

अधिकृत

वरील अधिकृत

10/10/10

राई

सोमनाथ डोई के त्याची आदेश को दिनांक- 7-6-91 से लागू है, के द्वारा [2-3] के संदर्भ में अध्यक्ष-तह-प्रबन्ध निदेशक महोदय ने सोमनाथ डोई, मुद्रा/डोई के सभी विभागाध्यक्षों एवं संबंधित क्षेत्रीय निदेशकों को "तत्क्ष अधिकारी" मनोनित किया है।

यह अधिकृत अध्यक्ष-तह-प्रबन्ध निदेशक महोदय के लिखित त्वोक्ति के आधार पर नियमित किया जाता है।

3 महीने

उप प्रकाश

वरील अधिकृत 10/10/10

विवरण :

1. सभी विभागाध्यक्ष, सोमनाथ डोई, मुद्रा/डोई।
2. क्षेत्रीय निदेशक, क्षेत्रीय संस्थान-1, 2, 3, 4, 5, 6 एवं 7, आसनतोत, धनबाद, राँची, नौगपुर, बिलासपुर, तिमरौली एवं भुवनेश्वर।
3. कैम्प इन्चार्ज, सोमनाथ डोई इलिंग कैम्प
पोस्ट _____ जिला _____
4. वरीय टोर अधिकारी, सो.डो.स्त., बरकाकाना, हजारीबाग।
5. वरीय उप इलिंग सुप्रीट-डेंट, सो.डो.स्त., बरकाकाना, हजारीबाग।
6. सभी पंजीकृत ट्रेड यूनियन।
7. निदेशक [संचालन] के कार्यपात्रक तथ्य।
8. सूचना पट्ट।
9. अध्यक्ष-तह-प्रबन्ध निदेशक के तत्त्वों के तथ्य।

Genl (P.F.)

CENTRAL FINE PLANNING & DESIGN INSTITUTE LIMITED
62, CHAKRA PLACE - KARAIKUDI ROAD, KARAIKUDI.

(56)

(155)

(137)

NOTIFICATION: STANDING ORDER: 523

Dated 19.08.91.

NOTIFICATION OF CERTIFIED STANDING ORDER

Please find enclosed herewith the copy of the certified Standing Order received from Shri S.K. Subbarathiyar, Regional Labour Commissioner (Central) Bombay and Certifying Officer vide his letter No. 16(5)/87-B.4 dated 08.07.91.

In terms of the provision laid down in the Industrial Employment (Standing Order) Act, 1946 the aforesaid Standing Order shall come into operation in the entire CIMPDI Organisation with retrospective effect i.e. on and from 07.08.91.

This bears the approval of the Competent Authority.

(UDAI PRKASH)
PERSONNEL OFFICER

Distribution:-

- = All HOD's.
- = Secretary: All Trade Union operating in CIMPDI.
- = Notice Board- Copy notified for information of the all employees concerned.

1 - COMMENCEMENT AND APPLICATION :-

These standing orders will come into force from a date to be determined in accordance with the provisions of the Industrial Employment (Standing Orders) Act, 1946 and shall apply to all workmen employed in all units of M/s. Central Mine Planning and Design Institute Ltd. situated in different places in the country which come within the definition of Industrial Establishment as defined in the Industrial Employment (Standing Orders) Act, 1946 and include all the workmen governed by the National coal wage agreement.)

Provided that the workmen exempted under Section-13B of the Act shall be excluded from the scope of these standing orders.

2 - DEFINITION :-

- 2.1 'Attendance' means the presence of the workman concerned at the place or places where by the terms of his employment he is required to report for work and to get his attendance marked.
- 2.2 'Company' means the Central Mine Planning and Design Institute Ltd.
- 2.3 'Competent Authority' means an Officer specially nominated by the Chairman/ Managing Director concerned by an order in writing for the purpose of these Standing Orders. Such orders shall be put on Notice Board and copies sent to the concerned registered trade unions.

