



## INDIAN MEDICINES PHARMACEUTICAL CORPORATION LIMITED

(A Government of India Enterprise)

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### COMPANY PROFILE

#### **BRIEF INFORMATION:**

12.01.2012

The Company (Manufacturing Ayurvedic and Unani Medicines) having obtained drug licence from licensing authority (G.M.P. Certificate renewed upto 09.06.2015) (Drug licence renewed upto 31.12.2015) is a GOVERNMENT OF INDIA ENTERPRISE (under the Administrative Control of the Department of AYUSH (Ministry of Health & Family Welfare), Indian Red Cross Building, Red Cross Road, New Delhi)

#### **MINI RATNA STATUS:**

The Company is a Mini Ratna Category II. The Company had obtained an ISO 9001-2008 certificate.

#### **MARKET:**

Company was set up with the objectives to supply medicines to the Central Government Hospitals and Central Government Research Units all over India (C.C.R.A.S., C.C.R.U.M. etc.) and to certain State govt. related dept., besides sales in the open Market. The Company had appointed certain Stockists/agents. Total products (around) – Ayurvedic - 185 Unani – 100. Sales for years 2003-04 to 2010-11 was **Rs. 4.56 Crore, Rs.6.22 Crore , Rs.8.42 Crore , Rs.8.83 Crore , Rs.10.51 Crore , Rs.13.96 Crore Rs. 19.90 Crore and Rs. 24.41 Crore** respectively.

#### **PROFITABILITY:**

Since 1986-87 the Company had maintained a Profit earning trend and the Net worth of the Company is in positive.

#### **MODERNISATION:**

3<sup>rd</sup> phase of modernisation being initiated. The work of constructions of boundary wall is almost completed.

#### **MEMORANDUM OF UNDERSTANDING (MOU):**

The Company had signed Memorandum of Understanding with the Department of AYUSH, Government of India as per DPE's Guidelines) for the year 2011-12. The rating as per website of DPE for the year 1989-90 to 1998-99,2001-02 to 2003-04,2006-07, to 2007-08 as NS/NE and 1999-2000 (FAIR), 2000-01 (POOR), 2004-05 (FAIR), 2005-06 (GOOD),

#### **SOCIAL RESPONSIBILITY:**

The Company had given employment maximum to Local peoples. Around 120 employees out of total strength are from local area and surrounding hills. The Company is purchasing available raw material locally besides from other places viz. Delhi, Haridwar and Shahjahanpur etc. (Total raw material etc. items around 500) (i.e. increase in the per-capita income, removal of in-equalities, Standard of living raised, improvement in the hills economy and of national income, development of ancillaries, upliftment of poor masses and upliftment of backward area as such to some extent.)

#### **REVENUE TO GOVERNMENT:**

The Company is contributing by making payment to Centre as well as State Exchequer by way of income tax/ vat /cst/ service tax etc.

#### **DIVIDEND:**

The Board had decided to retain the surplus with the Company, (uptil A/c 2009-10) for operational activities of the Company. .

#### **WORKING CAPITAL LOAN FROM GOVT. OF INDIA (RS.20 lakhs) (RS. 10 LAC SANCTIONED EACH IN 1983-84 AND 1984-85**

Principal (Part) Rs.15.20 lacs. Interest accrued & due Rs.42 lacs (approx.) upto 31.3.2011 payable. (interest rate @ 15.5% + penal int. on overdue amount as 0.25%) (Earlier Repaid Rs.30 lakhs, i.e. Rs.10 lakhs each on 11.3.89, 8.4.92 and 31.3.93).

Facility of cash credit limit of Rs.300 lakhs is being availed from State Bank of India, Mohan.

#### **LOCATION/AREA:**

The Company is situated in a valley (ASL, 550 meter) surrounding a thick forest area of Uttarakhand Hills. The Company is having leased land 38 acres area 16 big factory sheds, one pump house, reservoir tanks, one residential and one double storey building acquired from UPSIDC and New Building Constructed by KMVN Ltd. and New Buildings Constructed through M/s. HLL Lifecare Ltd., a reservoir tank being used to store water flowing from roots of trees).

#### **(ROUTE) DISTANCE FROM MOHAN:**

(Around) To Ramnagar (23 KM.), to Kashipur (50 KM.) to Moradabad (120 KM.) to Delhi (280 KM.) Mohan to Ranikhet (74 KM.) to Almora (113 KM.), Mohan to Haldwani (80 KM.), Kathgodam (86 KM.) to Nainital (90 KM>) approx.) (Via Kaladungi)

Board of Directors

**BOARD OF DIRECTORS:-**

**LIST OF BOARD OF DIRECTORS OF INDAIN MEDICINES  
PHARMACEUTICAL CORPORATION LTD. MOHAN, DISTT. ALMORA  
(VIA RAMNAGAR-244715) UTTARAKHAND**

Shri V.S.Gaur Joint Secretary (AYUSH) Department of AYUSH, IRCS Building, Red Cross Road, <b><u>NEW DELHI – 110001</u></b>	Part time official Director w.e.f.18.11.2011 (for one year.) (i.e. upto 17.11.2012)	Tel.(011)23731755 207 Mob.09899971200 vs.gaur@nic.in
Shri R. Thiruppathi Venkatasamy, Dy. Secretary (Finance) Ministry of Health & F.W., Room No.404 'D' Wing, Nirman Bhavan, <b><u>New Delhi</u></b>	Part time official Director w.e.f. 18.11.2011 (for one year.) (i.e. upto 17.11.2012)	Tel. (011) 23062495 Mob. 09871165544
Brig. (Retd.) V.A.M.Hussain Managing Director, I.M.P.C.L. MOHAN, Distt. ALMORA (Via Ramnagar- 244715 (UTTARAKHAND)	Joined w.e.f. 27.12.2006 (appointed for a period of 5 years or till date of superannuation whichever earlier) The tenure further extended w.e.f. 27.12.2011 to 29.02.2012	Tel. (05947) – 287828, 287880 TELE FAX- 287826 255687 (R) 9412085827(M) <b>DIN-01153798</b> <b>PAN-AAPPH2375E</b> vam_hussain@yahoo.com

**INDIAN MEDICINES PHARMACEUTICAL CORPORATION LTD.**  
**(A GOVERNMENT OF INDIA ENTERPRISE)**  
**MOHAN DISTT. ALMORA UTTARAKHAND. (VIA RAMNAGAR - 244715)**

**STANDING ORDERS**

**1. SCOPE OF ORDERS**

These orders shall apply to all employees of the Indian Medicines Pharmaceutical Corporation Ltd. Who are worker as defined in Section 2(ii) of the Industrial Employment (Standing Orders) Act, 1946 save those for who special rules apply by reason of deputation, loan etc.

**2. AMENDMENTS OR MODIFICATIONS**

These orders may be amended or modified from time to time and shall take effect in accordance with provisions of the Industrial Employment (Standing Orders) Act, 1946.

**3. PUBLICATIONS**

These orders and any amendments or modifications made there to and any notices, orders issued thereunder will be pasted on the Notice Board of the Office of the Indian Medicines Pharmaceutical Corporation Limited.

**4. INTERPRETATION**

In all disputes regarding the interpretation of the Standing orders only the English Text shall be considered as being authentic.

**5. DEFINITIONS**

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

- (a) The 'Company' means Indian Medicines Pharmaceutical Corporation Limited, Mohan Via Ramnagar, Distt. Almora, U.P.
- (b) 'The Management' means the Company's Managing Director or any other person authorised to act on his behalf and/or on behalf of the Company.
- (c) 'Manager' means any officer who is appointed as such by the Chairman and/or Managing Director for the purpose of working in accordance with the Factories Act.
- (d) 'Employee' means any person who is a workman as defined in Section 2(ii) of the Industrial Employment (Standing Orders) Act 1946 and who is employed by the Company either on monthly basis or daily rated wages.
- (e) 'Plant' means any collection of equipment and machinery within the precincts of the factory which has been declared as such by the management.
- (f) 'Section' means any part of the factory or establishment serving as distinct Unit and declared as such by the management.
- (g) 'Muster Roll' includes any register or registers or other records maintained by the management for the purpose of keeping of list of employee employed by the Company's notices.
- (h) 'Notice Board' means the board maintained for the purpose of displaying Company's notices.
- (i) Words denoting the masculine gender shall include the feminine gender.
- (j) Words denoting the singular number shall include the plural number.

**6. CLASSIFICATION OF EMPLOYEES :**

Employees shall be classified as :-

- (a) Permanent :
- (b) Probationers :
- (c) Temporary :
- (d) Casual :
- (e) Badli :
- (f) Apprentices :

**A. Permanent**

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 in a permanent post under the Company, including breaks due to sickness, accident leave, lockout, strike (not being an illegal strike) or involuntary closure of the establishment.

**B. Probationers**

'Probationer' is a workman who is provisionally employed to fill a vacancy in a permanent post initially for a period of six months and who has not satisfactorily completed initial or extended period of probation provided that probationary period of a workman shall not be extended by more than six months. If a permanent employee is employed as a probationer in a new post,

he may at any time during the probationary period be reverted to his old permanent post.

**C. Temporary**

'Temporary' is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited time of who is employed in connection with the Temporary increase of work of a permanent nature.

**D. Casual**

A 'Casual' workman is an employee where employment is on an occasional or casual nature either on monthly salary or on daily wages.

**E. Badli**

A 'Badli' is a workman who is appointed in the post of permanent workman or probationer who is temporarily absent.

**F. Apprentices**

An 'Apprentice' is a learner or trainee whose terms of apprenticeship or training are governed by the contract and/or special rules or orders framed by the management for apprenticeship.

**7. RECRUITMENT AND MEDICAL EXAMINATION**

- (a) All new recruits under the Company except casual employees shall be subject to medical examination by Company's medical officer free of cost and no such person will be deemed eligible for employment unless certificate of fitness has been obtained from the said Medical Officer.
- (b) Employees in service are liable for periodical medical examination by Company's Medical Officer as may be stipulated by the management from time to time.
- (c)
  - (i) No person who has been dismissed from service of the Company or of any of the Government or of State Undertakings in India or who has been convicted by any criminal court for any offence involving moral turpitude shall be appointed as workman in the Company. On the question whether an offence invites is of moral turpitude, the decision of the management shall be final.
  - (ii) In the event of the management coming to know, subsequent to the appointment of workman, his antecedents which would have made him ineligible for employment under sub rule (i) above, his service shall be liable to be terminated without any notice.

