained at or near the main entrance to the establishment and shall be kept in a legible condition.

<sup>2</sup>[\*\*\*]

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1 Omitted by G.S.R. 824, dated 30th June, 1975.

2 Form omitted by G.S.R. 910, dated 10th August, 1984.

<sup>1</sup>[SCHEDULE IA

**MODEL STANDING ORDERS FOR INDUSTRIAL ESTABLISHMENTS IN  
COAL MINES**

1. These orders shall come into force on.....
2. **Definition.**—In these orders, unless the context otherwise requires,—
  - (a) ‘attendance’ means presence of the workman concerned at the place or places where by the terms of his employment he is required to report for work and getting his attendance marked;
  - (b) the expression ‘employer’ and ‘workman’ shall have the meanings assigned to them in section 2(d) and (i) respectively of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946);
  - (c) ‘Manager’ means the manager of the mine and includes an acting manager for the time being appointed in accordance with the provisions of the Mines Act, 1952 (35 of 1952);
  - (d) words importing masculine gender shall be taken to include females;
  - (e) words in the singular shall include the plural and vice versa.
3. **Classification of workmen.**—
  - (a) ‘Workmen’ shall be classified as—
    - (i) permanent;
    - (ii) probationers;
    - (iii) badlis or substitutes;
    - <sup>2</sup>[(iiiA) fixed term employment;]
    - (iv) temporary;
    - (v) apprentices; and
    - (vi) casual.
  - (b) A ‘permanent’ workman is one who is appointed for an unlimited period or who has satisfactorily put in three months’ continuous service in permanent post as a probationer;
  - (c) A ‘probationer’ is one who is provisionally employed to fill a vacancy in a permanent post and has not completed three months’ service in that post unless the probationary period is extended. If a permanent workman is

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1 Ins. by G.S.R. 732, dated 12th May, 1971.

2 Ins. by G.S.R. 732, dated 12th May, 1971.

employed as a probationer in a new post, he may, at any time, during the probationary period not exceeding three months be reverted to his old permanent post unless the probationary period is extended.

- (d) A 'badli' or substitute is one who is appointed in the post of a permanent workman or a probationer who is temporarily absent; but he would cease to be a 'badli' on completion of a continuous period of service of one year (190 attendances in the case of below ground workman and 240 attendances in the case of any other workman) in the same post or other post or posts in the same category or earlier if the post is vacated by the permanent workman or probationer, A. 'badli' working in place of a probationer would be deemed to be permanent after completion of the probationary period,
  - (e) A 'temporary' workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period. The period within which it is likely to be finished should also be specified but it may be extended from time to time, if necessary.
  - (f) An 'apprentice' is a learner who is either paid an allowance or not paid any allowance during the period of his training, which shall inter alia be specified in his term of contract,
  - (g) A 'casual' workman is a workman who has been engaged for work which is of an essentially casual nature.
  - <sup>1</sup>[(h) A 'fixed term employment' workman is a workman who has been engaged on the basis of contract of employment for a fixed period. However, his working hours, wages, allowances and other benefits shall not be less than that of a permanent workman. He shall also be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even though his period of employment does not extend to the qualifying period of employment required in the statute.]
4. Every workman shall be given a ticket appropriate to his classification at the time of his appointment and shall on being required to do so, show it to the person authorised by the employer in that behalf. The said ticket shall carry the signature or thumb impression of the workman concerned. If the workman

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1 Ins. by G.S.R. 936(E), dated 10th December, 2003 (w.e.f. 10-12-2003).

loses his ticket, the manager shall provide him with another ticket on a payment of 25 paise.

**5. Display of notices.—**

- (a) The period and hours of work for all classes of workmen in each shift shall be exhibited in English and in the language understood by the majority of workmen employed in the establishment on notice boards maintained at or near the main entrance of the establishment and at the time-keeper's office, if any.
- (b) Notices specifying (a) the days observed by the establishment as holidays and (b) pay days shall be posted on the said notice boards, (c) Notices specifying the rates of wages and scales of allowances payable to all classes of workmen and for all classes of work shall be displayed on the said notice boards.

**6. Payment of wages.—**

- (a) Wages shall be paid direct to the individual workman on any working day between the hours 6.00 A.M. and 6.00 P.M. at the office of the Mine. The manager or any other responsible person authorised by him shall witness and attest the payments and note the date of payment in the wage register. Payment of wages to a contractor's workman shall be made at a place to be specified by the manager and it shall be witnessed by a nominee of the employer deputed for this purpose in writing.
- (b) Any wages due to a workman but not paid on the usual pay day on account of their being unclaimed shall be paid by the employer on such unclaimed wage pay day in each week as may be notified to the workmen. If the workman so desires, [he unpaid wages and other dues payable to him shall be remitted to his address by money order after deducting therefrom the money order commission charges. All claims for the unpaid wages shall be presented to the employer within a period of twelve months from the date on which the wages became due.
- (c) Overtime shall be worked and wages thereof paid in accordance with the provisions of the Mines Act, 1952 as amended by the Mines (Amendment) Act, 1959 and as may be prescribed from time to time. For work on weekly rest day, the workman shall be paid as laid down in any agreement or award or as the case may be, as per usage or custom.

- 7. 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 two months' 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 workman 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.
- 8. Attendance.**—All workmen shall be at work at the Mine at the time fixed and notified to them.
- 9. Absence from place of work.**—Any workman, who at least going underground or after coming to his work in the department in which he is employed, is found absent from his proper place of work during working hours without permission from the appropriate authority or without any sufficient reason shall be liable to be treated as absent for the period of his absence.
- 10. Festival holidays and leave.**—
- (a) There shall be seven paid festival holidays or as laid down in the agreement or an award in force. Out of these Seven days, the Republic Day, Independence Day and Mahatma Gandhi's Birthday shall be allowed without option and the rest of the days shall be fixed by agreement or local custom. Whenever a workman has to work on any of these holidays, he shall, at his option be entitled to either thrice the wages for the day or twice the wages for the day on which he works and in addition to avail himself of a substituted holiday with wages on any other day or as laid down in an agreement or an award in force.

- (b) (i) The workmen shall be entitled to leave with wages in accordance with the provision contained in Chapter VII of the Mines Act, 1952.
- (ii) Normally a workman will not be refused the leave applied for by him. But the employer may refuse, revoke or cur tail the leave applied for by workman, if the exigencies of work so demand. Wages in lieu of leave shall be paid to a workman, where he has been refused the leave asked for and in cases where he cannot accumulate the leave any further. If a workman is refused leave in a particular year in the interest of work, it would be open to him next year either to avail of leave on two occasions with the usual railway concessions or in case he avails of leave on only one occasion, the railway fare for the un-availed trip would be paid to him in the shape of National Savings/National Defence/ Certificates.
- (c) Quarantine leave shall be granted to a workman, who is prevented from attending to his duty because of his coming into contact, through no fault of his own, with a person suffering from a contagious disease. The leave shall be granted for such period as is covered by a certificate from the Medical Officer of the mine. Payment for the period of quarantine leave shall be at the rate of 50 per cent, of the wages (basic plus dearness allowance) payable to a workman. Quarantine leave cannot be claimed, if a workman has refused to accept during the previous three months', prophylactic treatment for the disease in question.
- (d) A workman who desires to obtain leave of absence shall apply to the manager not less than fifteen days before the commencement of the leave, except where leave is required in unforeseen circumstances, and the manager shall issue orders on the application within a week of its 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, orders shall be given on the same day. If the leave asked for is granted, a leave-pass shall be given to the workman. 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 manager, who shall send a

written reply either granting or refusing extension of leave to the workman. Sanction/refusal of leave should be communicated to the workman in writing invariably.

- (e) If a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose lien on his appointment unless he—
  - (a) returns within ten days of expiry of his leave, and
  - (b) explains to the satisfaction of the manager his inability to return on the expiry of his leave.

In case, the workman loses as aforesaid, his lien on the appointment, he shall be entitled to be kept on the 'badli list'.

- (f) A workman may be granted casual leave of absence with pay not exceeding five days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in case of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily, the previous permission of the head of the department in the establishment shall be obtained before such leave is taken, but where this is not possible, the head of the department shall, as soon as may be practicable, be informed in writing of such absence and of the probable duration thereof.
- (g) Notwithstanding anything mentioned above, any workman who overstays his sanctioned leave or remains absent without reasonable cause will render himself liable for disciplinary action.

## 11. <sup>1</sup>[\*\*\*]

### 12. Railway travel facilities.—

- (a) When a workman proceeds on leave and is qualified for free railway fare, the employer shall give him the cost equivalent of his ticket (including bus fare) and for boat to his home.
- (b) Every workman who has completed a period of twelve months' continuous service would qualify for railway fare or bus fare or both for going home on leave and returning to the mine on the expiry of the leave. The twelve months' service shall be deemed to have been completed if, during the

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<sup>1</sup> Rule 11 omitted by G.S.R. 910, dated 10th August, 1984.

- twelve months preceding the Icon which he applies for leave, he has worked for not less than two hundred and forty days.
- (c) If on the expiry of the leave, a workman returns, he shall then receive a cash payment equivalent to the return fare. If on his return the mine is unable to have him back, he shall be paid return fare at once.
  - (d) If the journey home is by bus or partly by bus and partly by train, the cost of the journey shall be adjusted accordingly.
  - (e) The workman shall be entitled to railway fare by mail or express train, wherever under the Railway Rules tickets are available for such travel.
  - (f) The class by which a workman is entitled to travel shall be;—
    - (i) if his basic wage is Rs. 165 or less per month III Class.
    - (ii) if his basic wage is above Rs. 165 and upto Rs. 265 per month II Class.
    - (iii) if his basic wage is above Rs. 265 per month I Class.

### **13. Termination of services.—**

- (a) For terminating the services of a permanent workman having less than one year of continuous service, notice of one month in writing with reasons or wages in lieu thereof shall be given by the employer:

Provided that no such notice shall be required to be given when the services of the workman are terminated on account of misconduct established in accordance with the Standing Orders.