2.4 'Employer'2

- 2.4 'Employer' shall have the same meaning as assigned to the terms under the Industrial Employment (Standing Orders) Act, 1946.
- 2.5 'Establishment' means industrial establishment under the company.
- 2.6 'Masculine' includes the feminine.
- 2.7 'Mine' means a mine as defined in the Mines Act, 1952.
- 2.8 'Medical Officer' means the Chief Medical Officer or any other Medical Officer of the Company.
- 2.9 'Notice Board' means the Notice Board specially maintained for the purpose of Standing Orders at each mine/establishment.
- 2.10 'Workman' means a workman as defined in the Industrial Employment (Standing Orders) Act, 1946.
- 2.11 'Wages means Wages as defined in the Payment of Wages Act, 1936.
- 2.12 Words in singular shall include the plural and vice-versa.

3 - CLASSIFICATION OF WORKMEN :-

- 3.1 For the purpose of these Standing Orders workman shall be classified as follows :

- (a) Apprentice
- (b) Badli or substitute
- (c) Casual
- (d) Permanent
- (e) Probationer
- (f) Temporary

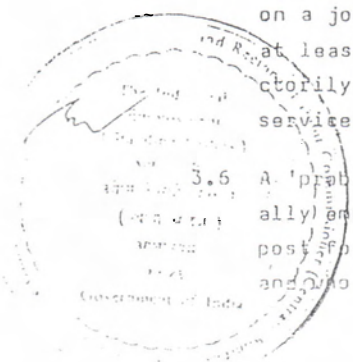
3.2 'Apprentice' is a learner ~~is~~ paid an ~~who~~ allowance during the period of his training which shall inter alia be specified in the terms of contract provided that the Apprentice engaged under the Apprentices Act shall be covered by the provisions of that Act only.

3.3 'Badli or substitute' is one who is appointed in the post of permanent workman or probationer who is temporarily absent; but he would cease to be a 'badli' on completion of a continuous period of service ~~one~~ year (190 ~~for~~ attendances in the case of below ground workman and 240 attendances in the case of any other workmen) in the same post or other post or posts in the same category, or earlier if the post is vacated by the permanent workman or probationer. A 'badli' working in place of a probationer would be deemed to be permanent after completion of the probationary period.

3.4 A 'casual workman' means a workman who has been engaged for work which is intermittent or sporadic or of casual nature not extending beyond a maximum period of 3 (three) months at a time provided that for employment of casual wagon loaders the time limit of 3 (three) months shall not apply.

3.5 A 'permanent workman' is one who is employed on a job of permanent nature for a period of at least 6 (six) months or who has satisfactorily put in 6 (six) months continuous service in a permanent post as a probationer.

3.6 A 'probationer' means a person who is provisionally employed to fill a vacancy in a permanent post for a period not exceeding 6 (six) months and who has not completed his probationary



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period provided that the period of probation may be extended by the management beyond the original period by not more than 3 (three) months for reasons to be recorded in writing. If a permanent workman is employed as a probationer in a new post, he may be at any time during the probationary period, not exceeding 6 (six) months, be reverted to his old permanent post unless the probationary period is extended by another 3 (three) months for reasons to be recorded in writing. If no positive order is issued by the Management on the expiry of the probationary period or extended probationary period, as the case may be, the employee concerned shall be deemed to have been confirmed.

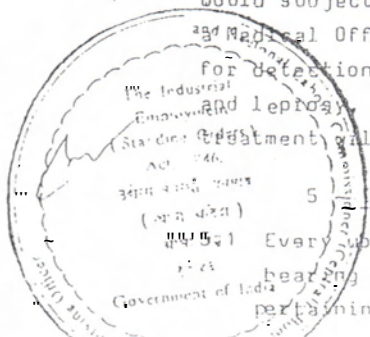
3.7 'Temporary workman' means workman who is appointed for work which is essentially of a temporary nature or who is employed in connection with a temporary increase in permanent work for a period not exceeding 6 (six) months provided that in case the temporary workman is placed on probation, the period of his temporary service shall count towards the probationary period.

4 - MEDICAL EXAMINATION :-

Subject to the provisions of the Mines Act and Rules or Regulations framed thereunder, all the workmen would be subject to medical examination periodically by a Medical Officer of the Company free of charge for detection and treatment of occupational diseases and leprosy, tuberculosis etc. The workmen requiring treatment will be treated free of charge.