**8. SERVICE RECORDS**

- (a) The Company shall maintain service records for every workman containing particulars regarding his date of birth, qualification, date of employment, date of increment, punishment or commendations if any, leave and such other particulars.
- (b) The establishment Branch of the Company will record the age of every employee. The following documents shall be deemed to be satisfactory proof of the age of the employee at the time that the employee enters Company's service :-
  - (i) Matriculation or School Leaving Certificate.
  - (ii) Birth Certificate.
- (c) An employee, who is unable to produce a documentary evidence of his age, shall state his age and make a written affidavit before the Oath Commissioner that the age as stated by him is correct.
- (d) The age of an employee as recorded with the Company at the time of his employment shall not thereafter be sought to be altered by the employee.

**9. IDENTITY CARD/TEMPORARY PERMIT**

Every employee

- (a) Whether permanent, probationer, temporary, casual or apprentice shall, where necessary be issued an identity card or a temporary permit which shall bear the signature of the manager as appointed by the management for the purpose of the Factories Act or a person duly authorised by him in that behalf. The identity cards/temporary permits will bear employees name, designation, signature and his photograph if considered necessary by the management. Every employee shall show on demand his identity cards/temporary permit to the security guard at the gate when entering in or leaving factory, or on demand at any time by a security guard or other proper authority to produce it while the employee is inside the factory.

The identity card/temporary permit shall not be transferable.

If an employee loses his identity card/temporary permit, he shall report the loss immediately to the issuing authority and a new card/temporary permit shall be issued to him on demand on small charges as may be decided by the management. If the identity card/temporary permit becomes indecipherable due to fair, wear and tear, the management will replace the identity card without charge as in case of first issue but not more than two occasions in a year. On subsequent occasions the employee shall pay suitable charges as decided by the management. Every employee must on termination, resignation or discharge from service or an suspension or on proceeding on leave or on retirement, surrender his identity card/temporary permit to the issuing authority for which he will be given a receipt.

## **10. ENTRY EXIT & SEARCH**

An employee shall enter and leave the factory premises only by gated notified for the purpose by management. The notified gates may be closed during the working hours on behalf of the management and the employee must not leave the premises during working hours without permission in writing of their incharge as specified by the management in the form of a gate pass which shall be shown at the gate.

An employee may, when entering or leaving the premises of the establishment be searched at the point of exit by the gateman/watchman and/or Security Inspector/Officer. Female employees, if any, shall be searched by a female employees or such other female person as may be appointed in that behalf by the management.

Every search shall be conducted in the presence of not less than two persons and a woman employee shall not be searched in the presence of any male person, except with her consent.

## **11. PUBLICATION OF WORKING TIME AND HOURS OF WORK**

The periods and hours of work and intervals for rest for all classes of workman in each shift as may be fixed from time to time shall be exhibited in English and Hindi.

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

Notice specifying the days to be observed by the Company as holidays and pay days shall be posted on the notice boards. These holidays shall include National Holidays, viz., Independence Day, Republic day and Mahatma Gandhi's Birth Day.

## **13. PUBLICATION OF WAGE RATES**

Rates of wages payable to all classes of employee shall be displayed on the notice board.

## **14. PAYMENT OF WAGES DURING EMPLOYMENT**

Wages due to an employee shall be paid on the working day before the expiry of 7th or 10th day after the last day of the wage period in respect of which wages are payable according to the total number of employees employed in the factory does not or does exceed one thousand.

Any wages payable to an employee but not paid on this usual pay day on account of their being unclaimed shall be paid on the 'Unclaimed Wages Pay Day' in each week which shall be notified on the notice boards.

## **15. PAYMENT OF WAGES ON TERMINATION OF EMPLOYMENT OR DEATH**

Where the employment of any person is terminated by the Company the wages due to the employee shall be paid to him before the expiry of second working day from date of his employment is terminated in cases governed by the Payment of Wages Act, and in other cases before the expiry of 19th working day from such termination provided in any case he has vacated the Company's quarter which he may be in possession of and no demand certificate from the head of his department, section or the officer and the librarian etc. has been received in the form prescribed by the Company for the purpose indicating that no dues are outstanding to the Company. Any money due to the deceased employee shall be paid to his legal heir or heirs within three days after succession certificate or legal heir certificate in produced by the heir or heirs provided such claim is submitted within three years of the death of the employee and the procedure relating to the no demand certificate as mentioned above has been observed. If the legal heir certificate is not produced by the claimant, the onus for non payment of wages shall rest entirely with the claimant only.

## **16. SHIFT WORKING**

(a) Shift work shall be regulated in accordance with the provisions of the Factories Act.

(b) More than one shift may be introduced in any department or section of a deptt. at the discretion of the Management and the workman shall work within the shift or group to which they are appointed or directed to work by the Management.

(c) Notices showing the shifts shall be posted on the notice boards.

(d) The Management shall be entitled by notice to be posted on the notice boards, to alter or vary the shifts and the hours of working of each shift, at its discretion.

(e) Employees shall be liable to be transferred from one shift to another, at the discretion of the Management, except in emergency, the Management shall ordinarily give the workmen concerned at least a hours notice of such transfer from one shift to another.

(f) Workmen shall not be allowed to change their shifts without permission of their incharge.

(g) Shift working may be discontinued or the number of shifts reduced at any time without notice provided that such discontinuance or reduction of number of shifts will not result in any regular workman being discharged.

(h) If as a result of the discontinuance of shifts or reduction in number of shifts any regular workman is likely to be discharged, the Company shall give one month's notice to him before the reduction or discontinuance is effected. Effecting discharge under such circumstances, the Company shall fully follow the principle of 'Last come first go' and apply this principle in accordance with the provisions of Industrial Dispute Act, 1947, as amended from time to time.

(i) If the shift working is restarted the employee shall be given notice and re-employed in accordance with the provisions of the Industrial Dispute Act. 1947 and the rules framed there under, as amended from time to time.

## **17. TRANSFERS BETWEEN DEPARTMENTS**

Employee shall be liable to be transferred at the discretion of the Management from the Section/department to another

without prejudice of their trade provided that in effecting the transfer the employees' suitability will be decided upon by the Management and the pay and grade of the employee concerned shall be protected.

**18. ATTENDANCE AND LATE COMING**

- (i) All employees shall be at work in the establishment and at the time fixed and notified. Employees attending more than 5 minutes late shall be liable to be shunted out and treated as absent, or if allowed to work, liable to the deduction provided for in the payment of wages Act, 1936. The concession of 5 minutes can only be availed of by an employee only 3 times in a month.
- (ii) An employee who after punching his time card is found absent from his proper place of work during working hours without permission and without sufficient reasons, shall be liable to be treated as absent for the period of his absence.
- (iii) Deduction from wages for the period of absence under clause (i) & (ii) of this standing order may be made in accordance with the provisions of the payment of Wages Act, 1936, in all cases to which they apply. This provision is without prejudice to the Company's right to take disciplinary action in terms of these standing orders.

**19. LEAVE**

Leave and holidays with or without wages shall be granted to the employees on scale not less than what is provided for in the law, settlement awards and the leave rules applicable to workers for the time being in force.

**20. GENERAL CONDITIONS FOR GRANT OF LEAVE**

Subject to any statutory provisions relating to leave for the time being in force, all kinds of leave whether earned, casual or otherwise will be granted at the discretion of the Management. The Management has the discretion of refuse, revoke or curtail such leave as the exigencies of the Company's business may require.

Sunday, a holiday or weekly off falling at the beginning or at the end or in between will not be counted in case of casual leave. But the holidays falling in between the earned leave or other kinds of leave except casual leave will be counted as part of leave. An employee who desires to obtain leave of absence, shall apply to the sanctioning authority and shall not normally avail of the same before its actual sanction.

Except in emergency, application for leave for three days or less should be made at least 24 hours previously to the time for which the leave is required.

Ordinarily application for leave for more than three days should be made at least 14 days before the date from which the leave is required.

When the leave asked is granted, the employee shall receive in writing the intimation showing the dates, from which the leave commences. When the leave is refused or postponed, the fact of such refusal or postponement shall be communicated to the employee. The workman shall resume work on the date shown in the Management's letter sanctioning leave unless an extension has been sanctioned in writing by the Management.

If on account of sickness, accident or causes of like nature, a workman is unable to resume by the due date, he shall notify the Management in writing supported by necessary documents. When sent from outstation, such applications can ordinarily be taken into the date by which the workman would have to commence his return journey into resume his duty on the due date.

An employee remaining absent beyond the period of leave originally granted or subsequently period of leave originally granted or subsequently extended shall be liable to lose his lien on his appointment unless he reports within seven days of the expiry of the sanctioned leave and explains to the satisfaction of the authority granting leave his inability to resume his duties immediately on the expiry of leave. An employee not reporting for duty within 7 days of the expiry of his leave shall be treated as having left the service of the Company of his own accord from the date as he was due to report for work unless he intimated within such period of 7 days to the management circumstances to justify his inability to resume duty.

An employee who has been sanctioned leave, or an extension of leave on medical ground, shall not be allowed to resume duties unless he produces fitness certificate from the medical officer of Company.

**21. WEEKLY HOLIDAYS**

Every employee shall be granted a holiday for a whole day on the first day of the week or any one of the three days immediately before or after the said day. An employee who cannot be allowed a weekly holiday on the specified day, shall be granted a compensatory holiday in lieu so that such an employee does not work for more than 10 days consequently without a holiday for a whole day.

**22. STOPPAGE OF WORK**

- (a) The Management may at any time stop with out notice and department, plant or section wholly or partially in the event of fire catastrophe, break down of machinery, stoppage of power supply or water supply, periodical repairs, reconstruction or extension, periodical repair, reconstruction or extension, epidemics, civil commotion or any other cause beyond the control of the Company. When stoppage occurs under this clause, the employees affected shall be informed by a notice put on the notice board at the department or section concerned as soon as practicable stating how long the stoppage is expected to continue and when the work is likely to be resumed. Immediately on the stoppage or work, an employee affected by such stoppage shall leave the factory except the person who is asked expressly to remain on duty. Non other

compensation will be admissible in cause or such stoppage except as provided for in the Industrial Disputes Act of 1947 as amended from time to time.

- (b) Employees may be laid off due to shortage of orders, raw material, temporary curtailments of production or similar reasons and consequent stoppage days in the aggregate (excluding statutory holidays in any month provided that seven days notice is given. An employee laid off under this standing order for more than five days in a month, may on being laid off, leave his employee on intimation of his intention to do so.
- (c) When stoppage under this standing order occurs, a permanent or probationer employee affected, will be treated as, on continuous employment, but the period of his absence from duty owing to the stoppage shall be treated as compulsory leave which shall be without pay, unless and to the extent the employee concerned desires to avail of his leave with wages during such period and he will be given prior rights on resumption of normal work to the post previously occupied, provide that he than presents himself for work within a week's time of the notice of restarting of work. When, however, employee have to be laid off for an indefinitely long period, their service may be terminated with due notice of payment in lieu there of in accordance with the terms and conditions of their employment and the employees affected by such stoppage will be paid compensation as provided in the Industrial Disputes Act, 1947 as amended from time to time.

