

STANDING ORDERS

1. Applications:

These Orders shall apply to all workmen of M/s Mishra Dhatu Nigam Limited with its Registered Office at Kanchanbagh, Hyderabad and shall come into force with effect from a date determined in accordance with Section 7 of the Industrial Employment (Standing Orders) Act, 1946, as amended from time to time.

2. Definitions:

- (1) **'Company'** means M/s Mishra Dhatu Nigam Limited, Hyderabad-500 058, which includes the Registered Office, Administrative Offices, Super alloys Project, factory and various Commercial Offices, show rooms and buildings/ premises belonging to M/s Mishra Dhatu Nigam Limited, situated in Hyderabad and elsewhere in India.
- (2) **'Company's Notice Board'** means the Board placed by the Company in different administration buildings, office buildings, production and assembly shops, training institute and includes notice boards in the Commercial Offices and any other offices situated in Hyderabad and elsewhere in India.
- (3) **'Employer'** means the Chairman & Managing Director of the Company, General Manager, Manager or any other Officer to whom the powers and functions may be delegated in this behalf, and wherever the expression 'Management' is used, it shall mean the 'Employer'.
- (4) **'Manager'** means Manager of the Department/Division or any officer to whom the powers and functions may be delegated.
- (5) **'Company Premises'** means the registered office, factory building, administrative buildings, ancillary offices and buildings as well as vacant spaces belonging to the company and also include offices and buildings belonging to M/s Mishra Dhatu Nigam Limited situated in Estate, Commercial Offices and Show-room etc., situated in Hyderabad and elsewhere in India.
- (6) **'Workman' or 'Employee'** means and includes any person employed in the company as defined in the Industrial Employment (Standing Orders) Act, 1946, as amended from time to time and is classified as follows:
 - (a) Permanent
 - (b) Temporary
 - (c) Probationer
 - (d) Casual
 - (e) Trainee
 - (f) Apprentice
 - a) A **'Permanent'** workman who has been engaged on a permanent basis and includes any person who having satisfactorily completed a probationary period of six consecutive months in the aggregate or of such extended probationary period as may be granted to him, if any, in the same or any other occupation in the industrial establishment, has been confirmed in writing by the Manager. On successful completion of the probationary period, the Management shall issue letter of confirmation to the Probationer in writing. The aggregate period of probation shall include breaks due to leave with wages, accidents arising out of employment, breaks due to strike (not being an illegal strike) or involuntary closure of the establishment but shall not include breaks due to lock-out (not being an illegal lock-out).
 - b) A **'Temporary'** workman means - a workman who is engaged for work which is essentially of a temporary nature likely to be finished within a limited period, or a workman who is engaged for work of permanent nature for a temporary period.
 - c) A **'Probationer'** is a workman – who is provisionally employed to fill a permanent vacancy in a post and has not completed his probationary period of six months or the extended period of probation, if any. If a permanent employee is employed as a probationer in a new/promoted post, he may, at any time during

the probationary period, be reverted to his old permanent post. In the event, the work or the conduct of the employee being found unsatisfactory, the competent authority may extend the period of probation for a further period of six months. In exceptional cases, if the work and the conduct of the probationer is not found to be satisfactory during the extended period of probation, the competent authority may further extend the period of his probation for a period not exceeding six months after recording the reasons for the same. Successful completion or otherwise of the probation, as the case may be. Or the extended period of probation shall be communicated to the employee concerned in writing by the competent authority.

- d) 'Casual' workman means – a workman who is employed in any work of an occasional or casual or intermittent nature.
 - e) A 'Trainee' is a learner, who may or may not be paid salary or stipend during the period of his training and who is not an apprentice under the Apprentices Act, 1961.
 - f) 'Apprentice' means a person as defined under the Apprentices Act, 1961 and is paid salary or stipend during his period of apprenticeship.
- (7) The 'masculine' includes the 'feminine' and the singular includes the plural, where the context so admits.

3. **Identification Badge/Card:**

Every workman shall be given a Badge/Identity card with a staff number on his joining duty, which may be changed as and when necessary by the company for administrative convenience.

4. **Publication of Working Time:**

The periods and hours of work including mid-shift break for all classes of workmen in each shift shall be exhibited on the Company's Notice Boards. Ordinarily, the starting and closing time of each shift will be signalled by means of a whistle or siren, but failure of sound the whistle or siren due to unavoidable circumstances, will not entitle workmen to attend late or depart early.