- <sup>1</sup>[(b) Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947),—
- (i) no notice of termination of employment shall be necessary in the case of temporary and badli workmen;
  - (ii) no workman employed on fixed term employment basis as a result of non-renewal of contract of employment or on its expiry, shall be entitled to any notice or pay in lieu thereof, if his services are terminated.]
- (c) No workman shall leave the service of an employer unless notice in writing is given at the scale indicated below;
    - (i) For monthly paid workmen One month
    - (ii) For weekly paid workmen Two weeks:Provided that it will be for the employer to relax this condition and the workman may pay cash in lieu of such notice.

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<sup>1</sup> Subs. by G.S.R. 936(E), dated 10th December, 2003 (w.e.f. 10-12-2003).



- (d) For purposes of Standing Orders 13(a), (b) and (c) the terms 'service' and 'wages' shall have the same meaning as assigned to these in sections 25(B) f 1) and 2(rr) respectively of the Industrial Disputes Act, 1947.

**14. Stoppage of work and re-opening.—**

- (a) Subject to the provisions of Chapter VA of the Industrial Disputes Act, 1947, the employer may at any time, in the event of underground trouble, fire, catastrophe, break-down of machinery, stoppage of power-supply, epidemic, civil commotion or any other cause beyond the control of the employer, stop any section or sections of the mine wholly or partly for any period or periods.
- (b) In the event of such stoppage during working hours, the workmen affected shall be notified by notice put up on the notice board in the departments concerned and of the office as soon as practicable as to when work will be resumed and whether they are to remain or leave their place of work. The workmen will not ordinarily be required to remain for more than two hours after the commencement of the stoppage. Whenever workmen are laid off on account of failure of plant or a temporary curtailment of production or other causes they shall be paid compensation in accordance with the provisions of the Industrial Disputes Act, 1947. Where no such compensation is admissible, they shall be granted leave with or without wages as the case may be at the option of the workman concerned, leave with wages being granted to the extent of any leave due to them. When workmen are to be laid off for an indefinitely long period, their services may be terminated subject to the provisions of the Industrial Disputes Act, 1947, If normal work is resumed two weeks' notice thereof shall be given by the posting of notices at or near the Mine office and workmen discharged earlier by the employer shall, if they present themselves for work, have preference for re-employment.
- (c) The employer may be in the event of a strike affecting either wholly or partially any section of the mine close down either wholly or partially such section of the mine and any other section affected by such closure. The fact of such closure shall be notified by notices put up on notice board in the manager's office. Prior to resumption of work, the workmen concerned will be notified by a general notice indicating as to when work will be resumed. A copy of such notice shall be sent to the registered trade union or unions functioning in the establishment.

**15. Method of filling vacancies.**— In the matter of filling up of permanent vacancies bodli and temporary workmen, and probationers would be given preference in the order of their seniority,

16.<sup>1</sup>[\*\*\*]

<sup>2</sup>[**17. Disciplinary action for misconduct.**—

(i) A workman may be suspended by the employer pending investigation or departmental enquiry and shall be paid subsistence allowance in accordance with the provisions of section 10A of the Act. The employer shall normally complete the enquiry within 10 days. The payment of subsistence allowance shall be subject to the workman not taking any employment elsewhere during the period of suspension,]

The following shall denote misconduct:—

- (a) theft, fraud, or dishonesty in connection with the employer's business or property;
- (b) taking or giving of bribes or an illegal gratification whatsoever in connection with the employer's business or in his own interests;
- (c) willful in-subordination or dis-obedience, whether along or in conjunction with another or others, Or of any lawful or reasonable order of a superior. The order of the superior should normally be in writing;
- (d) habitual late attendance and habitual absence without leave or without sufficient cause;
- (e) drunkenness, fighting or riotous, disorderly or indecent behavior while on duty at the place of work;
- (f) habitual neglect of work;
- (g) habitual indiscipline;
- (h) smoking underground or within the mine area or in places, where it is prohibited;
- (i) causing wilful damage to work in progress or to property of the employer.
- (j) sleeping on duty;
- (k) malingering or slowing down work;

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1 Rule 16 omitted by G.S.R. 910, dated 10th August, 1984.

2 Subs. by G.S.R. 910, dated 10th August, 1984.

- (L) acceptance of gifts from subordinate employees;
- (m) conviction in any court of law for any criminal offence involving moral turpitude;
- (n) continuous absence without permission and without satisfactory cause for more than ten days;
- (o) giving, false information regarding one's name, age, father's name, qualification or previous service at the time of the employment;
- (p) leaving work without permission or sufficient reason;
- (q) any breach of the Mines Act, 1952, or any other Act or any rules, regulations or bye-laws thereunder, or of any standing orders;
- (r) threatening, abusing or assaulting any superior or co-worker;
- (s) habitual money-lending;
- (t) preaching of or inciting to violence;
- (u) abetment of or attempt at abetment of any of the above acts of misconduct;
- (v) going on illegal strike either single or with other workers without giving 14 days previous notice;
- (w) disclosing to any unauthorised person of any confidential information in regard to the working or process of the establishment which may come into the possession of the workman in the course of his work;
- (x) refusal to accept any charge-sheet or order or notice communicated in writing;
- (y) failure or refusal to wear or use any protective equipment given by the employers;
- <sup>1</sup>[(z) sexual harassment which includes such un-welcome sexual determined behavior (whether directly or by implication) as—
  - (i) physical contact and advances; or
  - (ii) a demand or request for sexual favours; or
  - (iii) sexually coloured remarks; or
  - (iv) showing pornography; or
  - (v) any other un-welcome physical, verbal or non-verbal conduct of sexual nature.]

<sup>2</sup>[Provided that where there is a complaint of sexual harassment within the meaning of clause (z) of sub-paragraph (i), the Complaints Committee

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1 Ins. by G.S.R. 386, dated 5th November, 1999 (w.e.f. 20-11-1999)

2 Ins. by G.S.R. 25(E), dated 19th January, 2006 (w.e.f. 19-1-2006).

- constituted under sub-paragraph (iB) in each establishment for inquiring into such complaints, shall, notwithstanding anything contained in paragraph 18, be deemed to be the inquiring authority appointed by the employer for the purpose of these rules.
- (iA) The Complaints Committee shall hold the inquiry, unless separate procedure has been prescribed for the Complaints Committee for holding such inquiry into the complaints of sexual harassment, as far as practicable, in accordance with the procedure laid down in these rules.
- (iB) The Complaints Committee shall consist of—
- (a) a Chairperson who shall be a woman;
  - (b) two members representing Non-Governmental Organisation (NGO) or any other body which is familiar with the issue of sexual harassment or nominees of the National or State Human Rights Commission or the National or State Commission for Women familiar with the issue of sexual harassment, to be nominated by the employer:
- Provided that one of the members of the Complaints Committee shall be woman.
- (iC) The Complaints Committee shall make and submit every year an annual report, to the appropriate Government, of the complaints and action taken.
- (iD) The employers or their agents shall report, to the appropriate Government, on the compliance of the guidelines issued by the Central Government in pursuance of the directions of the Supreme Court in Writ Petition (Criminal) Nos. 666-670 of 1992 (Vishnka v. State of Rajasthan and Others) including on the reports of the Complaints Committee.]
- (ii) No order of punishment under Standing Order No. 17(i) shall be made unless the workmen concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the allegations made against him. A departmental enquiry shall be instituted before dealing with the charges. During the period of enquiry, the workman concerned may be suspended. The workman may take the assistance of a co-worker to help him in the enquiry, if he so desires. The records of the departmental enquiry shall be kept in writing. The approval of the owner, agent or the chief mining engineer of the employer or a person holding similar position shall be obtained before imposing the punishment of dismissal. A copy of the enquiry proceedings shall be given to the workman concerned on the conclusion of the enquiry, on request by the workman.

- (iii) If a workman is not found guilty of the charges framed against him, he shall be deemed to be on duty during the full period of his suspension and he shall be entitled to receive the same wages as he would have received if he had not been suspended,
- (iv) In awarding punishment under this standing order, the authority awarding punishment shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the authority awarding punishment shall be supplied to the workman concerned.

**18. Time limit for making complaints, appeals, etc.—** All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his servant shall be submitted within 7 days of such cause of complaint to the manager, of the mine, with the right of appeal to the employer. Any appeal to the employer shall be made within 3 days of the decision of the manager. The employer shall normally give his decision within 3 days of the receipt of the appeal.

**19. Liability of manager of the mine.—** The manager of the mine shall personally be held responsible for the proper enforcement of these standing orders provided that where a manager is over-ruled by his superior, the latter shall be held responsible for the decision taken.

**20. Service certificate.—** Every workman who was employed continuously for a period of more than three months shall be entitled to a service certificate at the time of his leaving the service of employer.

**21. Entry and exit.—**All workmen shall enter and leave the premises of the establishment through authorised gates and shall be liable for search while going in or coming out of the premises. In case of women workmen search will only be made by women.

**22. Exhibition and supply of Standing Orders.—**A copy of these orders in English and in the regional languages of the local area in which the mine is situated shall be posted at the manager's office and in such other places of the mine as the employer may decide and it shall be kept in a legible

condition. A copy of the standing orders shall be supplied to a workman on application, on payment of a reasonable price. A trade union in the establishment will, however, be entitled to the free supply of a copy of the Standing Orders, provided the union is one which is recognised by the employer,]

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<sup>1</sup>[SCHEDULE IB

**MODEL STANDING ORDERS ON ADDITIONAL ITEMS  
APPLICABLE TO ALL INDUSTRIES**

**(1) Service record**

Matters relating to service card, token tickets, certification of service, change of residential address of workers and record of age:

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

**(ii) Certification of service.**—

(a) Every workman shall be entitled to a service certificate, specifying the nature of work (designation) and the period of employment (indicating the days, months, years) at the time of discharge, termination, retirement or resignation from service.

(b) The existing entries in Para 16 of Schedule I and Para 20 of Schedule I-A shall be omitted.