**23. CLOSURE DUE TO STRIKE AND RESUMPTION OF WORK**

The Management may close down either wholly or partially any department, plant or section which is affected either directly or indirectly by employees as much notice as possible both of closing down and of the resumption of work. The notice of closure and resumption of work under this order shall be displayed on notice board in the department, plant or section concerned.

**24. TERMINATION OF EMPLOYMENT**

- (a) Subject to the provisions of the Industrial Disputes Act, 1947 as amended there of the employment of any permanent employee may be terminated by either party giving the other one month's notice or by the Company on payment of one month's salary in lieu of notice. If the employee draws wages on a piece rate basis, One month's wages shall be paid on the average daily earnings to such an employee for the days of the work during the previous wage period. The reasons for the termination of employment of a permanent employee shall be recorded in writing and shall be communicated to him if he so desires at the time of discharge unless such communications, in the opinion of the management is considered undesirable from the point of view of National and Company's interest.  
The employment of such employees as are found guilty of misconduct may be terminated by the Company in accordance with the provisions of the relevant standing orders.
- (b) If an employee who has earned leave at his credit and whose services are terminated for other than reasons on account of misconduct or conviction in of earned leave due to him at the time of such termination or discharge from employment.
- (c) If any permanent employee leaves the Company's service without notice, he shall be liable to pay the Company's an amount equivalent the pay corresponding to the number of days needed for notice as is required to give under the terms of his employment.
- (d) Probationer, temporary employees or paid apprentices may leave or to be discharged from the service in accordance with the terms of their appointment.
- (e) Casual employees or unpaid apprentices may leave or be discharged from their service without notice or pay in lieu of notice subject to the provisions of the Industrial Disputed Act and rules made there under.
- (f) An order of termination of service to any employee other than casual employee shall be in writing and signed by an officer of the Company authorized to sign such orders and & copy thereof shall be supplied to the employee concerned.
- (g) On notice of termination of service being given by the Company, if a workman wants to be relieved at any time before expiry of the notice, this may be done provided the Company can conveniently relieve him, in which case the advantage of salary only up to the date he actually works on duty will be given to him.
- (h) When notice is given by a workman, the Company at its option may at once or at any time before the expiry of the notice period, ask him to discontinue attending duties but he will be entitle to salary for the period he actually works as well as for the unexpired proton of the notice period.
- (i) If the workman draws wages on piece rate basis, wages for the notice period shall be paid on the average daily earnings of such workman for the days actually worked during the previous wage period.
- (j) Service of any workman may also be terminated if he suffers from any disease which is so contagious or infectious as to render it unsafe and undesirable for other workman to work in his Company, subject to the provisions of Employee's State Insurance Act.1948.

**25. CERTIFICATE OF TERMINATION OF SERVICE**

Every employee other than a casual employee, shall be entitled to service certificate in the prescribed form at the time of his dismissal, discharge, or retirement from service or on his leaving the services which will be issued under the signature of the Manager, or any other authority on his behalf.

**26. SUPERANNUATION**

- (i) Every employee shall retire from service on completing the age of 58 years. Extension for two years in all, but not more

than one year at a time may be given at the discretion of the Management subject to the following:-

(a) An employee is considered suitable and

(b) He is medically fit and mentally alert

- (ii) Any leave due to an employee which is not availed of by him before his superannuating as distinct from the leave applied for but refused by the Management shall lapse.
- (iii) If an employee applied for leave with wages due before reaching the age of superannuating and the Company refuses the grant of such leave under the exigencies of services or for other reasons, the Company shall pay to the employee wages in respect of such earned leave.

## **27. CONDUCT**

An employee shall devote his whole time and energy exclusively to the work and interest of the Company. An employee shall not even while on leave, directly or indirectly engage in any other profession of business or enter into the services or be employed himself in any capacity or fraud for any purpose whatsoever and for any part of his time, by any other person, Government Department, firm or Company etc. and shall not have any financial dealings with persons or firm etc. having business relations with the Company for sale or purchase of materials, equipments or supply of labour if any, or for any other purpose.

(2) An employee shall at all times conduct himself soberly and temperately while on works premises and shall show proper respect and civility to all concerned and shall use his best endeavor to promote the interests of the Company and to maintain and promote the good reputation thereof.

## **28. ACTS AND OMISSIONS CONSTITUTING MISCONDUCT**

The following acts and omissions shall be treated as misconduct:

- (i) Willful insubordination or disobedience, whether alone or in combination with another or others, of any lawful and reasonable order of a superior.
- (ii) Striking work either singly or along with others in contravention of these standing orders or any statute, law, rule or enactment from time to time and for the time being in force, or inciting any employee while within the precincts of the factory to strike work.
- (iii) Theft, fraud or dishonesty in connection with the Company's business or property.
- (iv) Taking or giving bribes or any illegal gratification whatsoever.
- (v) Disclosing to any unauthorized person/ persons including fellow workers, any information regarding the working of or any process used in, any of the manufactures or construction undertaken by the Management which comes into his possession during the course of his work or otherwise.
- (vi) Accepting service in any to her establishment, factory or workshop, without the permission of the Company or private employment from any person in the Company's service.
- (vii) Collection or canvassing for collecting without the written permission of the Management of any money within the premises of the establishment except as sanctioned by any law for the time being in force.
- (viii) Habitual late attendance or leaving work or place of work without permission or habitual absence without leave or without sufficient cause.
- (ix) Carrying on money - lending or any other private business without the permission of the Management.
- (x) Drunkenness, fighting, riotous or disorderly or indecent behavior within the Company's establishment.
- (xi) Commission of any act subversive of discipline within the premises of the establishment or outside which affects discipline of the Company.
- (xii) Habitual negligence or neglect of work.
- (xiii) Breach or violation of any of the terms and conditions relating to the accommodation of residential accommodation provided by the Company.
- (xiv) Non-observance of 'Fire Standing Order' or Industrial Safety Instructions as notified from time to time.
- (xv) Habitual indiscipline.
- (xvi) Smoking or possessing match boxes or flame producing material within the factory premises in places where it is prohibited.
- (xvii) Causing damage to word in processor to any property of the Company.
- (xviii) Distribution or exhibition within the boundaries of the establishment of any news, papers, hand-hills, pamphlets or posters without the previous sanction of the Management.
- (xix) Refusal on the part of an employee to work on a job or machine which he is usually engaged.
- (xx) Holding meeting within the boundaries of the establishment or in any of the premises owned by the Company in its estate without the previous sanction of the Management.
- (xxi) No employee shall without permission publish or cause to publish an article written by him on any matter whatsoever any article or any question paper, journals or other publications, provided that such permission shall not be necessary for the publication of the articles which have no bearing on the affairs of the Company, which do not affect the Company and for which the writer does not get any remuneration.

- (xxii) Each employee is responsible for the safe keeping of his identity or permit card. Identity card shall not be transferable. For breach of these orders an employee shall be liable for punishment.
- (xxiii) Disclosure regarding trade secrets and taking photographs of plant and machinery.
- (xxiv) Refusal to work overtime whenever asked to do so by the Management.
- (xxv) Harass any person who has wife/husband living without first obtaining the permission of the Management.
- (xxvi) Threatening or intimidating or assaulting any employee within the boundaries of the establishment or the estate belonging to the Company.
- (xxvii) Gambling within the establishment or Company's estate.
- (xxviii) Sleeping on duty.
- (xxix) Malingering or slowing down of work.
- (xxx) Failure by employee to inform a Medical Officer of the Company of the occurrence in his house of a notifiable disease viz. Cholera, small pox, leprosy, dysentery, yellow fever typhoid or enteric fever, mumps, epidemic dropsy, measles.
- (xxxi) Acceptance of gifts from subordinate employees.
- (xxxii) Lending or borrowing money to or from a subordinate employee.
- (xxxiii) Willful or irresponsible action resulting in damage to any goods or property of the Company.
- (xxxiv) Interfering with the record of attendance or means of recording attendance of himself or any other workman or willful falsification, defacement or destruction of any records of the Company.
- (xxxv) Possession of any lethal weapon in the works site or office without the permission of the Manager.
- (xxxvi) Trespassing or forcible occupation of the Company's quarters.
- (xxxvii) Surrounding with the object of detaining Company's officers, staff and/or employees.
- (xxxviii) Refusal to accept order of transfer from one job to another or department or sections or branch to another.
- (xxxix) Not immediately reporting any defects or occurrence noticed during working hours which might endanger himself or any person or which might result in damage to the Company's property.
- (xxxx) Leaving the premises or work spot when leave is refused, consequent on the inability of the worker to produce satisfactory reasons for grant of leave.
- (xxxxi) Loitering, idling or wasting time during working hours either singly or in groups, within the establishment or staying after the authorised hours or work without permission.
- (xxxxii) Interference in the duties of the other employees of the Company.
- (xxxxiii) Speculation in any investment or commodity.
- (xxxxiv) Insolvency.
- (xxxxv) Writing or anonymous letters criticizing his superiors of the Company.
- (xxxxvi) Spreading false rumors or giving false information which tends to bring into disrepute the Company or its employee or spreading panic among them.
- (xxxxvii) Conviction in any court of law for any criminal offence involving moral turpitude.
- (xxxxviii) Theft of employees property inside the premises of the establishment or Company's estate.
- (xxxxix) Continuous absence without permission and without satisfactory cause for more than 10 days.
- (L) Giving of false information regarding his name, age, father's name, qualifications or previous service at the time of employment.
- (Li) Any breach of any of the standing order or any rules or instructions for the maintenance and working of any department, plant or section or for the maintenance of its cleanliness.
- (Lii) Abetment of or attempt to commit any of the above acts of misconduct.
- (Liii) Any other act of misconduct.

## **29. PUNISHMENT FOR MISCONDUCT**

The following penalties/punishment may, for good and sufficient reasons, be imposed for misconduct.

1. Fine
2. Warning or Censure
3. Reduction to a lower grade or post or lower state in the grade
4. Withholding of increments including stoppage at Efficiency Bar.
5. Removal from service which does not disqualify future employment.
6. Dismissal from service which disqualifies future employment.