5. **Publication of Holidays and Pay Days:**

Notice specifying the days observed by the Company as holidays and paydays shall be posted on the Company Notice Boards. The employer reserves the right to declare any day as holiday without any previous intimation to the workmen. In such cases, it will be considered as a paid holiday without affecting the quantum of other declared holidays unless it is a substituted holiday.

6. **Publication of Wage Rates:**

Notice specifying the rates of wages payable to all categories of workmen shall be displayed on the Company's Notice Boards.

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 seven days notice being given in writing to the workmen prior to such discontinuation, provided that no such notice shall be necessary if closing of the shift is under an agreement with the workmen affected. If as a result of the discontinuance of the shift workings, any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 (Act

XIV of 1947) and the Rules made there under.

If such shift working is restarted, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said Rules.

8. Attendance and late coming:

- (1) All workmen shall be the work spot at the time fixed and notified under the standing order No.4 and shall register attendance by punching their cards or in any other manner prescribed. Subject to Standing Order No.8 (2) and 8 (3) below, workmen shall be liable to be shut out for the day if they are not at the work spot at the scheduled time. Workmen attending late will be liable to be shutout for the day if they are not at the work spot at the scheduled time. Workmen attending late will be liable to the deductions provided for in the Payment of Wages Act, 1936 as amended from time to time. Management shall arrange adequate punching machines as far as possible.
- (2) Workmen shall be allowed 5 minutes, grace at the start of the shift. But no grace shall be allowed after midshift break. If a workman is habitually late, he will be treated as a habitual late; he will be treated as a habitual latecomer and dealt with as per Standing Order No.19.
- (3) Subject to the provisions of Standing Orders No. 8(1) and (2) fifteen minutes wages shall be deducted from those who come late by more than 5minutes after the scheduled starting time and are permitted by the Manager to work. For administrative convenience, the period of absence shall be calculated in units of 15 minutes. For purpose of computation, total attendance of less than one hour on any day shall not be taken into account.
- (4) No workmen shall be allowed to leave the work spot during working hours, without prior permission. For going from one department to another, however, permission in the prescribed form, as amended from time to time will have to be obtained by the workmen.
- (5) Any workman who after registering his attendance in the manner prescribed, is found absent from his proper place of work during working hours without permission shall be treated as absent for the time of his absence and his wages shall be subject to deduction in accordance with the provisions of the Payment of Wages Act, 1936, as amended from time to time.
- (6) The Company will work on any day for such number of hours as the Managing Director or his nominee may, from time to time, fix in accordance with the Factories Act, 1948, as amended from time to time and the period of work for all classes of workmen shall be posted on the Company's Notice Board, subject to the provisions of the Factories Act 1948 and as amended from time to time or otherwise legislation for the time being in force. The Company reserves the right to require all or any number of its workmen to work on weekly holidays and other holidays in accordance with the notice which may be issued by the Managing Director or his nominee from time to time specifying the date of the compensatory holiday, if any, which shall be allowed to such workmen.

9. Duties and obligations of workmen during working hours:

- (1) Every workman shall carry out the work for which he has been employed, conscientiously and to the best of his ability and in accordance with specific or general instructions given to him by the Company or its Officers directly or through delegated authority.
- (2) Workmen shall not enter or pass through departments other than those in which they are employed unless this is necessary in the course of their duties and except with the express permission of the Manager of the shop in which he is employed or his authorized representative.
- (3) Workmen shall not engage themselves, in any other work or trade excepting that of the company either for themselves or for any other person during working hours.