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

**(iv) Record of age.**—

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

(i) his matriculation or school leaving certificate granted by the Board of Secondary Education or similar educational authority;

(ii) a certified copy of his date of birth as recorded in the registers of a municipality, local authority or Panchayat or Registrar of Births;

(iii) in the absence of either of the aforesaid two categories of certificates, the employer or the officer authorised by him in this behalf may

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<sup>1</sup> Ins. by G.S.R. 3G(E), dated 17th January, 1983.

require the workman to supply, a certificate from a Government Medical Officer not below the rank of an Assistant Surgeon, indicating the probable age of the workman provided the cost of obtaining such certificate is borne by the employer;

- (iv) where it is not practicable to obtain a certificate from a Government Medical Officer, an affidavit sworn, either by the workman or his parents, or by a near relative, who is in a position to know about the workman's actual or approximate date of birth, before a First Class Magistrate or Oath Commissioner, as evidence in support of the date of birth given by him.
- (b) The date of birth of a workman, once entered in the service card of the establishment shall be the sole evidence of his age in relation to all matters pertaining to his service including fixation of the date of his retirement from the service of the establishment. All formalities regarding recording of the date of birth shall be finalised within three months of the appointment of a workman.
- (c) Cases where date of birth of any workman had already been decided on the date these rules come into force shall not be re-opened under these provisions.

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

- (2) Confirmation.**— The employer shall in accordance with the terms and conditions stipulated in the letter of appointment, confirm the eligible workman and issue a letter of confirmation to him. Whenever a workman is confirmed, an entry with regard to the confirmation shall also be made in his service card within a period of thirty days from the date of such confirmation.
- (3) Age of retirement.**— The age of retirement or superannuation of a workman shall be as may be agreed upon between the employer and the workman under an agreement or as specified in a settlement or award which is binding on both the workman and the employer. Where there is no such agreed age, retirement or superannuation shall be on completion of <sup>1</sup>[58] years of age by the workman.
- (4) Transfer.**— A workman may be transferred according to exigencies of work from one shop or department to another or from one station to another or from one establishment to another under the same employer:  
Provided that the wages, grade, continuity of service and other conditions of service of the workman are not adversely affected by such transfer:

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1 Subs. by G.S.R. 1040, dated 12th September, 1984.



Provided further that a workman is transferred from one job to another, which he is capable of doing, and provided also that where the transfer involves moving from one State to another such transfer shall take place, either with the consent of the workman or where there is a specific provision to that effect in the letter of appointment, and provided also that (i) reasonable notice is given to such workman, and (ii) reasonable joining time is allowed in case of transfers from one station to another. The workman concerned shall be paid traveling allowance including the transport charges, and fifty per cent, thereof to meet incidental charges.

- (5) **Medical aid in case of accidents.**— <sup>1</sup>[Where a workman meets with an accident in the course of] or arising out of his employment, the employer shall, at the employer's expense make satisfactory arrangements for immediate and necessary medical aid to the injured workman and shall arrange for his further treatment, if considered necessary by the doctor attending on him. Wherever the workman is entitled for treatment and benefits under the Employees' State Insurance Act, 1948, or the Workmen's Compensation Act, 1923, the employer shall arrange for the treatment and compensation <sup>2</sup>[accordingly].
- (6) **Medical examination.**— Wherever the recruitment rules specify medical examination of a workman on his first appointment, the employer shall, at the employer's expense, make arrangements for the medical examination by a registered medical practitioner.
- (7) **Secrecy.**— No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of an industrial establishment out of the work premises except with the written permission of his immediate superior, nor shall he in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secrets and confidential documents of the establishment to any unauthorised person, company or corporation without the written permission of the employer.
- (8) **Exclusive service.**— A workman shall not at any time work against the interest of the industrial establishment in which he is employed and shall not take any employment in addition to his job in the establishment, which may adversely affect the interest of his employer.
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1 Vide Corrigenda G.S.R. 739, dated 18th June, 1984.

2 Vide Notification No. L.R. 11 (98), dated 25th July, 1953.

**SCHEDULE II**

**FORM I**

**Industrial Employment (Standing Orders) Act, 1946, section 3**

To

The Certifying Officer<sup>1</sup>  
(Area), (Place)

Sir,

Under the provisions of section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the draft standing orders proposed by me for adoption in...

.....(Name).....  
(Place) (Postal address).....an industrial establishment owned /controlled by me, with the request that these orders may be certified under the terms of the Act. I also enclose a statement giving the particulars prescribed in rule 5 of the Industrial Employment (Standing Orders) Central Rules, 1946.

I am etc.,

.....  
(Signature)  
Employer  
Manager

**FORM II**

[Notice under section 5 of the Industrial Employment (Standing Orders) Act, 1946] Office of the Certifying Officer.....area,  
Place..... dated the.....20....

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

(Certifying Officer)  
Seal

To

The Secretary, Union.  
Representative elected under rule 6 Name

1 *Vide* Notification No. L.R. 11 (98), dated 25th July, 1953.

Occupation...../Industrial Establishment.....

**FORM III**

Industrial Employment (Standing Orders) Act, 1946, section 8  
Register

**PART I**

**INDUSTRIAL ESTABLISHMENT**

S.No.	Date of dispatch of the copy of standing orders authenticated section 5 for the first time	Date of filing of appeal	Date and nature of decision	Amendment made on any appeal	Date of the dispatch of the copy of the standing as settled on appeal	Any notice given or received of any amendment	Result

**PART II**

(Should contain the authenticated copy of the Standing Orders)

**<sup>1</sup>[FORM IV**

[See Rule 7A(1)]

[To be furnished in respect of each clause appealed against, separately]

- (1) Draft of the Standing Order under appeal as submitted by the employers.
- (2) Objection made/modification suggested, if any, to the Draft Standing Order under appeal, by the Trade Union/ Representatives of workmen.
- (3) Standing Order under appeal, as certified by the Certifying Officer.
- (4) Grounds of appeal by the employers/ trade union/ workmen's representatives.].

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<sup>1</sup> Ins. by G.S.R. 732, dated 12th May, 1971



**<sup>1</sup>[Form IV-A**

(See Standing Order 7 A of Schedule I)

Notice of discontinuance/ re-starting of a shift working to be given by an employer.

Name of employer.....

Address.....

Dated the..... day of..... 20.....

In accordance with Standing Order No..... of the Standing Orders certified and approved in respect of my/our industrial establishment, I/we hereby give notice to all concerned that it is my/our intention to discontinue/restart the shift working specified in the Annexure with effect from.....

Signature.....

Designation.....

**Annexure**

(Here specify the particulars of change in the shift working proposed to be effected).]

Copy forwarded to—

- (1) The Secretary of registered Trade Union, if any,
- (2) The Assistant Labour Commissioner (Central)/Labour Employment Officer  
(Here enter office address of the Assistant Labour Commissioner (Central) Labour Employment Officer in the local area concerned).
- (3) The Regional Labour Commissioner (Central) Zone.
- (4) The Chief Labour Commissioner (Central), New Delhi.

**<sup>2</sup>[FORM V**

(See Standing Order 1, Schedule I-B)

**Service Card**

Name of Estt./Factory  
Ticket/Token No,

1. Register Serial No.
2. Name

---

1 Ins. by G.S.R. 910, dated 10th August, 1984.  
2 Ins. by G.S.R. 30(E), dated 17th January, 1983.

3. Specimen Signature/Thumb Impression
4. Father's or Husband's name
5. Sex
6. Religion
7. Date of Birth
8. Place of Birth
9. Date of Joining
10. Details of Medical Certificate at the time of joining
11. Educational and other qualifications
12. Can Read
13. Can Write
14. Can Speak
15. Height
16. Identification Marks
17. Category of Workman
18. Department
19. Details of family members
20. Permanent Address
21. Local Address
22. Quarter No.
23. Life Insurance Policy No.
24. Provident Fund Account No.
25. Nominee for Gratuity
26. Nominee for Pension, if any
27. Employees' State Insurance No.
28. Training courses attended (details)
29. (Eligibility for higher jobs)
30. Proficiency tests passed

31. Employment History

Department	Token No.	Designation	Scale of Pay	Joined	Left (Reason)
1	2	3	4	5	6

32. Absence Periods

From	To	Reason Medical reports regarding suitability for continued employment
------	----	---

(i) Sick Leave

- (ii) Earned Leave
  - (iii) Any other leave
  - 33. Maternity Benefit
  - 34. Workmen's Compensation Details of accidents:
  - 35. Details of Disciplinary Action
  - 36. Promotions
    - (i) Details
    - (ii) Awards
    - (iii) Issue of Certificate of commendation
  - 37. Date of superannuation
  - 38. Any other matter.]
-

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## **THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) PUNJAB RULES, 1949**

Notification No. 1102-LPR-49/18446 Dated the 29th March, 1949

In exercise of the powers conferred by clause (k) of sub-section (2) of Section 15 of the Industrial (Employment Standing Orders) Act, 1946 (XX of 1946) hereby, the Governor of Punjab makes the following rules namely:-

### **<sup>1</sup>[1. Short Title and its extent -**

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

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

- (a) "Act" means the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946)
- (b) "Form" means a form set out in Scheduled II appended to these rules.

### **3. Meaning of Model Standing Order:** The model standing orders for the purposes of the Act shall be those set out in Schedule I appended to these Rules.

### **4. Application for certification of Standing Order:** An application for certification of Standing Orders shall be made in Form 1.

### **5. Prescribed particulars of workmen -** The prescribed particulars of workmen for the purposes of sub-section (3) of section 3 of Act shall be:-

- (1) Total number employed;
- (2) Number of permanent workmen;
- (3) Number of temporary workmen;
- <sup>2</sup>[3A] Number of casual workmen;

---

1 Suds, vide Pb. Govt.. No. 1372-IV-Lab-II-60/5394. dated 25th February, 1960.

2 Added by Punjab Govt. Noti. No. 10646/4231-C-LP-56/56676, dated 11th July, 1950.

- (4) Number of badlies or substitutes;
- (5) Number of probationers;
- (6) Number of apprentices;
- (7) Name of the trade union or trade unions, if any, to which the workmen belong;
- (8) Remarks.