## **30. PROCEDURE FOR DEALING WITH CASES OF MISCONDUCT**

1. Where an act of misconduct is alleged against an employee for which the penalty of fine or censure is proposed to be inflicted, the employee shall be given an opportunity to show cause before the penalty is imposed.

Note : (i) A fine may be imposed on an employee for an act of misconduct subject to the provisions of the payment of wages Act.

(ii) The fine so collected shall be credited to the Company's accounts, and the total amount thus

realised could be utilised, for welfare activities in the works in accordance with any rules that may be framed by the Management in this behalf.

2. In case of misconduct for which any of the other penalties (i.e. other than fines and censure) are proposed to be imposed, a charge-sheet stating the allegations and charges shall be given to the employee concerned and after receipt of his written explanation within the period to be specified in the charge sheet, an enquiry, if the allegations are denied by him, will be held by an officer or officers nominated by the Management, into the alleged act of misconduct. At the enquiry the employee concerned will be afforded reasonable opportunity of explaining and defending allegation. Any such Enquiry, may relate to the alleged misconduct of several employees together, in which case the enquiry may be held for all the employee together
3. Where an employee is charged with misconduct for which there is a prima facie case for imposing the penalty of removal or dismissal from service, he will be suspended forthwith from duty. The order of suspension shall be given in writing and shall set out in general terms, as far as possible, and misconduct alleged against the employee and shall take effect immediately on communication thereof to him. The suspended employee shall not, during the period of suspension enter the works premises except with the special permission of the Management or when he is specially called by the Management in connection with the enquiry. He shall also not leave the station without the written permission of the Management.
4. An employee under suspension shall be entitled to a subsistence allowance at an amount equal to the leave salary admissible to him during half pay leave provided the suspending authority is satisfied that the employee is not engaged in any other employment, business, profession or vocation. In addition, he shall be entitled to Dearness-Allowance admissible on such leave salary and any other compensatory allowance of which he was in receipt on the day of suspension provided the suspending Authority is satisfied that the employee continues to meet the expenditure for which the allowances were granted.
5. If, after an enquiry, an employee is adjudged guilty of misconduct and punishment is awarded, the employee shall not be entitled to any remuneration for such period other than what is admissible under clause (4). If, however, he is found not guilty of the alleged misconduct or any other act-of misconduct, he shall be reinstated in his post and shall be paid the difference between the emoluments which he would have received had he not been suspended, and subsistence allowance already paid to him, the period of suspension being treated as duty.
6. If during the enquiry it is found that the employee is guilty of misconduct, other than that stated in the order of suspension, the employee shall non the less be liable for punishment, but before any punishment is awarded to him he shall be afforded reasonable opportunity in writing of explaining and defending his action in respect of such act of misconduct.
7. The Management reserves to itself the right to suspend the employee accused in a court of Law of any criminal offence involving moral turpitude until the disposal of the trial.

### **31. SPECIAL PROCEDURE IN CERTAIN CASES**

Notwithstanding anything contained in Standing Orders NO. 30 where a penalty is to be imposed on an employee on the ground of misconduct which has led to his conviction on a criminal charge, or where the Management is satisfied, for reasons to be recorded in writing that it is not expedient or in the interest of security to follow the procedure laid down in that Standing Order he may consider the circumstances of the case and pass such orders there on as he deems fit.

### **32. DEDUCTIONS**

Deductions from the wages of an employee shall be made only in accordance with the provisions of the Payment of Wages a Act, 1936 and the Rules framed there under.

### **33. COMPLAINTS**

Whenever any employee wants to seek redressal of any grievance, he shall first, submit representation to his Head of Department through proper channel, who will himself or next below him investigate the complaints. The workman concerned shall have the right to be present along with another co-worker of his section, if he so desires. When the complaint alleges unfair treatment or wrongful extraction on the part of his superior, a copy of the order finally made by the Head of the Department shall be supplied to the complainant if the asks formally. In other cases, the decision of the investigating officer and action taken by the Head of Department shall be intimated to the complainant provided that complaint relating to assault or abuse by any person holding a supervisory position or refusal of any application for urgent leave shall be enquired into immediately by the Head of Department or next below him.

The complaint shall be disposed of within 15 days after its receipt. Normally, the decision of the Departmental Head will be regarded as binding and the individual employee concerned is expected to accept the decision as such. However, if the employee still feels that he has not been treated fairly or justly, he is free to submit an appeal within 15 days after the decision is communicated to him, to the Chairman/and /or Managing Director through proper channel for his final order which will be communicated to him as expeditiously as possible.

### **34. CHANGE OF ADDRESS**

An employee must notify the Company immediately of any change of address. Communications forwarded by the Company to the last address given by the employee shall be regarded as sufficient compliance for the purpose of any notice.

**35. REPORTING ACCIDENTS**

- (a) Any employee who meets with an accident in the course of his work, shall immediately report the accident, however, slight it may be, to the Manager through his immediate superior or any other person duly authorised by the Management in which the employee works.
- (b) The Manager or any other person duly authorised by the Management to whom an accident is reported shall at once prepare Accident Investigation Report in the prescribed form and ensure that the employee who has met with the accident reports to the Company's Medical Officer with the Accident Report.

**36. MEDICAL**

- (a) For the purpose of medical benefits, the employee will be governed by such rules, or orders as are issued by the Management from time to time and in force for the time being.
- (b) In the interest of general health and in the interest of health of any employee in particular, any employee may at any time be required to submit to medical examination by the Company's Medical Officer.
- (c) In respect of employee residing at Rishikesh, the Company will recognise only the medical certificate issued by its own Medical Officer. If the employee is out of the station, the Company will recognise medical certificate issued by any Medical Officer-in-Charge of a civil Hospital or any other registered medical practitioner.

**37. ACCOMMODATION**

- (a) Employees who have been allotted Company's accommodation and are in enjoyment of the services provided with the accommodation shall observe all rules, regulations and conditions made by the Management from time to time for the use of employees of such accommodation.
- (b) In consideration of the permission granted to use Company's accommodation the employees shall pay an amount that may be determined from time to time by the Company as applicable to the particular type of accommodation supplied.
- (c) In consideration of the service provided with such accommodation, for example, water, electricity and such other amenities as may be provided from time to time, the Company shall deduct, along with amount as mentioned 'b' above appropriate changes in respect of such services from the employee's pay.
- (d) The grant of the use of Company's accommodation is conditional upon the employees being in Company's service on termination of services of an employee for any cause whatsoever he shall surrender his accommodation to the Management within a period not exceeding a fortnight from the date of intimation of the termination of the service and will be liable to be rejected if he fails to do so, apart from recourse to any remedy open under law.

**38. OVERTIME**

- (i) Subject to the provisions of law applicable of the time being, all employees are liable to work overtime whenever required by the Management for work in the establishment.
- (ii) Payment of overtime wages will be regulated in accordance with the provision of the Factories Act and it shall be paid in accordance with the Payment of wages Act and Rules made thereunder.

**39. APPLICATIONS FOR EMPLOYMENT ELSEWHERE**

An employee seeking employment elsewhere shall forward his application through the Management. The Management reserves the right to with-hold any such application without assigning any reason. IN case he wants, however, the employee concerned will be free to resign from service in accordance with the terms of employment.

**40. SECRECY**

- (i) No employee shall by writing to any person (including a co-employee) or by communicating to public, papers, journals, books, pamphlets or leaflets or by speech or discussion at any place disclose or cause to be disclosed at any time during services of the Company any information or documents subject to legal right of employees, relating to the Company except with the approval of Management.
- (ii) No employee, 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.
- (iii) Except in the ordinary course of his duties no employees shall disclose during service of the Company any secrets, cost of production of any or all of the Company's products, information of purchase made by or contracts entered into by the Company, information of settlement of claims by the Company in or out of courts or any other information or matters of trade or business secrets.
- (iv) No employee is permitted to carry with him outside the factory premises any papers, books, drawings, photographs, instruments, apparatus, document or any other property of the Company except with the permission of security officer. Provided that this provision shall not apply to those employees who are specially authorised by the Management to take out of the factory premises papers and documents for the purpose of study or for other purposes approved by the Management and for which written permission is given.

- (v) No employee is permitted to take notes, drawings or sketches for his own use, of any workshop, process, or work, or keep copies of official papers with him.
- (vi) Any books, drawings, sketches, photographs and similar papers containing notes or information relating to the Company's business, affairs operations shall always be treated as Company's property whether prepared by an employee or otherwise.
- (vii) Breach of this order shall be deemed to be misconduct and defaulting employee shall be liable orders, in addition to any other penalties to which he may be liable under the law.

#### **41. INVENTIONS**

1. An employee shall within one month of taking up of his employment furnish the Management with :-
  - A. A list of all the patents taken out or applied for by him jointly with any other party or individually in India or abroad.
  - B. Titles and nature of any invention in possession of the employee prior to his taking up the appointment which shall be treated as confidential and regarded as such for the purpose of the Indian Patents and Designs Act, 1911 or such other Act as may be in force from time to time.
2. An employee shall not, with out the previous consent in writing of the Management to be communicated within two months from the date of receipt of an application from the employee containing suitable particulars regarding any invention or secret process, asking for such permission, apply for any patent, exclusive privileges or the like protection in respect of any invention under any enactment or Law of India, of any other Government or Legislature for the time being in forces and applicable thereto. If such invention or secret process has been made or discovered by the employee during any period of service with the Company the Company shall be entitled to require the employee to assign and transfer any such invention or secret, process of (at its option) the patent, exclusive privilege or the like protection obtained by the employee in respect thereof for its own absolute and exclusive use. Such option shall be exercised at any time between the date of receipt of the application asking for permission and the expiry of three months after the employee intimates to the Company the grant of any such patent exclusive privilege or the like protection obtained by the employee in respect thereof for its own absolute and exclusive use. Such option shall be exercised at any time between the date of receipt of the application asking for permission and the expiry of three months after the employee intimates to the Company the grant of any such patent exclusive privilege or the like protection, and in the even of such option being exercised, the employee shall assign to the Company the invention or secret process or the patent, exclusive privilege or like protection as the case may be, and sign all such deeds, assurances, applications, documents and papers as the Company shall require to obtain the full benefit of the right and options vested in the Company under this Standing order.
- (3) The Company shall at all times be entitled, whether it shall exercise any option vested in it by clause (2) or not, to the unqualified right to adopt and use the said invention, or secret process without being obliged to pay any royalty or any other consideration thereof and further the employees shall not assign, charge or in any way transfer such patent, exclusive privilege or the like protection obtained in respect of such invention or secret process without providing for such unqualified use free of charge to the Company and shall, on demand, execute in favour of the Company such licenses, deeds, documents and assurances for the purpose of enabling the Company to establish its right to such free use and/or to exercise such free use as it may require. Provided that if the Company has not exercised the employee making the invention is of a rank below that of an Assistant Foreman, Clause (3) shall not apply.
- (4) Breach of this order shall be misconduct under standing order no. 27 and the employee shall be liable to punishment in accordance with these Standing Orders.
- (5) "Suggestion Boxes" will be kept at such shop or department of the works for receiving suggestions from workmen regarding improvement of manufacturing process, prevention of waste, reduction of cost etc.  
Suitable rewards will be given to the workman offering important and valuable suggestions.