- (4) Each workman is responsible for, and shall take proper care of all machines, Plant, Tools. Gauges, Jigs, Fixtures, drawings etc., generally and specifically entrusted to him. Workmen shall not take out of the Company premises any articles, drawings, documents, materials, etc., belonging to the company without a pass in the prescribed form issued by the Company. They neither conceal nor attempt to conceal any such articles or materials etc
- (5) Workmen shall take precautions to safeguard the Company's property and to prevent accident or damage to it. A workman shall once report to his superiors any defect which he may notice in any machinery/equipment connected with his work. He shall also immediately report any defect or occurrence which he may notice and which might endanger him or any other workman/person or might, result in damage to the Company's or any workman's/person's property. It is the duty of every workman to see that his equipment and/or workplace is kept clean and tidy.
- (6) Strict observance of all safety instructions, including fire prevention and protection, is obligatory on the part of the workmen. Workmen shall not, unless specifically authorized, interfere with any safety device or any equipment, running or idle. Where the company provides protective clothing or appliances for the safety of workmen, those shall be worn by such workmen while engaged in such jobs.
- (7) Contact of employees with foreign nationals/members of foreign missions/ organizations/agencies, etc.
 - a) No employee of the Company should enter into any correspondence on matters of official nature with members of foreign missions/ embassies/high commissions in India and abroad.
 - b) No employee of the Company should accept any gift from foreign nationals/members of foreign missions except with the specific permission of the Management.
 - c) No employee of the Company should make contacts with the missions of other countries unless it is for the commercial interest of the Company duly approved by the Management.
 - d) No employee of the company should stay as guest with foreign diplomats or foreign nationals in India except with the express permission of the Management.
 - e) No employee of the Company should invite foreign diplomat to stay with them as their guests in India except with the express permission of the Management.
 - f) No employee of the company should accept or permit any member of his family to accept passage money or free air transport from a foreign mission/Government or organization except in exceptional cases with the specific permission of the Management.
 - g) No employee of the company should be a member of or actively participate in the activities of Indio-Foreign Cultural Organization without the permission of the Managing Director.
 - h) No member of the family of an employee shall accept employment in foreign missions, offices of foreign organizations like USIS, British Council, BIS etc., or offices or staff of foreign non-governmental organizations except with the express permission of the Managing Director. In case where such employment has been accepted prior to the coming into force of this rule, the employee should intimate in detail the particulars of the appointment held to the Managing Director.
- (8) Bigamous Marriages:
 - a) No workmen shall enter into or contract a marriage with any person having a spouse living.

- b) No workman having a spouse living shall enter into or contract a marriage with any person provided that the competent authority may permit an employee to enter into or contract any such marriage if it is satisfied that;
 - i) such marriage is permissible under personal law applicable to such workman and the other party to the marriage;
 - ii) there are other grounds for so doing; with such conditions as it may consider appropriate in each case;
 - iii) Workman who is married or marries a person other than that of Indian Nationality shall forthwith intimate the fact to the Management.
- (9) Workmen shall not change their shifts without prior permission of their superiors nor shall they leave their job at the end of their shifts without handing over charge wherever instructed unless specifically asked by their superiors to do so.
- *(10) Prohibition of sexual harassment of women at working place.
 - (i) No workman shall indulge in any act of sexual harassment of any woman at her work place.

*** Circular dated 07.03.1998.**

Explanation: For the purpose of the clause "Sexual harassment includes such unwelcome sexually determined behaviour, whether directly or otherwise, as:

- a) Physical contact and advances,
- b) Demand or request for sexual favour,
- c) Sexually colored remarks,
- d) Showing any pornography; or
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

10. Entry and Exit:

- (1) Workmen shall enter or leave the Company's premises only by the gate notified for that purpose.
- (2) Every workman shall be provided with an Identity Card/and or Badge which he shall always have/wear on his person during the working hours of the Company. No workman shall be admitted within the Company's premises without his Identity Card/Badge during working hours. However, any workman who has forgotten to bring his identity card/badge shall report to the Security Officer at the Gate who, after consulting the Head of the Department, concerned on telephone, will allow him to enter the Company's premises.
- (3) On entering the Company's premises or on separating at the scheduled hours of work, all workmen shall punch their cards or drop their badges at the authorized place or sign the prescribed register as the case may be. When a workman leaves earlier than the closing time under permission, he should punch or register his time out as provided by the Company.
- (4) Any workman who has entered the Company's premises without an Identity Card/Badge or permission slip issued to him is liable to be sent out and will not be entitled for the wages for that day.
- (5) An identity card or badge lost by the workman would be replaced on payment of Rs.50/- (Rupees fifty only) or at the cost price whichever is less.

11. Search:

- (1) Any workman is liable to be detained and searched on entering or leaving the Company premises by the Security Staff of the Company and/or such other persons appointed by the employer for the purpose at the nearest Security Post or Departmental Office. Any female worker so detained shall be searched by a female appointed for this purpose. Such search will be as far as possible conducted in presence of a co-worker.
- (2) Any workman carrying of Tiffin boxes, documents, cases, bags and other receptacles shall open them and show when demanded.
- (3) The company has a right to remove from these searched any articles belonging to the company or such other articles as the company may consider would endanger the personnel or property of the company.
- (4) Any workman who has been granted leave, laid off, suspended, discharges or has resigned or is not working for any other reason shall leave the works premises immediately, unless he is specially permitted by the Management.