5 - IDENTITY CARDS :-

Every workman will be issued identity card bearing relevant particulars concerning himself pertaining to his employment.



- 5.2 Every workman who has been issued an identity card shall produce it on demand to any Officer so authorised by the Competent Authority.
- 5.3 A workman who loses his identity card shall report the loss immediately to his immediate superior.
- 5.4 The initial issue of the identity card together with the photograph, shall be free of charge. If the identity card is lost by the workman, he shall be liable to pay to the Company a sum of Rs. 3/- (Rupees three) for the issue of a duplicate identity card. If the identity card, however, becomes indecipherable due to wear and tear, the management will replace it without any charge.

6 - ENTRY, EXIT AND SEARCH :-

- 6.1 All workmen working in the underground shall enter, travel and leave the mine/workplace only through the authorised places/routes or roadways. Every workman may also be subject to search before entering or leaving the mine/work place by a workman of the Company authorised for this purpose by the Competent Authority.
- 6.2 Female workmen may be searched by a female workman authorised by the Competent Authority of the Company, for the purpose.

7 - ATTENDANCE AND PUNCTUALITY :-

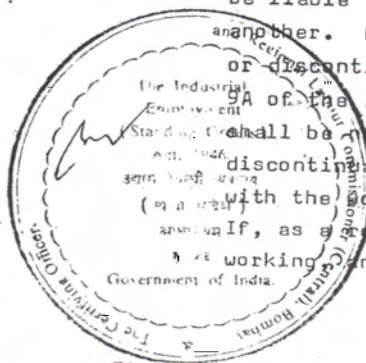
- 7.1 All workmen shall report for work at the mine/establishment at the time fixed and notified to them.

- 7.2 Attendance shall be marked daily according to the method prescribed from time to time for each section or department, etc. by the Competent Authority.
- 7.3 Workmen who are required to sign in an attendance register will mark the time of reporting on duty and of leaving duty.
- 7.4 Workmen who are required to use time cards shall punch the cards in the time clock at the time of reporting for duty and on leaving duty.
- 7.5 Absence from place of work: Any workman who after going underground or after coming to his work in the Department/Section in which he is employed, is found absent from his proper place of work during working hours without permission from the Appropriate authority or without any sufficient reason shall be liable to be treated as absent for the period of his absence.

8 - SHIFT WORKING :-

More than one shift be worked in a department or departments or any section of a department of the establishment at the direction of the employer. If more than one shift is worked, a workman shall be liable to be transferred from one shift to another. No extra shift working would be started or discontinued without giving notice under Section 9A of the I.D. Act provided that no such notice shall be necessary if the extra shift working or discontinuance of a shift is under an agreement with the workman affected or their union/unions. If, as a result of discontinuance of the shift working, any workman is to be retrenched, such

retrenchment 7 ...



retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 and the Rules framed thereunder. If shift working is restarted, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said Rules.

9 - PAYMENT OF WAGES :-

- 9.1 Wages to all workmen shall be paid in accordance with the provisions of the Payment of Wages Act, 1936 as amended from time to time.
- 9.2 Wages shall be paid direct to the individual workman on any working day between the hours of 6 AM and 6 PM at the office of the mine/ establishment. The Manager or any other person authorised by him shall witness and attest the payments and note the date of payments in the wage register. Wages may also be paid to workmen through a bank on a specific authorisation in writing by him. Payment of wages to a contractor's workmen shall be made at a place to be specified by the Manager and it shall be witnessed by a nominee of the employer deputed for this purpose in writing.
- 9.3 Any wages due to workman but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on such unclaimed wages pay day as may be notified to the workmen. If the workman so desires, the unpaid wages and other dues payable to him shall be remitted to his address by money order after deducting therefrom the money order commission. All claims for the unpaid wages shall normally be presented

to the Employer within a period of 12 (twelve) months from the date of which the wages become due.