#### **42. LIABILITY OF THE MANAGEMENT**

The management of the Company shall be held personally responsible for the proper and faithful enforcement and observance of these standing orders.

#### **43. EXHIBITION OF STANDING ORDERS**

A copy of these Standing Orders in English and in Hindi shall be posted at the main gate and in the Time Keeper's Office, if any, and shall be kept in a legible condition.

#### **44. APPLICATION OF STANDING ORDERS**

These certified Standing Orders shall come into force as per provisions of section 7 of the industrial Employment (Standing Orders) Act, 1946.

### **INDIAN MEDICINES PHARMACEUTICAL CORPORATION LTD.** **CONDUCT, DISCIPLINE AND APPEAL RULES**

(Based on Model Rules supplied by BPE's Letter No. 2 (121) 73 BPE (GM-L) dated 26.4.1974 and amendments there to.

### **Rule-1 Short title and commencement**

- (i) These rules may be called Indian Medicines Pharmaceutical Corporation Ltd. Conduct, Discipline and Appeal Rules, 1973.
- (ii) They shall come into force on 15.11.80

### **Rule-2 Application**

These rules shall apply to all employees except/

- (i) Those in casual employment or paid from contingencies,
- (ii) Those governed by the standing orders under the Industrial Disputes Act, 1947.

### **Rule-3 Definitions**

In these rules, unless the context otherwise requires-

- (a) Employee means a person in the employment of the undertaking other than casual, work-charged or contingent staff or workman as defined in the Industrial Disputes Act, 1947, but includes a person on deputation to the Corporation.
- (b) Workman means a person as defined in the Industrial Disputes Act, 1947, and to whom the provision of these rules shall not apply.
- (c) Corporation means the Indian Medicines Pharmaceutical Corporation Ltd., Ranikhet.
- (d) Board means the Board of Directors of the Corporation and includes, in relation to the exercise or powers, any committee of the Board / management or any officer of the undertaking to whom the Board delegates any of its powers.
- (e) Chairman/Managing Director means the Chairman/Managing Director of the Corporation.
- (f) Disciplinary Authority means the authority specified in the Scheduled appended to these rules and Competent to impose any of the penalties specified in Rule-23.
- (g) Competent Authority means the authority empowered by Board of Directors by any general or special rule or order to discharge the function or use the powers specified in the rule or order.
- (h) Government means the government of India.
- (i) Appellate Authority means the authority specified in the Scheduled appended to these rules.
- (j) Reviewing Authority means the authority specified in the Scheduled appended of these rules.
- (k) Family in relation to an employee includes.
  - (i) The wife or husband as the case may be of the employee whether residing with him or not but does not include a wife or husband as the case may be separated from the employee by a decree or order of a competent court.
  - (ii) Sons or daughters or stepsons or stepdaughters of the employee and wholly dependent on him, but does not include a child or step child or step child who is no longer in any way dependent deprived of by or under any law.
  - (iii) Any other person related whether by blood or marriage to the employee or to such employee wife or husband and wholly dependent on such employee.

### **Rule-4 General**

1. Every employee of the Corporation shall at all times:-
  - (i) maintain absolute integrity;
  - (ii) maintain devotion to duty; and
  - (iii) do nothing which is unbecoming of a public servant.
2. Every employee of the Corporation holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.

### **Rule-5 Misconduct**

Without Prejudice to the generality of the term "misconduct", the following acts of commission and commission shall be treated as misconduct:-

1. Theft, fraud or dishonesty in connection with the business or property of the Corporation or of property of another person within the premise of the Corporation.
2. Taking or giving bribes or any illegal gratification.
3. Possession of pecuniary resources or property disproportionate to the know source of income by the employees or on his behalf by another person, which the employee cannot satisfactorily account for.
4. Furnishing false information regarding name, age, Father's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of

- employment.
5. Acting in a manner prejudicial to the interests of the Corporation.
  6. Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
  7. Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
  8. Habitual late or irregular attendance.
  9. Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
  10. Damage to any property of the Corporation.
  11. Interference or tampering with any safety devices installed in or about the premises of the Corporation.
  12. Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Corporation or out or such premises where such behaviour is related to or connected with the employment.
  13. Gambling within the premises of the establishment.
  14. Smoking within the premise of the establishment where it is prohibited.
  15. Collection without the permission of the competent authority of any money within the premises of the Corporation except as sanctioned by any law of the land for the time being in force or rules of the Corporation.
  16. Sleeping while on duty.
  17. Commission of any act which amounts to a criminal offence involving moral turpitude.
  18. Absence from the employee's appointed place of work without permission or sufficient cause.
  19. Purchasing properties, machinery, stores, etc., from or selling properties, machinery, stores, etc., to the Corporation without express permission in writing from the competent authority,
  20. Commission of any act subversive of discipline or of good behaviour.
  21. Abetment of or attempt at abetment of any act which amounts to misconduct.

**NOTE:-** The above instances of misconduct are illustrative in nature, and not exhaustive.

**(Amendment No.1)**

**Rule 5 "Misconduct" of conduct. Discipline and Appeal Rules of Indian Medicines Pharmaceutical Corporation Ltd. Mohan**

Conduct, Discipline and Appeal Rules of Indian Medicines Pharmaceutical Corporation Ltd. amended to include the following after Rules 5(22):-

23) Sexual harassment of any woman at her work place.

**Explanations:**

For this purpose, sexual harassment includes such unwelcome sexual determined behaviour (whether directly or by implication) as:-

- a) Physical contact and advances;
- b) A demand or request for sexual favours;
- c) Sexually coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

**Rule-6** Employment of near relatives of the employees of the Corporation in any Company or firm enjoying patronage of the Corporation:-

1. No employee shall use his position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.
2. No employee shall, except with the previous sanction of the competent authority, permit his son, daughter or any member of the family to accept employment with any Company or firm with which he has official dealing, or with any Company or firm, having official dealings with the Corporation.  
Provided that where the acceptance of the employment cannot await the prior permission of the competent authority, the employment may be accepted provisionally subject the permission of the competent authority, to whom the matter shall be reported forthwith.
3. No employee shall in the discharge of his official duties deal with any matter or give or sanction any Contract to any Company or firm or any other person is any member of his family is employed in that Company or firm or under that person or if he or any member of his family is interested in such matter or

contract in any other matter and the employee shall refer every such matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

**Rule-7 Taking part in demonstration**

No employee of the Corporation shall engage himself or participate in any demonstration which involves incitement to an offence.

**Rule-8 Connection with Press or Radio**

1. No employee of the Corporation shall, except with the Previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.
2. No employee of the Corporation shall, except with the previous sanction of the competent authority or the prescribed authority, or in the bona fide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously, or in the name of any other person to any newspaper or periodical.  
Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

**Rule-9 Criticism of Government and the Corporation.**

No employee shall, in any radio broadcast or in any document published under his name of any other person or in any communication to the press, or in any public utterance make any statement:-

- (a) Which has the effect of adverse criticism of any policy or action of the Central or state Government, or of the Corporation.  
Or
- (b) Which is capable of embarrassing the relations between the Corporation and the Public.

Provided that nothing in these rules shall apply to any statement made or view expressed by an employee, of purely factual nature which are not considered to be of a confidential nature, in his official capacity or in due performance of the duties assigned to him,

Provided further that nothing contained in this clause shall apply to bona fide expression of views by him as an office bearer of a recognized trade union for the purpose of safe guarding the conditions of service of such employees or for securing an improvement there of.

**Rule-10 Evidence before Committee or any other Authority**

1. Save as provided in sun-rule (3), no employee of the Corporation shall, except with the previous sanction of the competent authority, give evidence in connection with any enquiry conducted by any person, committee or authority,
2. Where any sanction has been accorded under sub-rule (1), no employee giving such evidence shall criticise the policy or any action of the Central Government or of a State Governments, or of the Corporation.
3. Nothing in this rule shall apply to:-
  - (a) evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature or any Corporation.
  - (b) evidence given in any judicial enquiry; or
  - (c) evidence given at any departmental enquiry ordered by authorities sub-ordinate to the Government.

**Rule-11 Unauthorised communication of information**

No employee shall, except in accordance with any general or special order of the Corporation or in performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof to any official or other employee, or any other person to whom he is not authorised to communicate such document or information.

**Rule-12 Gifts**

- (1) Save as otherwise provided in these rules, no employee of the Corporation shall accept or permit any member of his family or any other person acting on his behalf, to accept any gift.

**Explanation**

The expression "gift" shall include free transport, board, Lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the employee.

**Note:-** An employee of the Corporation shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.

- (2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices, an employee of the Corporation may

accept gifts from his near relatives but he shall make a report to the competent authority if the value of the gift exceeds Rs.500/=.

(3) On such occasions as are specified in sub-rule (2), an employee of the Corporation may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the competent authority if the value of any such gift exceeds Rs,250/=.

(4) In any other case, an employee of the Corporation shall not accept or permit any other member of his family or any other person acting on his behalf to accept any gifts without the sanction of the competent authority if the value there of exceeds Rs,250/=.

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 gifts exceeds Rs.250/=.

**Rule 12-A No employee of the Corporation shall**

- (i) give or take or about the giving or taking of dowry; or
- (ii) demand, directly or indirectly, from the parents or guardian or a bride or bridegroom, as the case may be, any dowry.

**Explanation:-** For the purposes of this rule "dowry" has the same meaning as in the Dowry prohibition Act.1961 (28 of 1961).

**Rule-13 Private Trade or employment**

(1) No employee of the Corporation shall except with the previous sanction of the competent authority, engage directly or indirectly in any trade or business undertake any other employment;

Provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of literary, artistic or scientific character there by suffer,

(2) Every employee of the Corporation shall report to the competent authority, any member of his family is engaged in a trade or business or owns or manages an insurance agency or Commission agency.