12. Leave and Holidays:

* (1) Workmen will be eligible for earned leave, sick leave, casual leave or any other kind of leave as per leave rules in force in the company. Leave rules are attached in Annexure-A, as modified and effective from 01.04.1990.

(2) National Holidays:

Three days with full pay per calendar year will be allowed to the workmen on the Republic Day, Independence Day and Mahatma Gandhiji's Birthday.

(3) **Festival Holidays:** In addition to three National Holidays, 9 (nine) days with full pay per calendar year will be allowed to the workmen, which will be settled in advance in consultation with the workmen each year.

* Circular No.MDN/P&A/L.Rules/90 dated 09.08.1990

13. Procedure for Applying for Earned/Casual/Sick leave with wages:

The procedure of earned leave, casual leave, sick leave, etc., will be as per the leave rules in vogue/annexed to Rule 12. The workman will have to produce a medical certificate from the ESI Doctor if he is covered under the ESI Scheme for sick leave exceeding 3 days, and in case it is not possible to obtain Medical Certificate from the ESI Doctor due to valid reasons, he should produce a certificate from any Authorized Medical Attendant/ Specialist, duly countersigned either by the Company's Medical Officer or the ESI Doctor as per the leave rules in vogue. Notwithstanding what is provided in the leave rules, if a workman seeking leave or extension of leave on medical grounds fails to produce himself before the Company's Medical Officer or any other specified authority when called upon to do so, he will not be entitled for the sanction of the leave for the period of absence on this ground even if he produces medical certificate from any medical practitioner which even otherwise may be acceptable for the purpose of sanction of leave on medical grounds.

14. Payment of Wages:

- (1) All wages due to the workmen or deductions from their wages shall be made in accordance with the provisions of the Payment of Wages Act, 1936 and rules made there under and as amended from time to time.
- (2) Wages not claimed by the workmen on the stipulated pay day shall be paid on any specific days of the month, notified in advance once in a week.

15. Stoppage of work:

- (1) The Managing Director or any Officer duly authorized by him, may, at any time/times in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemic, civil commotion, shortage of raw materials, lack of orders, or other cause beyond his control stop any Section/ Department or Sections/Departments of the Company wholly or partially for any period without notice.
- (2) In the event of such stoppage during working hours, the workmen affected may be laid off at the discretion of the Managing Director or the person duly authorized by him, as per the provisions of the Industrial Disputes Act, 1947 and the rules made there under as amended from time to time.
- (3) The Managing Director or the person duly authorized by him may, in the event of a strike affecting either wholly or partially any section or department of the company 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 as soon as practicable by notices put on the Company's Notice Boards and the department concerned. The workmen concerned shall also be notified by a general notice prior to the resumption of work as to when work will be resumed.

16. Essential Services:

The following Departments and workmen working there in are considered as comprising the company's essential services and should be available at all times and in all cases of emergency

- i) Fire protection & Services
- ii) Security and Vigilance Departments & services
- iii) Telephone and Telex Operation Departments and Services
- iv) Canteens, Medical and Health Services
- v) Maintenance and Repairs (Departments) Personnel
- vi) Transport Personnel
- vii) Power, water, supply, gas, fuel and other utility services
- viii) Furnace Operators to maintain the continuity of operation

17. Termination of Employment:

- (1) For terminating the employment of workmen, notice in writing or wages in lieu of notice, shall be given either by the employer or the workmen as specified under contract or terms of employment.
 - (a) Notwithstanding any provisions contained specifically under contract of terms of employment Management reserves the right not to accept the resignation of a workman against whom disciplinary proceedings are contemplated or pending.
 - (b) The Management reserves its absolute right to subject any workman while in service for a medical examination by the Company Medical Officer or any authority as may be prescribed from time to time.

If the Company Medical Officer or any other authority as may be prescribed by the Management declares such an employee not fit to continue to work in the Company, the services of such a workman will be terminated on medical grounds by giving him a notice of one month or paying him wages in lieu thereof besides the other retirement benefits like gratuity and PF dues. If the workman desires to be examined by a Medical Board, the same will be constituted by the Management. The Medical Board will consist of three Doctors i.e. one Company's Medical Officer; one Government Civil Surgeon and one other Doctor. The fee for such examination

will be borne by the concerned workman and if the employee is found fit the fee will be reimbursed to him by the Company.

- (2) 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.