**6. Forwarding a copy of draft standing orders to the union/representative of workmen-** As soon as may be after he receives an application under rule 4 in respect of an industrial establishment the Certifying Officer shall:-

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

**<sup>1</sup>6-A. Submission of joint draft standing orders by similar industries establishments** - A group of employers in similar industrial establishments may submit a joint draft of standing orders under sub-section (4) of section 3, to the Certifying Officer by registered post acknowledgment due

**6-B. Number of copies:** Number of copies of draft standing orders. An application for certification of joint draft standing orders shall be made in Form IV, and shall be accompanied by such number of copies of the joint drafts standing orders as shall equal the number of trade unions of which the workmen working in any industrial establishment whose workmen are not members of any trade union, plus five.

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

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

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<sup>1</sup> Added by Punjab Government notification No. 9149-LP-50/5648, dated the 30th November, 1950.

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

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

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

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

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

- A meeting for holding such election shall be held after one week's clear notice given by the Certifying Officer to the various representatives and shall be attended by an officer of the Labour Department as an observer.
- (2) The representatives of the employers for this purpose shall be deemed to be the signatories to the application made in Form IV:  
Provided that such signatories may also be accompanied by other representatives of the employers who intend to adopt the joint draft standing orders; but the total number of the representatives of the employers shall not exceed twelve.
- (3) If any of the representative of the employers or the workmen, who are not eligible to attend the joint discussions in accordance with the provisions of sub-rules (1) and (2) above, desire to be heard, it shall be within the discretion of the Certifying Officer to admit any of them to the joint discussions.

**7. Forwarding a authenticated copies of Standing orders** - Standing orders, certified in pursuance of sub-section (3) of section 5 or sub-section (2) of section 6 of the Act shall be authenticated by the signatures and seal of office of the Certifying Officer or the appellate authority, as the case may be and shall be forwarded by the such officer or authority with in a week of authentication by registered letter post to the employer and to the trade union, or, as the case may be the representative of the workmen elected in pursuance of rule 6.

- <sup>1</sup>[7-A. Memorandum of appeal** - (1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quintuplicate to the appellate authority accompanied by a certified copy of the Standing Orders, amendments or modifications, as the case may be.]
- (2) The appellate authority shall, after giving the appellant an opportunity of being heard, unless it comes to the conclusion that the decision of the Certifying Officer is contrary to law or otherwise erroneous, confirm the standing Orders, amendments or modification as certified by him,

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1 Inserted by Pub. Govt .Notification No. GSR 51/CA 20/46/S.15/64. dated 27th January. 1964.

- (3) Where the appellate authority does not confirm the standing order, amend-ments or modifications, it shall fix a date for the hearing of the appeal and direct notice thereof to be given -
  - (a) Where the appeal is filed by a workman or by the employer to trade unions of the workmen of the Industrial establishments and where there are no such trade unions to be representatives of workmen elected under clause (b) of the rule 6, or as the case may be, to the employer;
  - (b) Where the appeal is filed by a trade union, to the employer and all other trade unions of the workmen of the industrial establishment;
  - (c) Where the appeal is filed by the representative of the workmen, to the employer and any other workman whom the appellate authority joins as a party to the appeal.
- (4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.
- (5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.
- (6) On the date fixed under sub-mle(3) for the hearing of the appeal the appellate authority shall take such evidence as it may have called for or considers to be relevant.

- <sup>1</sup>[8(1).Submission of Hindi/Punjabi version of certified standing orders and exhibition thereof -** The employer shall within thirty days of the receipt of a certified copy of the Standing Orders under rule 7, submit to the Certifying Officer, Hindi/Punjabi version thereof for his approval, who shall ensure correctness of the same.
- (2)Every employer shall cause to be pasted the Hindi/Punjabi version of the Standing Orders so approved along with the English Text in the manner prescribed.]

#### **9. Register to be maintained-**

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

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<sup>1</sup> Inserted by Pub. Govt .Notification No. GSR 51/CA 20/46/S.15/64. dated 27th January. 1964.

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

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**<sup>1</sup>[SCHEDULE I]**

**MODEL STANDING ORDERS**

Standing Orders in respect of M/s.....  
.....

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

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

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

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

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

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

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

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

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

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1 Subs. vide Hr. Govt. Notification No. GSR-144/CA-20/46/S. 15/Amd 69, dated 25.9.1969



- (h) "Medical certificate" means a certificate granted by a Registered Medical Practitioner;
- (i) words importing the masculine gender shall include the feminine gender, except where expressly mentioned otherwise; and
- (j) words importing the singular number shall include the plural number and vice versa.

**3. Classification of workmen** - The workmen shall be classified as under:

- (a) permanent;
  - (b) probationers;
  - (c) temporary;
  - (d) badli or substitutes;
  - (e) casual;
  - (f) apprentice;
- (a) A 'permanent workman' is a workman who has been engaged on a permanent basis and included any person engaged against a permanent post and conferment as such in accordance with sub-clause (b) below.
- (b) (i) A 'probationer' is a workman who is provisionally employed to fill vacancy in a permanent post and has not been confirmed as permanent in accordance with these standing orders. Ordinarily the period of probation shall be 6 months, but it may be extended by a period of three months at a time at the discretion of the management, if the management considers it necessary in any case to further adjudge the work and merits of a workman. The maximum probation period shall, however, in no case extend beyond one year.
- (ii) In computing the period of probation the days on which the workman was absent due to authorised leave, sickness, maternity leave, accident, lock-out or a strike (which is not illegal) or temporary closure of the undertaking shall be included.
- (iii) If a workman continues in service on the expiry of the 13th (Thirteenth) month of service, he shall be deemed to have been automatically confirmed in his appointment.
- (iv) If a permanent workman is employed as a probationer in a new post or a vacancy and his work during probation is not found satisfactory, he may at any time during the probationary period he reverted to his substantive post and shall not lost his lien on his permanent post on this account

- (c) A 'temporary workman' is a workman who has been engaged for a work which is of an essentially temporary nature likely to be finished within a limited period.
- (d) A 'Badli' or 'Substitute' workman is a workman who has been appointed in the post of permanent workman or a probationer, who is temporarily absent.
- (e) A 'casual workman' is a workman who is employed for work of a casual nature.
- (f) An 'apprentice' is a learner who is engaged for training in a job, trade or craft for a specified period to be expressed in the contract of appointment irrespective of his being paid an allowance or not for the training and of the understanding of his subsequent absorption in the establishment.

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

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

**4. Appointment letter** - Every workman shall be given an appointment letter in form appended herewith.

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

#### **5. Attendance cards and muster rolls -**

- (1) The name of every workman shall be entered on the muster roll clearly indicating the classification to which he belongs.
- (2) Every workman shall be given an attendance card/token/ticket which shall contain his particulars.
- (3) If a workman loses his attendance card,-it shall be replaced on application and payment of a sum of twenty-five paise.

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

- (1) No workman shall enter or leave the premises of the establishment except by the gate or gates appointed for the purpose and clearly marked 'Entrance or Exit'.
- (2) A workman who is off his duty, has resigned, or has been discharged, suspended or declared by a competent medical authority to be suffering from a contagious or infectious diseases shall immediately leave the premises of the establishment and shall not enter any part of it, except for bonfide purposes and with the express permission of the Manager.
- (3) All workmen shall be liable to search with due dignity both at the time of entry and exit at the main entrance by a person of the same sex authorised by the Manager in this behalf and if he so chooses in the presence of a co-workman of his choice, if readily available.

**7. Publication of working hours and period of work** - The periods and hours of work for all classes of workmen in each shift shall be exhibited in English or Hindi on the notice-boards maintained at or near the entrance to the establishment and at the Time Keeper's Office, if any.

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

**9. Publication of Wage rates** - Notices specifying the rate of wages payable to all classes of workmen and for all categories of work shall be displayed on the said notice-board.

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

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

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

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

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

**12. Absence -**

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

(b) If, however, a workman is absent from the premises of the establishment during hours of his duty without proper permission, he shall be treated as absent for the whole day in case the absence commences before the recess period and do for half day in case it commences after the recess period, such a workman shall be liable for deduction in his wages in accordance with the provisions of the Payment of Wages Act, 1936 and the rules made thereunder, provided further that this will be without prejudice to any disciplinary action which may be taken against him:

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

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

### **13. Payment of Wages-**

- (1) All workmen shall be paid wages on a working day before the expiry of the seventh day of the wages period in respect of which the wages are payable if the number of workmen employed by establishment does not exceed one thousand and before the expiry of the tenth of the day of such wage period in all other cases.
- (2) Any wages due to a workman, but not paid on the usual pay day on account of their having remained unclaimed shall be paid on unclaimed wages pay day which day shall be notified on the notice-board in English and Hindi and shall be notified before the twentieth day from the expiry of the wage period.
- (3) Unclaimed wages of a deceased workman shall be paid to his legal nominee or legal heirs before the expiry of the third working day on which a substantiated claim is presented by his nominee or heir or on his behalf by a legal representative, provided such a claim is submitted within three years of the death of the workman. For this purpose a claim shall be considered to be substantiated, if it is certified by a Gazetted Officer or a Municipal Commissioner, MLA or a Sarpanch of the Village of the deceased workman or of his heir. However, where a deceased workman has already declared his nominee under the Provident Funds Act, he will be considered as rightful claimant and heir for the unclaimed wages.
- (4) All unclaimed wages shall be kept for payment to the workmen or the legal heirs or legal nominees for three years from the period they are due to be paid after which period these shall be remitted to the Welfare Commissioner for the purposes provided for under the Punjab Labour Welfare Fund Act, 1965, and the rules made thereunder.
- (5) Where the employment of any workman is terminated which term shall include resignation, the wages earned by him and his other dues payable by the management shall be paid before the expiry of the second working day from the day on which he ceases to be in the employment of the establishment, provided the workman has handed over the possession of the quarter, tools, furniture and all other property of the Company entrusted to him.