(3) No employee of the Corporation shall report to the competent without the previous sanction of the competent authority except in the discharge of his official duties, take part in the registration. Promotion or management of any bank or other Company which is required to be registered under the Companies Act, 1956 (I of 1956) or other Law for the time being in force or any Co-operative Society for commercial purposes;

Provided that an employees of the Corporation may take part in the registration, promotion or a consumer/House Building co-operative society substantially for the beni fit of employees of the Corporation registered under the Co-operative Societies act. 1972 (2of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the societies Registration Act, 1860 (21of 1860) or any corresponding law in force,

(4) No employee of the Corporation may accept any fee of any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the competent authority,

**Rule-14 Investment, Lending and Borrowing**

No employee shall save in the ordinary course of business with a bank, the life Insurance or a Firm of Standing, borrow money from or lend money to or other wise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealings or permit any such borrowing, lending or pecuniary obligation in his name or for his benefit or for the benefit of any member of his family,

**Rule-15 Insolvency and habitual indebtedness**

(1) An employee of the corporation shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.

(2) An employee of the Corporation who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to his competent authority,

**Rule-16 Movable Immovable and valuable property**

(1) No employee of the Corporation shall, except with the previous Knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase sale, gift or otherwise, either in his own name or in the name of any of his family,

(2) No employee of the Corporation shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a subordinate.

(3) Every employee of the Corporation shall report to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the

- value of such property exceeds Rs.2,500/=.
- (4) Every employee shall, on first appointment in the Corporation submit a return of assets and liabilities in the prescribed form giving the particulars regarding;
- (a) the immovable property inherited by him, or owned or acquired by him, held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person;
  - (b) shares, debentures, and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
  - (c) other movable property inherited by him or similarly owned, acquired or held by him if the value of such property exceeds Rs.2,500/=.
  - (d) debts and other liabilities incurred by him directly or indirectly;
  - (e) every employee shall, beginning 1st January, submit a return of immovable property inherited/owned/acquired once in every two years.
- (5) The competent authority may, at any time, by general or special order require on employee to submit, within a period specified in the order a full and complete statement of such movable or by any member of his family as may be specified in the order. Such statement shall, if so required by the competent authority, include details of the means by which or the source from which such property was acquired,

**Rule-17 Canvassing of non-official or other influence**

No employee shall bring or attempt to bring any outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service in the Corporation.

**Rule-18 Bigamous marriages**

- (1) No employee shall enter into, or contract, a marriage with a person having a spouse living and;
  - (2) No employee having a spouse living, shall enter into, or contract, a marriage with any person;
- Provided that the Board may permit an employee to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2) if it is satisfied that :-
- (a) Such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
  - (b) There are other grounds for so doing.
  - (c) The Public sector employee who has married or marries a person other than that of Indian nationality shall forthwith intimate to the fact to his employer.

**Rule-19 An employee of the Corporation shall**

- (a) Strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) Not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink and drug;
- (c) Refrain from consuming any intoxicating drink or drug in public place;
- (d) Not appear in a public place in a state of intoxication;
- (e) Not use any intoxicating drink or drug to excess;
- (f) Not consume intoxicating drink even at official parties arranged by foreign Missions whether within the Mission premises or in halls /lounges exclusively reserved . The same position would obtain in respect of consumption of intoxicating drinks at parties arranged by Government, Public Undertakings entertained or at similar parties hosted by others.

**Rule (20) Suspension**

- (1) The appointing authority or any authority to which it is Subordinate or the disciplinary authority or any authority empowered in that behalf by the management by general or special order may place an employee under suspension:-
  - (a) Where disciplinary proceeding against him is contemplated or is pending; or
  - (b) Where case against him in respect of any criminal offence is under investigation or trial;
- (2) An employee who is determined in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by and order of the appointing authority ,and shall remain under suspension until further orders,
- (3) where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.

- (4) where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstance of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, and employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal and shall continue to remain under suspension until further orders.
- (5) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

#### **Rule 21**

##### **Subsistence Allowance**

- (1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50 percent of his basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employee or business or profession or vocation, In addition he shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the date the employee continues to meet the expenditure for which the allowance was granted.
- (2) Where the period of suspension exceeds six months the authority which made or is deemed to have the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows.
  - (i) The amount of subsistence allowance may be increased to 75 percent of basic pay and allowance thereon if, in the opinion of the said authority. The period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension;
  - (ii) the amount of subsistence may be reduced to 25 percent of basic pay and allowances thereon if in suspension has been prolonged due to the reasons to be employee under suspension.
- (3) If an employee is arrested by the police on a criminal charge and bail is not granted no subsistence is payable on grant of bail if the competent authority decides to continue the suspension, the employee shall entitled to subsistence allowance from the date he is granted bail.

#### **Rule 22**

##### **Treatment of the period of suspension.**

- (1) When the employee under suspension is reinstated the competent authority may grant to him the following pay and allowance for the period of suspension;
  - (a) If the employee is exonerated and not awarded any of the penalties mentioned in rule 23 the full pay and allowance which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to him, and
  - (b) If otherwise such proportion of pay and allowance as the competent authority may prescribe.
- (2) In a case falling under sub-clause (a) the period of absence from duty will be treated as a period spent on duty, In case falling under sub-clause the competent authority so directs.

#### **Rule 23**

##### **Penalties**

The following penalties may be imposed on an employee as here in after provided for misconduct committed by him or for any other good and sufficient reasons.

##### **Minor penalties**

- (a) Censure;
- (b) With holding of increments of pay with or without cumulative effect;
- (c) With holding of promotion;
- (d) recovery from pay or part of such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of orders.

##### **Major penalties**

- (e) reduction to a lower grade or post, or to a lower stage in a time scale;
- (f) removal from service which shall not be a disqualification for future employment ;
- (g) dismissal.

##### **Explanation**

The following shall not amount to a penalty with in the meaning of this rule.

- (i) With holding of increment of an employee on account of his work being found unsatisfactory or not being of the required standard, or for failure to pass a prescribed test or examination;
- (ii) stoppage of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar;
- (iii) non-promotion whether in an officiating capacity or otherwise, of an employee, to a higher post for which

- he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- (iv) reversion to a lower grade or post, of an employee officiating in a higher grade or post, on the ground that he is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct;
- (v) reversion to his previous grade or post, of an employee appointed on probation to another grade or post during or at the end of the period of probation, in accordance with the terms of his appointment;
- (vi) **Termination of service**
- (a) of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment;
- (b) of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiration of the period for which he was appointed or earlier in accordance with the terms of his appointment;
- (c) of an employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement; and
- (d) of any employee on reduction of establishment.

**Rule-24 Disciplinary Authority**

The Disciplinary Authority, as specified in the schedule or any authority higher than it may impose any of the penalties specified in rule 23 on any employee.

Particulars	Appointing authority	Authority empowered to impose penalties and penalties which may be imposed		Appellate authority		Reviewing authority	
		Minor	Major	Minor	Major	Minor	Major
Board level appointments including Managing Director	President of India	President of India	President of India	President of India	President of India	President of India	President of India
Group A (I) Company Secretary, chief Accounts Officer, Production Superintendent (Scale of Rs.1100-1600 and above)	Board of Directors	Board of Directors	Board of Directors	Board of Directors	Board of Directors	Board of Directors	Board of Directors
Group A (II) for posts with scales of Rs. 700-1300	Managing Director	Managing Director	Board of Director	Board of Director	Board of Director	Board of Director	Board of Director
Group B & C	Managing Director	Managing Director	Managing Director	Managing Director	Managing Director	Managing Director	Managing Director
Group D	Asstt. Manager Admn.)	Asstt. Manager (Admn.)	Asstt. Manager (Admn.)	Company Secretary	Company Secretary	Company Secretary	Company Secretary

- Group A(I) Includes posts the maximum of the pay scales of which is not less than Rs. 1600/= of the scales of pay.
- Group A(II) Includes posts the maximum of scales of pay of which does not exceed Rs. 1300/=
- Group B Includes posts carrying a pay or a scales of pay with a maximum not less than 900/= but less than Rs. 1300/=
- Group C Includes posts carrying a pay or a scales of pay with a maximum of over Rs. 290 /= but less than Rs. 900/=
- Group D Includes posts carrying a pay or a scales of pay the maximum of which is Rs. 290/= or less.

**Rule-25 Procedure for imposing major penalties**

- (1) No order imposing any of the major penalties specified in clauses (e), (f) and (g) of rule 23 shall be made except after an inquiry is held in accordance with this rule.
- (2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself enquire into, or appoint any public servant ( hereinafter called the inquiring authority ) to inquire into the truth there of.
- (3) Where it is proposed to hold an inquiry, the disciplinary authority shall frame definite charges on the

basis of the allegations against the employee. The charges, together with a statement of the allegations, on which they are based, a list of documents by which and a list of witness by whom, shall be communicated in writing to the employee, who shall be required to submit with in such time as may be specified by the Disciplinary Authority (not exceeding 15 days), a written statement whether he admits or denies any of or all the Articles of charge.

**Explanation**

It will not be necessary to show the documents listed with the charge-sheet or any other document to the employee at this stage.

- (4) On receipt of the written statement of the employee or if no such statement received with in the time specified, an enquiry may be held by the Disciplinary Authority itself, or by any public servant appointed as an Inquiring Authority under sub-clause (2).

Provided that it may not be necessary to hold an inquiry in respect of the charges admitted by employee in his written statement. The disciplinary authority shall, however, record its findings on each such charge.

- (5) Where the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may, by an order appoint a public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

- (6) The employee may take the assistance of any other Public Servant but may not engage a legal practitioner for the purpose.

(a) GOVERNMENT Servant under suspension shall be eligible to function as defence counsel.

- (7) On the date fixed by the inquiring authority, the employee shall appear before the Inquiring Authority at the time, place and date specified in the notice. The inquiring authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the pleasign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty

- (8) If the employee does not plead guilty, the inquiring authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence;

(i) inspect the documents listed with the charge sheet;

(ii) submit a list of additional documents and witnesses that he wants to examine; and

(iii) be supplied with the copies of the statement of witnesses, if any, listed in the charge-sheet.

**Note:-** Relevancy of the additional document and the witnesses referred to in sub-clause 8 (ii) above will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the inquiring authority is satisfied about their relevance to the changes under inquiry.

- (9) The inquiring authority shall ask the authority in whose custody or possession the document are kept, for the production of the document on such date as may be specified.

- (10) The authority in whose custody or possession the requisitioned documents are, shall range to produce the same before the inquiring authority on the date, place and time specified in the requisition notice.

Provided that the authority having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the Corporation. In the event, it shall inform the inquiring authority accordingly.

- (11) On the date fixed for the inquiry, the oral documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the presenting officer and may be cross-examined by or on behalf of the employee. The presenting officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.