18. Abandonment from Service:

If the workman remains absent for a period exceeding 15 consecutive days, without intimation or beyond the period of leave originally granted or subsequently extended he shall be sent a registered notice by the Competent Authority on his last known address calling upon him to resume duty by a stipulated date which shall not be in any case before the expiry of 15 days from the date of mailing of the said notice. A copy of the said notice shall also be displayed at the Company's Notice Board in the Department/Shop concerned. Both these actions shall be deemed to be the personal service of the notice on the individual concerned. If the workman fails to resume duty by the stipulated date he shall be deemed to have abandoned the services of the company without any notice and his name will be struck off automatically from the rolls of the company following such abandonment under intimation to such workmen; provided further that if the workman concerned at any time, within 30 days of such abandonment, which may be relaxed at the discretion of the Management, proves to the satisfaction of the Management that his absence was on account of sickness or other valid and acceptable reasons to the Management, the Management at its discretion may reinstate such workman.

19. Acts of Misconduct:

The following acts and omissions will be treated as acts of misconduct without prejudice to the general meaning of the term 'misconduct':

- (1) Collection of any signatures or money, excepting collection of membership fee/subscriptions payable by members of Union recognized under the Code of Discipline, in the Company's premises for purposes not permitted by the Management.
- (2) Handling any machine or apparatus not entrusted to his charge.
 - (a) Unauthorized use of Company's property, tools, machines, building or land
- (3) Falsifying or effusing to give testimony when accident or other matters are being investigated.
- (4) Failure to observe safety rules and instructions issued by the Company from time to time or interference with safety devices or equipment.
- (5) Committing nuisance in the Company's premises.
- (6) Willful failure to notify the Company of any change in his address when proceeding on leave or during leave.
- (7) Obtaining or attempting to obtain leave of absence by false pretence or feigned sickness.
- (8) Entering another department or shop otherwise than in the course of his duty.
- (9) Refusal to work overtime when lawfully called upon to do so.
- (10) Breach of departmental rules and regulations, instructions, practices, conventions, methods and procedures etc., not in consistent with the Standing Orders for the purpose of regulating work maintaining the safety of the personnel, discipline, good conduct, and cleanliness, avoidance of waste of time or materials or for proper running of the Company or individual departments/sections.
- (11) Non-return of Company's properties on or before the stipulated period.
- (12) Writing of anonymous letters, prejudicial to Company's interests and discipline.

- (13) Willful insubordination or disobedience, whether alone or in combination with others of any order of superiors in the discharge of duties,
- (14) Theft, fraud or dishonesty in connection with the Company's business or property.
- (15) Willful damage to or causing loss of the Company's goods or property or sabotage thereof through negligence or carelessness.
- (16) Taking or giving bribes or accepting any illegal gratification and/or indulging in any corrupt practices.
- (17) Habitual absence without leave or without permission or absence without leave for 10 days consecutively.
- (18) Failure to report to the Company's Medical Officer or the ESI Medical Officer if or when the establishments is covered by ESI scheme or the Government Medical Officer for medical examination when asked for by the Superiors in connection with absence on sick grounds
- (19) Habitual late attendance or leaving work before the scheduled time or absence from the place of work without proper permission.
- (20) Entering or remaining on the company's premises unless on duty without permission.
- (21) Habitual breach of any law or rules applicable to the Company.
- (22) Riotous or disorderly behavior during working hours of the Company or any act subversive of discipline.
- (23) Habitual negligence or neglect of work.
- (24) Striking work or inciting others to strike work in contravention of the provisions of any law, or rules having the force of law.
- (25) Slow-down in performance of work or inciting others to resort to go slow.
- (26) Engaging in private work or trade within the Company's premises or engaging in other employment calling for profit or otherwise whilst still under the service of the Company without the written permission of the employer.
 - (a) Engaging in trade union activities otherwise than in the interest of the workman directly engaged by the Company without the written permission of the employer.
- (27) Displaying, distributing in the Company's premises handbills, pamphlets, play cards, posters, banners unauthorized badges, etc., without the prior written permission of the employer.
- (28) Attending or holding meetings within the Company's premises, without the written permission of the employer.
- (29) Disclosing to an unauthorized person or persons any confidential information with regard to work or any process used in the Company which comes into the possession of the workman during the course of his work or any information relating to Management's business.
- (30) Canvassing for a union or an association or party membership within the Company's premises without permission of the employer.
- (31) Gambling and/or money lending within the Company's premises.
- (32) Smoking in places where it is prohibited by law or for safety purposes.
- (33) Deliberately making false complaints against coworkers, superiors knowing them to be false.
- (34) Failure to wear prescribed uniform, overall safety clothing and equipment etc., while on duty.