**14. National and Festival Holidays and Casual and Sick Leave** - National and festival holidays, casual and sick leave shall be granted to all workmen in accordance with the provisions of the Punjab Industrial Establishments

(National and Festival Holidays and Casual and Sick Leave), Act, 1965, and the rules made thereunder or in accordance with any settlement agreement or award, whichever is more beneficial to the workman.

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

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

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

warranting such an extension and shall submit it sufficiently in advance of the expiry of the leave allowed. The manager or any other authorised person on his behalf shall as soon as possible on receipt of such application inform the workman on the address given by the applicant whether the extension applied for has been sanctioned or refused. Reply shall be sent without delay under certificate of posting. If the workman desires a telegraphic reply by the management he shall send a reply paid telegram.

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

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

#### **17. Termination of employment and resignation -**

- (1) Where it becomes necessary to terminate the services of a permanent workman due to reasons to be recorded in writing such reasons being reasons other than misconduct, retrenchment or close down, such as his being declared by the Government as a traitor or a person likely to jeopardise the safety of the establishment, and subject to the provision of the Employees State Insurance Act and Workmen's Compensation Act or a workman who develops serious defect in the eyes-sight or hearing or mental deficiency one month's notice in writing shall be given by the management or salaries in lieu thereof to the workman concerned.
- (2) No notice shall be necessary for termination of the service of any other class of employees. The above provisions shall not however, absolve the management of their obligation to abide by the provisions of the Industrial Disputes Act, 1947, or any other law for the time being in force for the termination of services by way of retrenchment or otherwise.
- (3) If a permanent workman intends to leave the service of establishment he shall give one month's notice of his intention to do so in writing to the management or may, if he wants to be relieved earlier, surrender in lieu thereof wages equivalent to the delays for which the notice falls short of one month. But if

the exigencies of the work so require, the management may refuse to relieve him earlier than the entire period of notice has run out.

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

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

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

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

**Grievance Committee**

- (a) Two members to be nominated by the management.
- (b) Two representatives of the workmen to be nominated by the concerned workmen,
- (c) The Manager or any other officer of the establishment notified in this behalf shall be the chairman of this committee, but he will not vote in case of a division.
- (d) The committee shall be constituted by the Management in the presence and with the approval of the Labour Officer or Conciliation Officer of the area.

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

**20. Disciplinary action of misconduct** -

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

**Note:** This list is illustrative and not exhaustive.



- (a) Willful insubordination or disobedience whether alone or in combination with others, to any lawful and reasonable orders of a superior.
  - (b) Theft, fraud or dishonesty in connection with the employer of business or property or co-workers property.
  - (c) willful damage to or loss of employers property.
  - (d) Taking or giving bribes or illegal gratification.
  - (e) Habitual absence without leave or absence with leave for more than 10 days.
  - (f) Habitual breach of any law applicable to the establishment.
  - (g) Habitual late attendance.
  - (h) Riotous or disorderly behavior during working hours at the establishment.
  - (i) Gross negligence or habitual neglect of work.
  - (j) Habitual repetition of any act or commission for which a fine may be imposed.
  - (k) Striking work illegally or inciting others to strike work illegally.
  - (l) Smoking in places where smoking is prohibited by a notice duly displayed.
  - (m) Sleeping while on duty.
  - (n) Willful and deliberate slowing down of work or inciting others to slow down.
  - (o) Conviction by a court of law for an offence involving moral turpitude.
- Note:** If the workman is subsequently acquitted by the court of law he shall be reinstated.
- (p) Throttling, intimidating, abusing or assaulting any superior or a co-worker in connection with the employers business.
  - (q) Preaching of or inciting to violence likely to jeopardise the safety of the establishment.
  - (r) Borrowing from a subordinate.
  - (s) Willful tampering with any safety devices installed in the establishment.
  - (t) Drunkenness or intoxication while on duty.
  - (u) Refusal to undergo training in First aid and Air-raid precautions without cogent reasons.
  - (v) Distribution of pamphlets and holding of meetings in the premises without permission.
  - (w) Any other act subversive of discipline.

- (2) The services of a workman shall not be terminated on the ground of misconduct, unless he has been adjudged guilty of misconduct after a domestic enquiry held in the manner prescribed below:-
- (a) Where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension he may, by order in writing suspend him with effect from such date as may be specified in the order. A charge-sheet shall also be served on the workman within a week from the date of suspension setting out the details of the alleged misconduct and shall contain the name of the Enquiry Officers and the place where the enquiry shall be held. The workman shall be given an opportunity for explaining the circumstances alleged against him. Such a workman may be assisted by another workman of the choice of the workman <sup>1</sup> [or by an office bearer of a trade union of which he is a member] If the workman refuses to accept the charge-sheet in the presence of another workman, it shall be pasted on the notice board and shall be deemed to have been served on him. If the workman fails to present himself at the proper place before the Enquiry Officer to participate in the enquiry, the enquiry shall be proceeded ex-parte,
- <sup>1</sup>[(aa)The proceedings of the enquiry shall be recorded in Hindi or English as is preferred by the workman.]
- (b) A workman who is placed under suspension under clause (a) shall during the period of such suspension be paid a subsistence allowance at the following rates, namely;-
- (i) Where the enquiry contemplated or pending is departmental the subsistence allowance shall for the first 60 days from the date of suspension, be equal to half of the basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled if he was on leave with wages. If the departmental enquiry gets prolonged and if the workman continued to be suspended for a period exceeding 60 days the subsistence allowance shall for such period be equal to 3/4th of such basic wages, dearness allowances and other compensatory allowance:

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<sup>1</sup> Inserted vide Hr. Govt. Notification No 1308-4-Lab-77/3549, dated 28.2.1977.

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

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

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

If on the conclusion of the enquiry or of the criminal proceedings, the workman has been found guilty of the charges framed against him and it is considered, after giving the workman concerned, a reasonable opportunity of making representation on the penalty proposed, that an order of dismissal or suspension or fine, or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly: Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period and the subsistence allowance already paid to him shall not be recovered:

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

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

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

- (d) If a workman is found guilty under clause (c) above and it is considered that the period of suspension upto the conclusion of the enquiry was sufficient punishment orders shall be passed to reinstate the workman and treating the period of suspension as punishment without any further payment for the period excepting the suspension allowance admissible: provided that this period of suspension shall not exceed 30 days.
- (e) If on the conclusion of the enquiry of the criminal proceedings the workman has been found to be not guilty of any of the charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension after deducting the subsistence allowance paid to him for such period.
- (f) The payment of subsistence allowance under this Standing Order shall be subject to the workman concerned not taking up any employment during the period of suspension.
- (g) In awarding punishment under this Standing Order, the management shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist.
- (h) A copy of the orders passed by the manager shall be supplied to the workman concerned, whereupon the order shall become operative, if the workman makes an application a copy of the enquiry proceedings shall be supplied to him without delay.

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

**22. Liability of the manager** - The Manager of the establishment shall be held personally responsible for the proper and faithful observance of these Standing Orders.

**23. Exhibition of Standing Orders -**

- (1) A copy of these Standing Orders in English or Hindi shall be pasted at the Manager's office as well as on a notice board maintained at or near the main entrance of the establishment marked "Standing Orders" and shall be kept in a legible condition.
  - (2) In case of any conflict in the meaning of the Standing Orders in English or Hindi language, the English text shall be taken to be authentic.
-

**FORM**

[See Clause 4 of the Model Standing Orders)

**EMPLOYMENT PROPOSAL AND APPLICATION OF EMPLOYMENT  
INCLUDING APPOINTMENT LETTER**

N.B.- The application shall be made in quadruplicate. One copy shall be returned to the workman in token of his appointment.

If the applicant is a literate person, this application must be filled in his hand.

To

The Manager,

..... (here insert name of the establishment)

Dear Sir/Sirs,

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

Name (in block letters).....

Address (i) Present .....

(ii) Permanent .....

Father's Name .....

Occupation and Address .....

Date of birth..... Height.....Weight.....

Nationality.....Caste.....Religion.....

Present Occupation .....

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

Fund.....

I, Account Number .....Fund Number .....

and other particulars .....Whether you were/are covered under

Employees' State Insurance Scheme? If so, give number .....

.....

**EDUCATION**

School or College	From	To	Exams.	
Subjects attended			passed	

Any vocational or technical training acquired with name of the Institute attended and the period and nature of training.....Post

desired \_\_\_\_\_ and \_\_\_\_\_ minimum \_\_\_\_\_ salary  
 accepted.....

**EMPLOYMENT RECORD**

Name of Proficiency in Employers games & Address	Nature of post held	From	To	Salary	Reasons leaving	of

Whether married/unmarried with number of dependants and their relationship.....

References:- Names and addresses of two respectable persons, other than relatives to whom the applicant is known intimately.

1.....2.....

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

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

1. In addition to specific terms and conditions attaching to my appointment the acceptance of employment by me in the Factory shall be deemed to include my acceptance to abide by the provisions of the Standing Orders and the rules.
2. That whole of my time shall be at the disposal of the Company and I shall serve the Company in its business in such a capacity and at such place and time. I may from time to time, be directed.
3. I shall maintain the strictest secrecy regarding he manufacturing process and shall not divulge directly or indirectly any information of confidential nature either to a member of the public or to any other employee unless compelled to do so by a judicial or administrative authority or with the permission in writing of the Company's Manager.

Date:.....

Signature or thumb impression  
of the applicant

**APPOINTMENT ORDER**

Shri..... is appointed with effect from..... copy is forwarded to Shri .....(the workman concerned) for information.

(Proprietor)

**SCHEDULE II**

**FORM I**

**[INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946 (SECTION 3)] APPLICATION FOR CERTIFICATION OF DRAFT STANDING ORDERS**

Dated.....

To

The Certifying Officer, Punjab Government,  
.....(Place)

Sir,

Under the provisions of section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the draft standing orders proposed by me for ..... (name) adoption in .....(place) an industrial establishment owned/controlled.....(postal address) with the request that these orders may be certified under the terms of the Act. I also enclose a statement giving the particulars prescribed in rule 5 of the Industrial Employment (Standing Orders) Punjab Rules, 1949.