- (12) Before the close of the prosecution case, the inquiring authority may, in its discretion, allow the presenting Officer to produce evidence not included in the charge sheet or may itself call for new evidence or recall or re-examine any witness. In such case the employee shall be given opportunity to inspect the documentary evidence before it is taken on record, or to cross-examine a witness, who has been so summoned.

- (13) When the case for the disciplinary authority is closed, the employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any appointed.

- (14) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provision applicable to the witnesses for the disciplinary authority.
- (15) The Inquiring Authority, may after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- (16) After the completion of the production of evidence, the employee and the Presenting Officer may file written briefs of their respective cases with in 15 days of the completion of the production of evidence.
- (17) If the employee does not submit the written statement of defence referred to in sub-rule (3) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these rules, the inquiring authority may hold the enquiry exparte.
- (18) Whenever any inquiring authority, after having neared and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor and partly recorded by itself.

Provided that if the succeeding inquiring authority is of the option, that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein before provided.

- (19) (i) After the conclusion of the inquiry, report shall be prepared and it shall contain :-
  - (a) a gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour.
  - (b) a gist of the defence of the employee in respect of each article of charge;
  - (c) and assessment of the evidence in respect of each article of charge;
  - (d) the findings on each article of charge and the reasons therefor.

#### **Explanation**

- (i) If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles, or the charges, it may record its findings on such article of charge.

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- (ii) The inquiring authority, where it is not itself he disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include :
  - (a) the report of the inquiry prepared by it under sub-clause (i) above;
  - (b) the written statement of defence, if any submitted by the employee referred to in sub-rule (13);
  - (c) the oral and documentary evidence produced in the course of the inquiry;
  - (d) Written briefs referred to in sub-rule (16), if any; and
  - (e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

#### **Rule-26**

##### **Action on the inquiry report**

The disciplinary authority, if it is not itself the inquiring authority may, for reason to be recorded by it in writing remit the case to the inquiring authority for fresh or further inquiry and report and the inquiring authority shall there upon proceed to hold the further inquiry according to the provisions of rule 25 as far as may be.

- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.
- (3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in Rle-23 should be imposed on the employee it shall, not withstanding anything contained in Rule 27 make an order imposing such penalty.
- (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

#### **Rule - 27**

##### **Procedure for imposing minor penalties**

- (1) Where it is proposed to impose any of the minor penalties specified in clause d(a) to (d) of Rule-23, the employee concerned shall be informed in writing of the imputation of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days. The defence statement, if any, submitted by the employee shall be taken into consideration by the disciplinary authority before passing orders.
- (2) The record of the proceedings shall include :-
  - (i) a copy of the statement of imputations of misconduct or misbehaviour delivered to the employee.
  - (ii) his defence statement, if any, and
  - (iii) the orders of the disciplinary authority together with the reason therefore.

**Rule - 28      Communication or orders**

Orders made by the Disciplinary Authority under Rule 26 or rule 27 shall be communicate to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

**Rule - 29      Common proceedings**

Where two or more employees are concerned in a case, the authority competent to impose a major penalty on all such employees make an order directing that disciplinary proceedings against all of them may be taken in a common proceedings and the specified authority may function as the disciplinary authority for the purpose of such common proceedings.

**Rule - 30      Special Procedure in certain cases**

Notwithstanding anything contained in ruel-25 or 26 or 27 the disciplinary authority may impose any of the penalties specified in Rule-23 in any of the following circumstances :

- (i) the employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial; or
- (ii) Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonable practicable to hold an inquiry in the manner provided in these Rules;
- (iii) Where the board is satisfied that in the interest of the Security of the corporation it is not expedent to hold any inquiry in the manner provided in these rules.

**(AMENDMENT NO.2)**

- Rule-30A
- (i) Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall, after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.
  - (ii) During the pendency of the disciplinary proceeding, the disciplinary authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loses caused to the Company if the employee is found in a disciplinary proceeding or judicial proceeding to have ben guilty of offences/misconduct as mentioned in sub-section (6) of section 4 of the Payment of Gratuity Act, 1972 or to have caused pecuniary loses to the Company by misconduct of negligence, during his service including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7 (3) and 7 (3A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment, in case the employee is fully exonerated.

**(AMENDMENT NO.3)**

Rule 30-B 'No functional Director of the Company including the Chief Executives, who has retired from the service of the Company, after such retirement, shall accept any appointment or post, whether advisory or administrative, in any firm or Company, whether Indian or foreign, with which the Company has or had business relations, within two years from the date of his retirement without prior approval of the Government.'

**Rule-31      Employees in deputation from the Central Government or the State Government etc.**

- (i) Where an order of suspension is made or disciplinary proceeding is taken against an employee, who is on deputation to the Corporation from the Central or State Government, or another public undertaking, or a local authority, the authority, lending his services (hereinafter referred to as the "Landing Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.
- (ii) In the light of the findings in the disciplinary proceeding taken against the employee :-
  - (a) If the Disciplinary Authority is of the opinion that any or the minor penalties should be imposed on him. It may pass such orders on the case as it deems necessary after consultation with the lending Authority provided that in the event of a difference of opinion between the Disciplinary and the Lending Authority,

- the services of the employee shall be placed at the disposal of the Lending Authority.
- (b) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.
  - (iii) If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule (ii) (a), it will be disposed of after consultation with the Lending Authority, Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the service of the employee shall be placed at the disposal of the Lending Authority and the Proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

## **Rule-32**

### **Appeals**

- (i) An employee may appeal against an order imposing upon him any of the penalties specified in Rule-23 or against the order of suspension referred to in Rule 20. The appeal shall lie to the authority specified in the schedule.
- (ii) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the appellate authority specified in the schedule and submitted to the authority whose order is appealed against the authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the appellate authority within 15 days. The appellate authority shall consider whether the findings, are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of appeal. The appellate authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

Provided that if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in clauses (e), (f) and (g) of Rule 23 and an inquiry as provided in rule 25 has not already been held in the case, the appellate authority shall direct that such an inquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an inquiry has already been held as provided in rule 25, the appellate authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The appellate authority shall pass final order after taking into account the representation, if any submitted by the employee.

Notwithstanding any thing contained in these rules, the reviewing authority as specified in the schedule may call for the record of the case within six months of the date of the final order and after reviewing the case pass such orders thereon as it may deem fit.

Provided that if the enhanced penalty, which the reviewing authority proposes to impose, is a major penalty specified in clauses (e), (f) or (g) of Rule 23 and an inquiry as provided under rule-25 has not already been held in the case the reviewing authority shall direct that such an inquiry be held in accordance with the provisions of Rule-25 and thereafter consider the record of the inquiry and pass such order it may deem proper. If the appellate authority decides to enhance the punishment but an inquiry has already been held in accordance with the provisions of Rule-25, the reviewing authority shall give show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

## **Rule-33**

### **Review**

Notwithstanding anything contained in these rules, the reviewing authority as specified in the schedule may call for the record of the case within six months of the date of the final order and after reviewing the case pass such orders thereon as it may deem fit.

Provided that if the enhanced penalty, which the reviewing authority proposes to impose, is a major penalty specified in clauses (e), (f) or (g) of Rule-23 and an inquiry as provided under Rule-25 has not already been held in the case, the reviewing authority shall direct that such an enquiry be held in accordance with the provisions of Rule-25 and thereafter consider the record of the enquiry and pass such order as it may deem proper. If the appellate authority decides to enhance the punishment but an enquiry has already been held in accordance with the provisions of Rule-25, the reviewing authority shall give show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

## **Rule-34**

### **Service of orders, notices, etc.**

Every order, notice and other process made or issued under these rules shall be served in person on the

employee concerned or communicated to him by registered post at his last known address.

**Rule-35 Power to relax time-limit and to condone delay**

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

**Rule-36 Savings**

- (1) Nothing in these rules shall be constructed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules, which have been superceded by these rules.
- (2) An appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and orders thereon shall be made, in accordance with these rules.
- (3) The proceedings pending at the commencement of the rules shall be continued and disposed as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.
- (4) Any misconduct, etc. committed prior to the issue of these rules which was a misconduct under the superceded rules shall be deemed to be a misconduct under these rules.

**Rule-37 Procedure for Premature Retirement of Employees**

An employee who has attained the age of 50 years and is considered to be medically unfit, inefficient or of doubtful integrity, may be prematurely retired by the competent authority viz., Chairman under the Voluntary Retirement Scheme.

The criteria for judging the medical unfitness, inefficiency or doubtful integrity of executives proposed to be prematurely retired, follow :-

- (i) Inefficiency  
Inefficiency would be evaluated on the basis of the Appraisal Reports for three years.
- (ii) Doubtful integrity  
An employee who gets an adverse comment consecutively for three years on his integrity in his ACR would be recommended for premature retirement.

(iii) Medical Unfitness

- (a) If an employee has been continuously on leave on medical grounds for a period of 12 weeks (including Sundays and Holidays) or he has been on leave for reasons of sickness for a total period of 120 days (including Sundays and holidays) or more during a continuous period of Six months or if a person though attending duties but is found to be mentally deranged, his departmental head may refer him to a medical Board for his through medical check-up and report:-

- The disease he is suffering from,
- Whether it is curable or incurable,
- Whether the disease is infectious/contagious,
- in case of curable disease his normal duties within a period of 12 months,

- (b) If the person is not fit to resume his duties within a period of 12 months and in cases of employees suffering from incurable and infectious/contagious disease or suffering from lunacy or mental derangement and whose services cannot be utilised by the Company or whose attendance is likely to pose health hazard to others as may be certified by the Medical Board, premature retirement will be considered on recommendations of Managing Director / Director-Incharge.

- (c) This premature retirement on medical grounds is independent of and without prejudice to the right of the Company under the contract of employment to dispense with the services of an employee on one month's notice inter-alia on grounds of medical unfitness in case of an employee who might not have even attained the age of 50 years as is being presently done.

2. Benefits under the scheme

In accordance with clause 5.0 of the Voluntary Retirement Scheme, an employee who is prematurely retired will be entitled to the following benefits :-

- (a) Pay for the notice period of one month plus leave salary for unavailed earned leave. The quantum of leave salary will not exceed the maximum limit to which earned leave can be accumulated under the Leave Rules applicable to the employee.
- (b) Full provident Fund contribution of the employer with accretions thereto in the account of the employee subject to the provision of the Provident Fund Rules applicable to him.
- (c) Gratuity for each completed year of service or part there-of as admissible under the Gratuity Rules.
- (d) Transfer benefits for self and family for proceeding to home-town or to the place where he intends to settle in India as admissible under the TA Rules.