- (35) Refusal to accept and acknowledge receipt or take notice of charge sheet, order or any other communication served either in person or in the due course of post or by notification on the Company's Notice Boards.
- (36) Deliberately making a false statement before the superiors, knowing it to be false or forging the signature of a superior or that of any person.
- (37) Conviction by a court of law for any criminal offence involving moral turpitude.
- (38) Repetition of same act of misconduct after 4 previous warnings, fines, or suspensions within a period of 12 months.
- (39) Proxy registering of attendance or abetting in the act of registering attendance of another workman.
- (40) Carrying a lethal weapon, fighting (quarrelling), using abusive language, assault or attempting or causing bodily injury to another person, drunkenness, drug addiction, bootlegging or conduct which violates the common decency or morality of the community and threatening or intimidating any employee of the Company within the Company's premises.
- (41) Picketing or unauthorized demonstration within the Company's premises.
- (42) Violation of the terms and conditions of allotment of the Company's quarters as and when provided.
- (43) Unauthorized use or forcible occupation of the Company's quarters.
- (44) Falsification of records and/or defalcation.
- (45) Impersonation.
- (46) Indulging in political activities during working hours of the Company within the Company's premises.
 - (a) Becoming an office-bearer of a political party or an organization which takes part in politics.
 - (b) Taking part in or assisting in any manner any movement/ agitation or demonstration of a political nature within the premises of the Company.
 - (c) Taking part i.e., contesting in election to any Legislature or Local Authority.
 - (d) Canvassing in any election to any Legislature or local authority within the premises of the Company.
- (47) Entering the Company's premises without identity card and/or badge on his person.
- (48) Habitual litigation due to indebtedness, insolvency, etc.
- (49) Sleeping while on duty.
- (50) Furnishing of false information or suppression of factual information in the application form at the time of seeking employment or in the attestation forms or when a physical fitness examination record is made.
- (51)(51)
 - a) Performing duties during a shift other than those for which he has been so drafted as per shift schedule without prior permission from superior Officers.
 - b) Unauthorized entry into a prohibited place.
 - c) Carrying on any business, such as Chit Fund etc., directly or indirectly prejudicial to the interests of the Company.
 - d) Playing cards with or without bets in the factory/office premises.
 - e) Writing with or without signature allegation devoid of basis against any employee or management or writing anonymous or pseudonymous letters

criticizing superiors in the service of the management or spreading of false rumors or giving of false information which tends to bring into disrepute the Management or its employees or spreading panic among them either through Press/journals/ magazines or propagate through TV/Radio or other means.

- f) Unauthorized stoppage and/or detention of or causing damage to the Company hired transport either along or in combination with others while it is engaged in carrying Company employees from different points to the factory and back.
- g) Non-utilization of advance money for the purpose for which it is granted.
- h) Non-refund of the advance of money in time when it is not utilized for the purpose of which it is drawn.
- i) Applying for outside jobs, scholarships, fellowships, travel ships or for anything not sponsored by the Company otherwise than through proper channel.
- j) Possession of articles like alcohol, drugs, charas etc., by workmen during working hours.
- k) Any of the misconduct enumerated above even outside the Company's premises but connected with Company's affairs wherever applicable.

(52) Abetment of any of the 'acts or omissions' mentioned above shall amount to act subversive of discipline and hence misconduct.

(*53) Sexual harassment of women employees in work place.

(54) "Whenever it is found that a workman, who was not qualified or eligible in terms of the recruitment rules etc. for initial recruitment in services or had furnished, false information or produced a false certificate in order to secure appointment, he/she should not be retained in service. If he/she is a probationer or a temporary employee, he/she should be discharged or his/her services should be terminated forthwith after serving show cause notice soliciting his/her written explanation. Such discharge/termination from employment would, however, be without prejudice to the right of the organization to prosecute such workman by resorting to necessary criminal proceedings.

***Amended vide RLC (C) order dt. 27.07.2023.**

20. Punishment for misconduct:

- (i) A workman proved guilty of misconduct may be imposed with :
 - a) Warning in writing.
 - b) Fine (subject to the provisions of the Payment of Wages Act 1936, as amended from time to time).

Subject to issue of Show cause Notice to the concerned workman after fact finding by the Competent Authority and based on the reply received.