Signature Employer/ Manager

**FORM II**

**(NOTICES UNDER SECTION 5 OF THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946)  
OFFICE OF THE CERTIFYING OFFICER, PUNJAB**

Dated.....

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

Certifying Officer

(Seal)

To



The Secretary,

.....(Union)

.....

Representative elected under Rule 6

..... (Occupation)

..... (Industrial Establishment)

**FORM III**  
**[INDUSTRIAL EMPLOYMENT (STANDING ORDERS)**  
**ACT, 1946 SECTION 8]**  
**REGISTER PART I**  
**INDUSTRIAL ESTABLISHMENT**

S.No.	Date of the despatch of the copy of Standing orders authenticated under section 5 for the first time	Date of Filing of appeal	Date of nature of decision	Amendment made on appeal, if any	Date of despatch of the Standing Orders as settled on	Any notice subse- quently given or received if any amendment appeal	Result
1	2	3	4	5	6	7	8

**PART II**

(Should contain the authenticated copy of the standing orders.)

**(FORM IV)**  
**SUBMISSION OF COPIES OF DRAFT STANDING ORDER BY THE**  
**REPRESENTATIVES OF THE MANAGEMENT UNDER' SECTION 8 (4) OF**  
**THE ACT**

To  
 The Certifying Officer,  
 Punjab, Chandigarh.

Sir,  
 Under the provisions of sub-section (4) of section 8 of the Industrial Employment (Standing Orders) Act, 1946, we enclose copies of the draft-Standing Orders proposed by the industrial establishments specified in annexure A, with the request that these orders may be certified under the terms of the Act and the rules.

2. We also furnish in Annexure B, the particulars prescribed in rule 5 of the Industrial Employment (Standing Orders) Punjab Rules, 1949 and the matters set out in the Schedule to the Act as far as applicable in respect of each of the industrial establishment, specified in Annexure A, which are intended to be adopted as the common standing orders.
3. A copy of the resolution in pursuance of which we are authorised to make this application for joint draft standing orders is enclosed as in Annexure C.

Yours faithfully,

Dated.....

Serial No. Manager	Signature of Employer/ Employer's	Representative, President/ Secretary etc. of the Association	Capacity
1.			
2.			
3.			
etc.			

The number of copies of draft standing orders to be sent should be equal to the number of trade unions of which the workmen working in any of the industrial establishments are members, plus the numbers of the establishments whose workmen are not members of any (trade unions, plus five).

Thus, if out of 20 industrial establishments, the workmen of 6 are members of one trade union, the number of copies required will be 11 plus (20-6) plus (5-20).

**ANNEXURE A**

Serial No.	Name of Industrial Establishment	Place Postal Address	Signature of Employer



**ANNEXURE B**  
**PRESCRIBED PARTICULARS**

S.No.	Name of Industrial Establishment	Total number employed	Number of Permanent workmen	Number of temporary workmen
1	2	3	4	5
Name of the Badlis or Substitutes	Number of Probationers	Number of apprentices	Number of Trade Union, or Trade Unions, if any, to which the workman belongs	Remarks
6	7	8	9	10

**ANNEXURE C**

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

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

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

S. No.	Name of Establishment	Name of Person representing the Establishment	Designation	Signature	Remarks
1	2	3	4	5	6
1.					
2.					
3.					
4.					
etc.					

To

The Certifying Officer, Punjab, Chandigarh.

Noti. Dt. 30.11.1972

In exercise of the powers conferred by proviso to sub section (3) of section I of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946) and all other powers enabling him in this behalf, the Governor of Haryana extended all the provisions of the said Act to all the Industrial Establishment in the State of Haryana wherein fifty or more persons are employed on any day of the preceding twelve month, vide Haryana Govt. Labour Deptt. Notification No. 12915-4-Lab-72/48488. dated 30th November, 1972.

Noti. Dt. 23.5.1967

In supersession of Punjab Govt. Notification No.CA-20/46VS.2(a)/62/I 108, dated the 26th April, 1962 and in exercise of the powers conferred by clause (a) of Section 2 of the Industrial Employment (Standing Orders Act, 1946 (Act No. XX of 1946), the Governor of Haryana has appointed the Industrial Tribunal, Haryana, appointed under section 7-A of the Industrial Disputes Act, 1947 to exercise within the State of Haryana the functions of the Appellate authority under the Act, vide Haryana Government Notification No.45/CA20/46/S.2/67, die 23rd May, 1967.

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# THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) PUNJAB RULES, 1949

Notification No. 1102-LPR-49/18446 Dated the 29th March, 1949

In exercise of the powers conferred by clause (k) of sub-section (2) of Section 15 of the Industrial (Employment Standing Orders) Act, 1946 (XX of 1946) hereby, the Governor of Punjab makes the following rules namely:-

## <sup>1</sup>[1. Short Title and its extent -

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

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

- (a) "Act" means the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946)
- (b) "Form" means a form set out in Scheduled II appended to these rules.

## 3. Meaning of Model Standing Order: The model standing orders for the purposes of the Act shall be those set out in Schedule I appended to these Rules.

## 4. Application for certification of Standing Order: An application for certification of Standing Orders shall be made in Form 1.

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

- (1) Total number employed;
- (2) Number of permanent workmen;
- (3) Number of temporary workmen;
- <sup>2</sup>[3A] Number of casual workmen;

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1 Suds, vide Pb. Govt.. No. 1372-IV-Lab-II-60/5394. dated 25th February, 1960.

2 Added by Punjab Govt. Noti. No. 10646/4231-C-LP-56/56676, dated 11th July, 1950.

- (4) Number of badlies or substitutes;
- (5) Number of probationers;
- (6) Number of apprentices;
- (7) Name of the trade union or trade unions, if any, to which the workmen belong;
- (8) Remarks.

**6. Forwarding a copy of draft standing orders to the union/representative of workmen-** As soon as may be after he receives an application under rule 4 in respect of an industrial establishment the Certifying Officer shall:-

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

**<sup>1</sup>6-A. Submission of joint draft standing orders by similar industries establishments** - A group of employers in similar industrial establishments may submit a joint draft of standing orders under sub-section (4) of section 3, to the Certifying Officer by registered post acknowledgment due

**6-B. Number of copies:** Number of copies of draft standing orders. An application for certification of joint draft standing orders shall be made in Form IV, and shall be accompanied by such number of copies of the joint drafts standing orders as shall equal the number of trade unions of which the workmen working in any industrial establishment whose workmen are not members of any trade union, plus five.

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

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

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<sup>1</sup> Added by Punjab Government notification No. 9149-LP-50/5648, dated the 30th November, 1950.

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

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

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

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

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

- A meeting for holding such election shall be held after one week's clear notice given by the Certifying Officer to the various representatives and shall be attended by an officer of the Labour Department as an observer.
- (2) The representatives of the employers for this purpose shall be deemed to be the signatories to the application made in Form IV:  
Provided that such signatories may also be accompanied by other representatives of the employers who intend to adopt the joint draft standing orders; but the total number of the representatives of the employers shall not exceed twelve.
- (3) If any of the representative of the employers or the workmen, who are not eligible to attend the joint discussions in accordance with the provisions of sub-rules (1) and (2) above, desire to be heard, it shall be within the discretion of the Certifying Officer to admit any of them to the joint discussions.

**7. Forwarding a authenticated copies of Standing orders** - Standing orders, certified in pursuance of sub-section (3) of section 5 or sub-section (2) of section 6 of the Act shall be authenticated by the signatures and seal of office of the Certifying Officer or the appellate authority, as the case may be and shall be forwarded by the such officer or authority with in a week of authentication by registered letter post to the employer and to the trade union, or, as the case may be the representative of the workmen elected in pursuance of rule 6.

- <sup>1</sup>[7-A. Memorandum of appeal** - (1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quintuplicate to the appellate authority accompanied by a certified copy of the Standing Orders, amendments or modifications, as the case may be.]
- (2) The appellate authority shall, after giving the appellant an opportunity of being heard, unless it comes to the conclusion that the decision of the Certifying Officer is contrary to law or otherwise erroneous, confirm the standing Orders, amendments or modification as certified by him,

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1 Inserted by Pub. Govt .Notification No. GSR 51/CA 20/46/S.15/64. dated 27th January. 1964.

- (3) Where the appellate authority does not confirm the standing order, amend-ments or modifications, it shall fix a date for the hearing of the appeal and direct notice thereof to be given -
  - (a) Where the appeal is filed by a workman or by the employer to trade unions of the workmen of the Industrial establishments and where there are no such trade unions to be representatives of workmen elected under clause (b) of the rule 6, or as the case may be, to the employer;
  - (b) Where the appeal is filed by a trade union, to the employer and all other trade unions of the workmen of the industrial establishment;
  - (c) Where the appeal is filed by the representative of the workmen, to the employer and any other workman whom the appellate authority joins as a party to the appeal.
- (4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.
- (5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.
- (6) On the date fixed under sub-mle(3) for the hearing of the appeal the appellate authority shall take such evidence as it may have called for or considers to be relevant.

- <sup>1</sup>[8(1).Submission of Hindi/Punjabi version of certified standing orders and exhibition thereof -** The employer shall within thirty days of the receipt of a certified copy of the Standing Orders under rule 7, submit to the Certifying Officer, Hindi/Punjabi version thereof for his approval, who shall ensure correctness of the same.
- (2)Every employer shall cause to be pasted the Hindi/Punjabi version of the Standing Orders so approved along with the English Text in the manner prescribed.]

#### **9. Register to be maintained-**

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

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<sup>1</sup> Inserted by Pub. Govt .Notification No. GSR 51/CA 20/46/S.15/64. dated 27th January. 1964.

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

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**<sup>1</sup>[SCHEDULE I]**

**MODEL STANDING ORDERS**

Standing Orders in respect of M/s.....  
.....