In case of any other question that may arise the same can be governed, as per provisions of Rule-56 of FR as amended from time to time.

**Rule-38 Removal of doubts**

Where a doubt arises as to the interpretation of any of these rules, thereafter shall be referred to the Board for final decision.

**Rule-39 Amendments**

The Board may amend, modify or add to these rules, from time to time, and all such amendments, modifications or additions shall take effect from the date stated therein.

**MODEL STANDING ORDER FOR CASUAL LABOUR**

These orders shall come into force on 1.9.1983 and shall be applicable to all casual workmen/employees employed in the establishment.

**1. A. Definitions**

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

- (a) The Act means the Industrial Employment (Standing Orders) Act, 1946.
- (b) Industrial Establishment would have the same meaning as given in sub-section 2(a) of the Act.
- (c) Workman will have the same meaning as assigned to it in sub-section (i) of section 2 of the Act.
- (d) Casual Labour Casual labour refers to labour whose employment is seasonal, intermittent, sporadic or extends over sort period.
- (e) Words denoting singular number shall include plural number and vice-versa.

**2. Attendance/Employment Card and Register of Workmen**

(i) Every casual workman shall be provided with an attendance card and wage card on which shall be entered the days on which he has worked in an establishment and the wages paid to him.

**(ii) Register of Casual Workmen**

A register of Casual Workmen shall be maintained by every employer in Form-I and shall be kept at the worksite or as near to it as possible and the particulars of every casual workman shall be entered therein within three days of employment.

**(iii) Employment Card**

On termination of employment for any reason whatsoever, every casual worker shall be issued an Employment Card in Form III.

**3. Publication of Working Time**

The period and hours of work for all workers in each shift shall be exhibited in English or Hindi and in the principal language understood by the majority of workmen employed in the establishment on notice board maintained at or near the main entrance of the establishment and at time-keeper's office, if any.

**4. Number of hours of work which shall constitute a normal working day**

- (1) The number of hours in a normal working day shall not exceed :
  - (a) in the case of an adult, 9 hours.
  - (b) in the case of a child, 4½ hours.
- (2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, it shall not spread over more than twelve hours on any day.
- (3) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as adult or a child by a competent medical practitioner approved by the Central Government.
- (4) The provision of sub-rules (1) to (3) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Central Government.
- (5) No child shall be employed or permitted to work for more than 4½ hours on any day.

(6) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 or the Mines Act, 1952.

#### 5. **Extra Wages for overtime**

(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall in respect of overtime work, be entitled to wages;

(a) in case of employment in establishment in agriculture, at one and a half times the ordinary rate of wages.

(b) in the case of any other industrial establishment, at double the ordinary rate of wages.

**Explanation:** The expression "ordinary rate of wages" means the basic wage plus such allowances including the cash equivalent of the advantages accruing through the concessional sale to the workmen of food grains and other articles as the workmen is for the time being entitled to but does not include a bonus.

(2) A register of overtime shall be maintained by every employer in Form - II in which entries under the columns specified therein shall be made as and when overtime is worked in any establishment. The register shall be kept at the work spot and maintained up-to-date. Where no overtime has been worked in any wage period, a 'NIL' entry shall be made across the body of the register at the end of the wage period indicating also in precise terms the wage period to which the 'NIL' entry relates.

(3) Nothing in this rule shall be deemed to affect the provisions of the Factories Act., 1948 or the Mines Act, 1952.

#### 6. **Wage Rates**

(1) Labour covered by the Minimum Wages Act should be remunerated in accordance with the provisions of that Act.

(2) Labour not covered by the Minimum Wages Act is remunerated on a daily rate ascertained from the locality or the State Government concerned. If this is not available, they are remunerated at 1/30 of the minimum of the authorised scale of pay plus dearness allowance applicable to corresponding categories of regular staff in the establishment. Where, however, the rate of wages arrived at in either manner is lower than the minimum wages, fixed by the State Government will be applicable.

#### 7. **Shift Working**

(1) More than one shift may be worked in an establishment or a section of an establishment at the discretion of the employer. If more than one shift is worked, the workman shall be liable to be transferred from one shift to another. No shift will be discontinued without a week's prior notice being given in writing to the workmen, provided that no such notice shall be necessary if the closing of the shift is under an agreement with the workmen affected or the employment is for a specified period which may conclude with that particular shift. If as a result of discontinuance of shift working, any workmen are to be retrenched, such retrenchment shall be affected in accordance with the provisions of the Industrial Disputes Act, 1947 (14 of 1947) and the rules made thereunder. If shift working is restarted, the workmen shall be given a week's notice and re-employed in accordance with the provision of the said Act and the said rules.

(2) Any notice of discontinuance or of restarting of shift working required by clause (1) shall be in the Form appended to these orders 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 and in the Time Keeper's Office.

Provides that where any recognised Trade Union of workmen exists, a copy of the notice shall also be served by registered post on the Secretary of such union provided that the secretary or any other office bearer of the union has intimated the management about its functioning in their establishment.

#### 8. **Weekly rest**

(i) A casual workmen shall be allowed a paid day of rest every week which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any workman or a class of workmen in his establishment (provided that the workman has worked in the establishment under the same employer for a continuous period of not less than six days)

(ii) A casual workman shall not be required or allowed to work on his weekly day of rest unless he has or will have a substitute rest day for a whole day on one of the five days immediately before or after the weekly rest day.

(iii) Where in accordance with the foregoing provisions of this rule, any employee works on a rest day and has been given a substitute rest day on any one of the five days before or after the rest day, the rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.

(iv) A casual workman shall be granted for the weekly rest day, wages calculated at the rate applicable to the next preceding day and in case he works on his weekly rest day and has been given a substituted rest day, he shall be paid wages for the weekly rest day on which he worked at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day.

**Explanation:** 'Next preceding day' means the last day on which the casual workman has worked which precedes the weekly rest day or the substituted weekly rest day, as the case may be, and where the substituted weekly rest

day falls on a day immediately after the weekly rest day the next preceding day means the last day on which the workman has worked, which precedes the weekly rest day.

**Explanation-II:** For the purpose of this Standing Orders, week shall mean a period of seven days beginning on midnight on Saturday night.

## 9. Holidays

- (1) All casual workmen shall be allowed three paid National Holidays on Republic Day (26th January), Independence Day (15th August) and Mahatma Gandhi's Birthday (2nd October) with pay.
- (2) In case a casual workman is required to work on any one of these three national holidays, he shall be paid wages therefore at the overtime rate and shall also be allowed a substituted holiday with wages in lieu thereof.
- (3) Casual workmen shall be allowed other holidays in accordance with law, contract, custom and usage applicable to the establishment for the time being.
- (4) Notices specifying the days to be observed by the establishment as holidays should be pasted on the notice board.

## 10. Payment of Wages

- (i) All casual workmen shall be paid wages on a working day before the expiry of the seventh or tenth day after the last day of the wage period as the case may be, in respect of which the wages are payable according to the total number of workmen employed in the establishment does not or does exceed one thousand. Notices specifying the pay days should be pasted on the notice boards.
- (ii) Any wage due to a casual 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 wage period, which shall be notified on the notice boards as aforesaid.
- (iii) The wages of a casual workman shall be paid to him without deductions of any kind except those authorised by the competent authority.
- (iv) No wage period shall exceed one month.

**Explanation:** Competent authority for the purpose of this Standing Order would mean the Drawing and Disbursing Officer of the Workman in question.

### **Stoppage of Work**

- (1) The employer may, at any time, in the even of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil motion or other causes 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 department concerned, or at the office of the manager, as soon as practicable as to when work will be resumed and whether they are to remain at or leave their place of work. The workmen shall not ordinarily be required to remain at the place of work for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour the workmen so detained shall not be paid for the period of detention. If the period of detention exceeds one hours, the workmen 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 months shall be taken to be the daily wage. No other compensation will be admissible in case of such stoppage. Whenever practicable, reasonable notice shall be given of resumption of normal work.
- (3) The employer may in the even of a strike affecting either whole or partially any section or department of the establishment, close down either wholly or practically such section or department or 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 workman concerned shall also be notified by a general notice, in regard to resumption of work.

## 12. Disciplinary Action for Misconduct

- (i) A casual workman may be fined upto 2 per cent of his wages in a wage period for any of the acts or omissions approved and notified in accordance with the provisions of the section 8 of the payment of Wages Act, 1936.
- (ii) A casual workman may be discharged or dismissed from service and disqualified for re-employment under the same employer if he is found guilty of any act of misconduct.
- (iii) The following acts and omissions shall constitute misconduct :
  - (a) willful insubordination 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 employers business or property;
  - (c) willful damage to or loss of employer's goods or property;
  - (d) taking or giving bribes or any illegal gratification;

- (e) habitual breach of any law applicable to the establishment;
  - (f) riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline;
  - (g) habitual negligence or neglect of work;
  - (h) 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;
  - (i) striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law;
  - (j) habitual late attendance;
  - (k) drunkenness;
  - (l) distribution or exhibition of any newspaper, handbills, pamphlets or posters without the previous sanction of the manager of the establishment.
- (iv) No order of discharge or dismissal under clause (ii) above shall be made unless the workman concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him. The approval of the manager of the establishment or where there is no manager, of the employer is required in every case of dismissal and, when circumstances appear to warrant it, the manager or the employer may institute independent enquires before dealing with charges against a workman.

**13. Termination of Employment**

- (i) No notice shall be necessary to terminate the employment of a casual workman but the service of a casual workman shall not be terminated under S.O. 12 (iii) unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manner provided for in S.O. 12 (iv.)

**14. Complaints**

All complaints arising out of employment including those relating to unfair treatment or wrongful action 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, or any other person specified in this behalf.

**15. Regularisation**

- (i) A casual workman who has completed six months of continuous service in the same establishment or under the same employer within the meaning of sub clause (b) of clause (b) of clause (2) of section 25B of the Industrial Disputes Act, 1947, shall be brought on to the regular strength of the establishment, and his pay shall be fixed at the minimum in the time scale of pay applicable to the work he has been doing as a casual workman.
- (ii) A casual workman who has completed 90 days of continuous service in the same establishment or under the same employer in that establishment or under the same employer over a workman who has not completed his period of 90 days.

**16. Liability of manager**

The manager of the establishment shall personally be self-responsible for the proper and faithful observance of the standing orders.

**17. Exhibition of Standing Orders**

A copy of these order in English or Hindi and in the principal language understood by the majority of workmen shall be pasted at the manager's office and on a notice board maintained at or near the main entrance to the establishment and shall be in legible condition.