10 - DISPLAY OF NOTICES :-

- 10.1 The notices regarding period and hours of work for all classes of workmen in each shift shall be exhibited in English and/or in the language understood by the majority of workmen employed in the establishment or the Regional language on Notice Boards maintained at or near the main entrance of the establishment and at the Time Keeper's Office, if any.
- 10.2 Notice(s) specifying (i) the days observed as holidays and (ii) pay days shall be pasted on the said Notice Board.
- 10.3 Notices as required under the Mines Act/ Payment of Wages Act and the Rules framed thereunder specifying the rates of wages payable to all classes of workmen and for all classes of work shall be displayed on the said Notice Board.

11 - PAID FESTIVAL HOLIDAYS :-

There shall be 8 (eight) paid festival holidays: Out of these 8 days, the Republic Day, Miners' Day, Independence Day and Mahatma Gandhi's Birth Day shall be allowed without option and the remaining 4 paid holidays shall be fixed by agreement or local custom. Wherever a workman is to work on any of these 8 holidays, he shall at his option, be entitled to either thrice the wages, or twice the wages in addition to avail himself of a substituted holiday with wages on any other day during the same

calender year. The prevalent practices in respect of festival holidays will however continue, if more favourable.

12 - LEAVE :-

- 12.1 Every workman shall be entitled to Annual leave with wages in accordance with the provisions of the Mines Act/NCWA in force from time to time. Where, however, any workman is already enjoying a larger quantum of leave in terms of his contract of service, he shall continue to enjoy the same.
- 12.2 Quarantine Leave: shall be granted to a workman, who is prevented from attending to his duty because of his coming into contact, though no fault of his own, with a person suffering from a contagious disease. The leave shall be granted for such period as is covered by a Certificate from the Medical Officer of the Company or the Medical Officer of the State Government where the worker is not staying in the colliery premises, to a maximum of 21 days. Wages for the period of quarantine leave shall be at the rate of 50% of the wages (basic plus dearness allowance) payable to a workman. Quarantine leave can not be claimed if a workman has refused to accept during the previous three months, prophylactic treatment for the disease in question or segregation, if advised by the Medical Officer.
- 12.3 Cholera, small-pox, plague and diphtheria may be considered as infectious disease for the purpose of this S.O. Any other disease as may have been declared by the State Govt. concerned as infectious disease for the purpose of their quarantine leave rules may also be

considered as infectious disease for the purpose of this S.O.

12.4 Sick Leave: Sick leave shall be granted to a workman to the extent of 15 days on full pay in a calendar year with the benefit of accumulation upto 60 days as per NCWA-IV.

12.5 Applications for leave or extension of leave on medical grounds shall be supported by a certificate from a Medical Officer of the company or where there is no such officer, a Government Medical Officer or failing him, from a registered medical practitioner, stating the period for which leave is recommended. On receipt of such application the sanctioning authority shall immediately inform the workman in writing whether the leave or extension of leave has been granted and if so, for what period. An employee who has been sanctioned leave or an extension of leave on medical ground for a period exceeding fourteen days at a time shall not be allowed to resume duty unless he produces a certificate of fitness.

13 - APPLICATION FOR LEAVE :-

13.1 A workman, who desires to obtain leave of absence, shall apply in writing to the Competent Authority, not less than fifteen days before the commencement of the leave, except where leave is required in unforeseen circumstances, and the competent authority shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof orders shall be given

on the same day. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose and if the workman so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof, he shall apply to the competent authority who shall send a written reply either granting or refusing extension of leave to the workman. Sanction/ refusal of leave shall be communicated to the workman in writing.

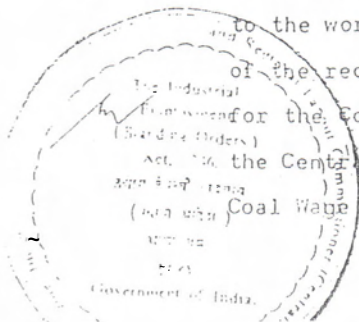
- 13.2 All application for leave must bear the leave address.
- 13.3 Competent authority to sanction leave to the workmen shall be notified by the management.