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

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

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

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

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

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

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

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

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

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1 Subs. vide Hr. Govt. Notification No. GSR-144/CA-20/46/S. 15/Amd 69, dated 25.9.1969

- (h) "Medical certificate" means a certificate granted by a Registered Medical Practitioner;
- (i) words importing the masculine gender shall include the feminine gender, except where expressly mentioned otherwise; and
- (j) words importing the singular number shall include the plural number and vice versa.

**3. Classification of workmen** - The workmen shall be classified as under:

- (a) permanent;
  - (b) probationers;
  - (c) temporary;
  - (d) badli or substitutes;
  - (e) casual;
  - (f) apprentice;
- (a) A 'permanent workman' is a workman who has been engaged on a permanent basis and included any person engaged against a permanent post and conferment as such in accordance with sub-clause (b) below.
- (b) (i) A 'probationer' is a workman who is provisionally employed to fill vacancy in a permanent post and has not been confirmed as permanent in accordance with these standing orders. Ordinarily the period of probation shall be 6 months, but it may be extended by a period of three months at a time at the discretion of the management, if the management considers it necessary in any case to further adjudge the work and merits of a workman. The maximum probation period shall, however, in no case extend beyond one year.
- (ii) In computing the period of probation the days on which the workman was absent due to authorised leave, sickness, maternity leave, accident, lock-out or a strike (which is not illegal) or temporary closure of the undertaking shall be included.
- (iii) If a workman continues in service on the expiry of the 13th (Thirteenth) month of service, he shall be deemed to have been automatically confirmed in his appointment.
- (iv) If a permanent workman is employed as a probationer in a new post or a vacancy and his work during probation is not found satisfactory, he may at any time during the probationary period he reverted to his substantive post and shall not lost his lien on his permanent post on this account



- (c) A 'temporary workman' is a workman who has been engaged for a work which is of an essentially temporary nature likely to be finished within a limited period.
- (d) A 'Badli' or 'Substitute' workman is a workman who has been appointed in the post of permanent workman or a probationer, who is temporarily absent.
- (e) A 'casual workman' is a workman who is employed for work of a casual nature.
- (f) An 'apprentice' is a learner who is engaged for training in a job, trade or craft for a specified period to be expressed in the contract of appointment irrespective of his being paid an allowance or not for the training and of the understanding of his subsequent absorption in the establishment.

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

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

**4. Appointment letter** - Every workman shall be given an appointment letter in form appended herewith.

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

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

- (1) The name of every workman shall be entered on the muster roll clearly indicating the classification to which he belongs.
- (2) Every workman shall be given an attendance card/token/ticket which shall contain his particulars.
- (3) If a workman loses his attendance card,-it shall be replaced on application and payment of a sum of twenty-five paise.

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

- (1) No workman shall enter or leave the premises of the establishment except by the gate or gates appointed for the purpose and clearly marked 'Entrance or Exit'.
- (2) A workman who is off his duty, has resigned, or has been discharged, suspended or declared by a competent medical authority to be suffering from a contagious or infectious diseases shall immediately leave the premises of the establishment and shall not enter any part of it, except for bonfide purposes and with the express permission of the Manager.
- (3) All workmen shall be liable to search with due dignity both at the time of entry and exit at the main entrance by a person of the same sex authorised by the Manager in this behalf and if he so chooses in the presence of a co-workman of his choice, if readily available.

**7. Publication of working hours and period of work** - The periods and hours of work for all classes of workmen in each shift shall be exhibited in English or Hindi on the notice-boards maintained at or near the entrance to the establishment and at the Time Keeper's Office, if any.

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

**9. Publication of Wage rates** - Notices specifying the rate of wages payable to all classes of workmen and for all categories of work shall be displayed on the said notice-board.

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

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

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

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

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

**12. Absence -**

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

(b) If, however, a workman is absent from the premises of the establishment during hours of his duty without proper permission, he shall be treated as absent for the whole day in case the absence commences before the recess period and do for half day in case it commences after the recess period, such a workman shall be liable for deduction in his wages in accordance with the provisions of the Payment of Wages Act, 1936 and the rules made thereunder, provided further that this will be without prejudice to any disciplinary action which may be taken against him:

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

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

### **13. Payment of Wages-**

- (1) All workmen shall be paid wages on a working day before the expiry of the seventh day of the wages period in respect of which the wages are payable if the number of workmen employed by establishment does not exceed one thousand and before the expiry of the tenth of the day of such wage period in all other cases.
- (2) Any wages due to a workman, but not paid on the usual pay day on account of their having remained unclaimed shall be paid on unclaimed wages pay day which day shall be notified on the notice-board in English and Hindi and shall be notified before the twentieth day from the expiry of the wage period.
- (3) Unclaimed wages of a deceased workman shall be paid to his legal nominee or legal heirs before the expiry of the third working day on which a substantiated claim is presented by his nominee or heir or on his behalf by a legal representative, provided such a claim is submitted within three years of the death of the workman. For this purpose a claim shall be considered to be substantiated, if it is certified by a Gazetted Officer or a Municipal Commissioner, MLA or a Sarpanch of the Village of the deceased workman or of his heir. However, where a deceased workman has already declared his nominee under the Provident Funds Act, he will be considered as rightful claimant and heir for the unclaimed wages.
- (4) All unclaimed wages shall be kept for payment to the workmen or the legal heirs or legal nominees for three years from the period they are due to be paid after which period these shall be remitted to the Welfare Commissioner for the purposes provided for under the Punjab Labour Welfare Fund Act, 1965, and the rules made thereunder.
- (5) Where the employment of any workman is terminated which term shall include resignation, the wages earned by him and his other dues payable by the management shall be paid before the expiry of the second working day from the day on which he ceases to be in the employment of the establishment, provided the workman has handed over the possession of the quarter, tools, furniture and all other property of the Company entrusted to him.

**14. National and Festival Holidays and Casual and Sick Leave** - National and festival holidays, casual and sick leave shall be granted to all workmen in accordance with the provisions of the Punjab Industrial Establishments

(National and Festival Holidays and Casual and Sick Leave), Act, 1965, and the rules made thereunder or in accordance with any settlement agreement or award, whichever is more beneficial to the workman.

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

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

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

warranting such an extension and shall submit it sufficiently in advance of the expiry of the leave allowed. The manager or any other authorised person on his behalf shall as soon as possible on receipt of such application inform the workman on the address given by the applicant whether the extension applied for has been sanctioned or refused. Reply shall be sent without delay under certificate of posting. If the workman desires a telegraphic reply by the management he shall send a reply paid telegram.

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

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

#### **17. Termination of employment and resignation -**

- (1) Where it becomes necessary to terminate the services of a permanent workman due to reasons to be recorded in writing such reasons being reasons other than misconduct, retrenchment or close down, such as his being declared by the Government as a traitor or a person likely to jeopardise the safety of the establishment, and subject to the provision of the Employees State Insurance Act and Workmen's Compensation Act or a workman who develops serious defect in the eyes-sight or hearing or mental deficiency one month's notice in writing shall be given by the management or salaries in lieu thereof to the workman concerned.
- (2) No notice shall be necessary for termination of the service of any other class of employees. The above provisions shall not however, absolve the management of their obligation to abide by the provisions of the Industrial Disputes Act, 1947, or any other law for the time being in force for the termination of services by way of retrenchment or otherwise.
- (3) If a permanent workman intends to leave the service of establishment he shall give one month's notice of his intention to do so in writing to the management or may, if he wants to be relieved earlier, surrender in lieu thereof wages equivalent to the delays for which the notice falls short of one month. But if

the exigencies of the work so require, the management may refuse to relieve him earlier than the entire period of notice has run out.

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

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

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

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

**Grievance Committee**

- (a) Two members to be nominated by the management.
- (b) Two representatives of the workmen to be nominated by the concerned workmen,
- (c) The Manager or any other officer of the establishment notified in this behalf shall be the chairman of this committee, but he will not vote in case of a division.
- (d) The committee shall be constituted by the Management in the presence and with the approval of the Labour Officer or Conciliation Officer of the area.

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

**20. Disciplinary action of misconduct** -

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

**Note:** This list is illustrative and not exhaustive.

- (a) Willful insubordination or disobedience whether alone or in combination with others, to any lawful and reasonable orders of a superior.
  - (b) Theft, fraud or dishonesty in connection with the employer of business or property or co-workers property.
  - (c) willful damage to or loss of employers property.
  - (d) Taking or giving bribes or illegal gratification.
  - (e) Habitual absence without leave or absence with leave for more than 10 days.
  - (f) Habitual breach of any law applicable to the establishment.
  - (g) Habitual late attendance.
  - (h) Riotous or disorderly behavior during working hours at the establishment.
  - (i) Gross negligence or habitual neglect of work.
  - (j) Habitual repetition of any act or commission for which a fine may be imposed.
  - (k) Striking work illegally or inciting others to strike work illegally.
  - (l) Smoking in places where smoking is prohibited by a notice duly displayed.
  - (m) Sleeping while on duty.
  - (n) Willful and deliberate slowing down of work or inciting others to slow down.
  - (o) Conviction by a court of law for an offence involving moral turpitude.
- Note:** If the workman is subsequently acquitted by the court of law he shall be reinstated.
- (p) Throttling, intimidating, abusing or assaulting any superior or a co-worker in connection with the employers business.
  - (q) Preaching of or inciting to violence likely to jeopardise the safety of the establishment.
  - (r) Borrowing from a subordinate.
  - (s) Willful tampering with any safety devices installed in the establishment.
  - (t) Drunkenness or intoxication while on duty.
  - (u) Refusal to undergo training in First aid and Air-raid precautions without cogent reasons.
  - (v) Distribution of pamphlets and holding of meetings in the premises without permission.
  - (w) Any other act subversive of discipline.