- (ii) A Workman proved guilty of misconduct may be imposed with penalty of :
 - a) Censure.
 - b) Stoppage of increment with or without cumulative effect.
 - c) Demoted to a junior category or lower grade or scale of pay (The Disciplinary Authority should specify the stage at which the pay of the workman is to be fixed on such demotion).
 - d) Recovery from pay, full or part of pecuniary loss or damage caused to the Company by negligence or breach of order.
 - e) Reduction up to minimum of the scale of pay or lower stage of scale.
 - f) Removal from Service without disqualification for future employment.

- g) Dismissal, which will disqualify for future employment in the establishments of MIDHANI.

Subject to issuing of written Memorandum of charges setting forth the circumstances appearing against him/her and the nature of the misconduct involved and requiring his/her explanation and has been afforded a reasonable opportunity to submit his/her explanation in writing and after following due procedure as stated in clause 21.

***Amended vide RLC (C) order dt. 27.07.2023.**

21. Procedure for Disciplinary Action:

- (1) No workman shall be punished till a written Memorandum of charges, setting forth the circumstances appearing against him and the nature of the misconduct involved and requiring his explanation has been issued to him and he has been afforded a reasonable opportunity to submit his explanation in writing.
- (2) In case of misconduct for which any of the other penalties (i.e other than fine or warning) are proposed to be imposed a written charge sheet stating the allegations and misconduct involved shall be given to the employee requiring his/her explanation within a period to be specified in the charge sheet.

***Amended vide RLC (C) order dt. 27.07.2023.**

- (3) The employee shall be afforded reasonable opportunity to submit his explanation in writing within a stipulated time. In case additional time is required, the employer may at his discretion extend the time. If the allegations are denied by him, the officer of the company nominated by the Management may enquire into the alleged act of misconduct.
- (4) The employee concerned will be afforded reasonable opportunity of explaining and defending his action. Any such enquiry may relate to the alleged misconduct of several employees together in which case the enquiry may be held for all the employees together.
- (5) The employees against whom the enquiry is being conducted by the Management may produce any witness to defend his case and cross-examine any witness of the Company. The employee may be allowed to get assistance of a co-employee during the enquiry proceedings if he so desires.
 - (a) If during the enquiry it is found that the workman is guilty of misconduct other than that stated in the charge sheet, the workman shall be liable to punishment for such misconduct but before any punishment is imposed on him, he shall be afforded a reasonable opportunity of explaining and defending his action in respect of such misconduct.
- (6) The Enquiry Officer shall conduct enquiry into the misconduct and submit his finding to the employer. The Competent Authority may impose such punishment as he deems fit.
- (7)
 - (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 Midhani Standing Orders 21 suspension he may, by order in writing suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the workman within a week from the date of suspension.
 - (b) A workman who is placed under suspension under Clause (a) shall,

during the period of suspension be paid a subsistence allowance at the following rates namely: -

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

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

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

Provided that where such enquiry or criminal proceedings is prolonged beyond a period of one hundred and eighty days for reasons directly attributable to the workman, the subsistence allowance shall for the period exceeding one hundred and eighty days be reduced to one fourth of such wages:

“The employer may, however, direct the workman concerned to mark his attendance every working day at any particular time and place in the establishment during the suspension period and in case the employee fails to mark his attendance on any particular day at specified time and place without permission, he will be deemed to have been absent and he will not be entitled for subsistence allowance for that day”.

- (c) In the enquiry, the workman shall be entitled to appear in person and to be represented by a co-worker.
- (d) The proceedings of the enquiry shall be recorded in Hindi or in English or in the language of the State where the industrial establishment is located, whichever is preferred by the workman.
- (e) 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 by such further period as may be deemed necessary by the Enquiry Officer.

- (g) 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 or some other misconduct brought in the course of the enquiry or convicted in the criminal proceedings 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 stoppage of annual increment or reduction in rank would meet the end of justice, the employer shall pass an order accordingly.

Provided further that when an order of dismissal or discharge/removal from service is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period and the subsistence allowance already paid to him shall not be recovered.

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

Provided also that where an order imposing fine or warning or censure or stoppage of annual increment without cumulative effect or recovery from pay, full or part of pecuniary loss or damage caused to the Company by negligence or breach of order 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 wage as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.

In case of other penalties, other than above, the period of suspension will be treated as non-duty and as such.