- (2) The services of a workman shall not be terminated on the ground of misconduct, unless he has been adjudged guilty of misconduct after a domestic enquiry held in the manner prescribed below:-
- (a) Where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension he may, by order in writing suspend him with effect from such date as may be specified in the order. A charge-sheet shall also be served on the workman within a week from the date of suspension setting out the details of the alleged misconduct and shall contain the name of the Enquiry Officers and the place where the enquiry shall be held. The workman shall be given an opportunity for explaining the circumstances alleged against him. Such a workman may be assisted by another workman of the choice of the workman <sup>1</sup> [or by an office bearer of a trade union of which he is a member] If the workman refuses to accept the charge-sheet in the presence of another workman, it shall be pasted on the notice board and shall be deemed to have been served on him. If the workman fails to present himself at the proper place before the Enquiry Officer to participate in the enquiry, the enquiry shall be proceeded ex-parte,
- <sup>1</sup>[(aa)The proceedings of the enquiry shall be recorded in Hindi or English as is preferred by the workman.]
- (b) A workman who is placed under suspension under clause (a) shall during the period of such suspension be paid a subsistence allowance at the following rates, namely;-
- (i) Where the enquiry contemplated or pending is departmental the subsistence allowance shall for the first 60 days from the date of suspension, be equal to half of the basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled if he was on leave with wages. If the departmental enquiry gets prolonged and if the workman continued to be suspended for a period exceeding 60 days the subsistence allowance shall for such period be equal to 3/4th of such basic wages, dearness allowances and other compensatory allowance:

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<sup>1</sup> Inserted vide Hr. Govt. Notification No 1308-4-Lab-77/3549, dated 28.2.1977.

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

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

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

If on the conclusion of the enquiry or of the criminal proceedings, the workman has been found guilty of the charges framed against him and it is considered, after giving the workman concerned, a reasonable opportunity of making representation on the penalty proposed, that an order of dismissal or suspension or fine, or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly: Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period and the subsistence allowance already paid to him shall not be recovered:

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

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

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

- (d) If a workman is found guilty under clause (c) above and it is considered that the period of suspension upto the conclusion of the enquiry was sufficient punishment orders shall be passed to reinstate the workman and treating the period of suspension as punishment without any further payment for the period excepting the suspension allowance admissible: provided that this period of suspension shall not exceed 30 days.
- (e) If on the conclusion of the enquiry of the criminal proceedings the workman has been found to be not guilty of any of the charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension after deducting the subsistence allowance paid to him for such period.
- (f) The payment of subsistence allowance under this Standing Order shall be subject to the workman concerned not taking up any employment during the period of suspension.
- (g) In awarding punishment under this Standing Order, the management shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist.
- (h) A copy of the orders passed by the manager shall be supplied to the workman concerned, whereupon the order shall become operative, if the workman makes an application a copy of the enquiry proceedings shall be supplied to him without delay.

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

**22. Liability of the manager** - The Manager of the establishment shall be held personally responsible for the proper and faithful observance of these Standing Orders.

**23. Exhibition of Standing Orders -**

- (1) A copy of these Standing Orders in English or Hindi shall be pasted at the Manager's office as well as on a notice board maintained at or near the main entrance of the establishment marked "Standing Orders" and shall be kept in a legible condition.
  - (2) In case of any conflict in the meaning of the Standing Orders in English or Hindi language, the English text shall be taken to be authentic.
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**FORM**

[See Clause 4 of the Model Standing Orders)

**EMPLOYMENT PROPOSAL AND APPLICATION OF EMPLOYMENT  
INCLUDING APPOINTMENT LETTER**

N.B.- The application shall be made in quadruplicate. One copy shall be returned to the workman in token of his appointment.

If the applicant is a literate person, this application must be filled in his hand.

To

The Manager,

..... (here insert name of the establishment)

Dear Sir/Sirs,

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

Name (in block letters).....

Address (i) Present .....

(ii) Permanent .....

Father's Name .....

Occupation and Address .....

Date of birth..... Height.....Weight.....

Nationality.....Caste.....Religion.....

Present Occupation .....

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

Fund.....

I, Account Number .....Fund Number .....

and other particulars .....Whether you were/are covered under

Employees' State Insurance Scheme? If so, give number .....

.....

**EDUCATION**

School or College	From	To	Exams.	
Subjects attended			passed	

Any vocational or technical training acquired with name of the Institute attended and the period and nature of training.....Post

desired \_\_\_\_\_ and \_\_\_\_\_ minimum \_\_\_\_\_ salary  
 accepted.....

**EMPLOYMENT RECORD**

Name of Proficiency in Employers games & Address	Nature of post held	From	To	Salary	Reasons leaving	of

Whether married/unmarried with number of dependants and their relationship.....

References:- Names and addresses of two respectable persons, other than relatives to whom the applicant is known intimately.

1.....2.....

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

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

1. In addition to specific terms and conditions attaching to my appointment the acceptance of employment by me in the Factory shall be deemed to include my acceptance to abide by the provisions of the Standing Orders and the rules.
2. That whole of my time shall be at the disposal of the Company and I shall serve the Company in its business in such a capacity and at such place and time. I may from time to time, be directed.
3. I shall maintain the strictest secrecy regarding he manufacturing process and shall not divulge directly or indirectly any information of confidential nature either to a member of the public or to any other employee unless compelled to do so by a judicial or administrative authority or with the permission in writing of the Company's Manager.

Date:.....

Signature or thumb impression  
of the applicant

**APPOINTMENT ORDER**

Shri..... is appointed with effect from..... copy is forwarded to Shri .....(the workman concerned) for information.

(Proprietor)

**SCHEDULE II**

**FORM I**

**[INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946 (SECTION 3)] APPLICATION FOR CERTIFICATION OF DRAFT STANDING ORDERS**

Dated.....

To

The Certifying Officer, Punjab Government,  
.....(Place)

Sir,

Under the provisions of section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the draft standing orders proposed by me for ..... (name) adoption in .....(place) an industrial establishment owned/controlled.....(postal address) with the request that these orders may be certified under the terms of the Act. I also enclose a statement giving the particulars prescribed in rule 5 of the Industrial Employment (Standing Orders) Punjab Rules, 1949.

Signature Employer/ Manager

**FORM II**

**(NOTICES UNDER SECTION 5 OF THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946)  
OFFICE OF THE CERTIFYING OFFICER, PUNJAB**

Dated.....

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

Certifying Officer

(Seal)

To

The Secretary,

.....(Union)

.....

Representative elected under Rule 6

..... (Occupation)

..... (Industrial Establishment)



**FORM III**  
**[INDUSTRIAL EMPLOYMENT (STANDING ORDERS)**  
**ACT, 1946 SECTION 8]**  
**REGISTER PART I**  
**INDUSTRIAL ESTABLISHMENT**

S.No.	Date of the despatch of the copy of Standing orders authenticated under section 5 for the first time	Date of Filing of appeal	Date of nature of decision	Amendment made on appeal, if any	Date of despatch of the Standing Orders as settled on	Any notice subse- quently given or received if any amendment appeal	Result
1	2	3	4	5	6	7	8

**PART II**

(Should contain the authenticated copy of the standing orders.)

**(FORM IV)**  
**SUBMISSION OF COPIES OF DRAFT STANDING ORDER BY THE**  
**REPRESENTATIVES OF THE MANAGEMENT UNDER' SECTION 8 (4) OF**  
**THE ACT**

To  
 The Certifying Officer,  
 Punjab, Chandigarh.

Sir,  
 Under the provisions of sub-section (4) of section 8 of the Industrial Employment (Standing Orders) Act, 1946, we enclose copies of the draft-Standing Orders proposed by the industrial establishments specified in annexure A, with the request that these orders may be certified under the terms of the Act and the rules.

2. We also furnish in Annexure B, the particulars prescribed in rule 5 of the Industrial Employment (Standing Orders) Punjab Rules, 1949 and the matters set out in the Schedule to the Act as far as applicable in respect of each of the industrial establishment, specified in Annexure A, which are intended to be adopted as the common standing orders.
3. A copy of the resolution in pursuance of which we are authorised to make this application for joint draft standing orders is enclosed as in Annexure C.

Yours faithfully,

Dated.....

Serial No. Manager	Signature of Employer/ Employer's	Representative, President/ Secretary etc. of the Association	Capacity
1.			
2.			
3.			
etc.			

The number of copies of draft standing orders to be sent should be equal to the number of trade unions of which the workmen working in any of the industrial establishments are members, plus the numbers of the establishments whose workmen are not members of any (trade unions, plus five).

Thus, if out of 20 industrial establishments, the workmen of 6 are members of one trade union, the number of copies required will be 11 plus (20-6) plus (5-20).

**ANNEXURE A**

Serial No.	Name of Industrial Establishment	Place Postal Address	Signature of Employer



**ANNEXURE B**  
**PRESCRIBED PARTICULARS**

S.No.	Name of Industrial Establishment	Total number employed	Number of Permanent workmen	Number of temporary workmen
1	2	3	4	5
Name of the Badlis or Substitutes	Number of Probationers	Number of apprentices	Number of Trade Union, or Trade Unions, if any, to which the workman belongs	Remarks
6	7	8	9	10

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**ANNEXURE C**

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

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

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

S. No.	Name of Establishment	Name of Person representing the Establishment	Designation	Signature	Remarks
1	2	3	4	5	6
1.					
2.					
3.					
4.					
etc.					

To

The Certifying Officer, Punjab, Chandigarh.

Noti. Dt. 30.11.1972

In exercise of the powers conferred by proviso to sub section (3) of section I of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946) and all other powers enabling him in this behalf, the Governor of Haryana extended all the provisions of the said Act to all the Industrial Establishment in the State of Haryana wherein fifty or more persons are employed on any day of the preceding twelve month, vide Haryana Govt. Labour Deptt. Notification No. 12915-4-Lab-72/48488. dated 30th November, 1972.

Noti. Dt. 23.5.1967

In supersession of Punjab Govt. Notification No.CA-20/46VS.2(a)/62/I 108, dated the 26th April, 1962 and in exercise of the powers conferred by clause (a) of Section 2 of the Industrial Employment (Standing Orders Act, 1946 (Act No. XX of 1946), the Governor of Haryana has appointed the Industrial Tribunal, Haryana, appointed under section 7-A of the Industrial Disputes Act, 1947 to exercise within the State of Haryana the functions of the Appellate authority under the Act, vide Haryana Government Notification No.45/CA20/46/S.2/67, die 23rd May, 1967.

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