***Amended vide RLC (C) order dt. 27.07.2023.**

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

- (h) If on the conclusion of the enquiry or as the case may be, of the criminal proceedings, the workman has been found to be not guilty or any of the charges framed against him or some other misconduct brought in the course of the inquiry or acquitted of the charges in the criminal proceedings, 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.
- (i) The payment subsistence allowance under this Standing Order shall be subject to the workman concerned not taking up any employment during the period of suspension.
- (j) During the period of suspension a workman shall not leave the Headquarters without the specific written permission of the prescribed authority. The workman shall not be entitled for any other benefits applicable to the workman during the period under suspension.

- (8) In awarding punishment under this Standing Order the authority imposing the punishment shall take into account any 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 in imposing the punishment shall be supplied to the workman concerned.

22. Appeal:

- (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.
- (b) The employer shall, for the purpose of Clause (a) shall 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.

23. Spot Suspension and Enquiry:

Where a workman is apprehended committing acts like theft, arson, deliberate damage to plant and property, riotous or disorderly behavior, carrying dangerous weapons, assault or attempting bodily injury to any other person or any such serious misconduct the workman shall be kept under suspension immediately and the misconduct shall be enquired into. The decision of the Competent Authority on the finding of the enquiry will be communicated to the workman by the Head of the Department/Division and shall be effective immediately on service to him. In case of his absence and/or refusal, it will be effective immediately on posting the same on the Company's Notice Board.

24. Inventions & Patents:

The Company shall be absolute proprietary rights over all the inventions, discoveries and patents resulting from the workman's labour in the course of his employment under the Company. The workman may be suitably awarded and merit recognized.

25. Grievances:

All grievances arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer shall be submitted to the Departmental/Divisional Head or other persons specified in this behalf with the right to appeal to the Employer, as provided in the Grievance Procedure applicable to all workmen.

26. Retirement:

The superannuation/retirement age shall be 60 (Sixty) years and no workman shall have any claim to be continued in the service of the Company thereafter. In determining the age of a workman, the date of birth entered in his school certificate produced by him at the time of employment will prima facie be admitted as proof of the workman's age. However, in the absence of such proof medical certificate from the Company's Medical Officer, will be considered. The decision of the Management as per the proof of age is final and conclusive.

27. Certificate of Termination of Service:

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

28. Address:

Every workman shall furnish to the Employer the address to which notices or letters affecting him may be sent and it shall be the duty of the workman to notify any change in his address. Any notice or letter sent by post or otherwise, to such address as given by the workman shall be deemed to have been duly served and received by the workman concerned.

29. Exhibition of Standing Orders:

A copy of these Orders in English, Hindi and in the language understood by majority of workmen shall be posted on the Company's Notice Board. If there is any conflict between the Standing Orders in English and those in any other language, or languages the English version shall prevail and be followed.

30. Secrecy:

- (1) No workman shall write to any person (including a coworkman) or communicate to public, papers, journals, books pamphlets or leaflets or by speech or discussion at anytime during services of the company any or documents subject to legal right of workman, relating to company except with the approval of the Management.
- (2) No workman, shall, otherwise than in the normal course of his work, engage in giving information or advice on matters relating to the activities of the company.
- (3) Except in the ordinary course of his duty no workman shall disclose during service of the company any secrets, cost of production of any or all the company's products, information or purchase made by or contracts entered into by the company information of settlements of claims by the company in or out of courts of any other information or matters of trade or business secrets.
- (4) No workman is permitted to carry with him outside the factory premises any papers, books, drawing photographs, instruments, apparatus, documents, or any other property of the company except with the permission of the Security Department. Provided that this provision shall not apply to those workmen who are specially authorized by the management to take out of the factory premises papers approved by the Management and for which written permission is given.
- (5) Any book, drawings, sketches, photographs and similar papers containing notes or information relating to the Company's business affairs, or operations shall always be treated as Company's property, whether prepared by a workman or otherwise.
- (6) Breach of this order shall be deemed to be misconduct and defaulting workmen shall be liable to punishment in accordance with these Standing Orders, in addition to any other penalties to which he may be liable under the Law.

31. Saving:

Nothing contained in these Standing Orders shall operate to the detriment or prejudice of the right and obligations of the workman under any contract of service/agreement/ settlement/ award/law custom or usage of or the time being in force.

32. Gifts:

Workman of the Company shall not accept or permit any other member of his/her family or any other person acting on his/her behalf to accept any gifts without the sanction of the Competent Authority if the value thereof exceeds Rs. 2000/-.

Provided that when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the competent Authority if the aggregate value of the gift exceeds Rs. 15000/-.

***Amended vide RLC (C) order dt. 27.07.2023.**