14 - LEAVE TRAVEL FACILITIES (RRF/LTC/LLTC)

Leave travel facilities shall be admissible

to the workmen in accordance with the provisions of the recommendations of Central Wage Board for the Coal Industry to the extent accepted by Act. of the Central Govt. and as modified by the National Coal Wage Agreements. Where, however, the workmen

are.....12



are enjoying better leave travel facilities in terms of their contract of service, they shall continue to enjoy the same.

15 - MEDICAL AID IN CASE OF ACCIDENTS :-

When a workman meets with the accident in the course of and arising out of employment, the management shall make satisfactory arrangements for immediate necessary medical aid to the injured workman free of charge and shall arrange for prompt payment of compensation in accordance with the Workmen's Compensation Act, 1923/MCWA covering also the first three days of absence on account of injury.

16 - HOURS OF WORK :-

Subject to the provisions of the law applicable to the mine/establishment, the hours of work of the workman shall be fixed by the management from time to time.

17 - OVERTIME :-

Subject to the provisions of the law applicable to the mine/establishment, the management may require any employee to work overtime and payment of overtime wages shall be made normally alongwith the wages for the relevant period.

18 - ATTENDANCE ON HOLIDAYS & WEEKLY REST DAYS

18.1 Subject to the provisions of Industrial Disputes Act the workmen required for work on holidays or weekly rest days will be notified for work by having their names displayed in Mines/department's notice Board.

18.2 Workmen wishing to be excused from work on a holiday or recognised weekly rest day, after being notified for work should obtain prior notification from the Management.

or Head of their department. If for some genuine reason the workman is not able to attend then an explanation should be given to the officer in charge or any other officer or supervisory staff authorised in this behalf.

- 18.3 If any person employed in a mine or department is deprived of any of the weekly days of rest, he shall be allowed within 2 months immediately following the month in which he had worked compensatory days of rest equal in number to the days of rest of which he has been deprived as per Mines Act, 1952.

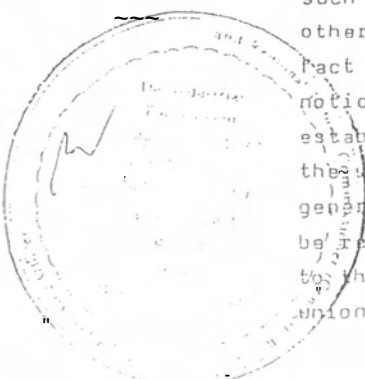
19 - STOPPAGE OF WORK AND RE-OPENING :-

- 19.1 Subject to the provisions of the Industrial Dispute Act, the Management may at any time, in the event of underground trouble, fire, catastrophe, inundation, break-down of machines, stoppage of power supply, epidemics, civil commotion, natural calamity or any other cause beyond its control stop any section or sections of the mine/establishment wholly or partly for any period or periods.
- 19.2 In the event of any such stoppage during the working hours, the workman affected shall be notified by Notice put up on the notice boards in the mine/department concerned and at the office as soon as practicable as to when work will be resumed and whether they are to remain or leave their place of work.
- 19.3 The workmen will not ordinarily be required to remain at work place or work spot for more than two hours after the commencement of the stoppage.

19.4 Whenever workmen are laid off on account of failure of plant equipment or a temporary curtailment of production or other causes, they shall be paid compensation in accordance with the provisions of the Industrial Dispute Act, 1947. Where no such compensation is admissible, they shall be granted leave with or without wages as the case may be, at the option of the workman concerned, leave with wages be granted to the extent due to them.

When workmen are to be laid off for an indefinitely long period, they may be retrenched on payment of compensation and subject to compliance with the provisions of the Industrial Disputes Act, 1947. If normal work is resumed, two week's notice thereof shall be given by pasting of notice at or near the mine/department and the workmen discharged earlier by the management shall, if they present themselves for work, will have preference for re-employment.

19.5 Subject to compliance with the provisions laid down in the Industrial Disputes Act, the management may in the event of a strike affecting either wholly or partly and section of the mine, close down either wholly or partially such section of the mine/establishment and any other sections affected by such closures. The fact of such closure shall be notified by the notices put on notice board at the mine/establishment. Prior to resumption of work, the workmen concerned will be notified by a general notification as to when this work will be resumed. A copy of such notice shall be sent to the registered/recognised trade union or unions functioning in the establishment.



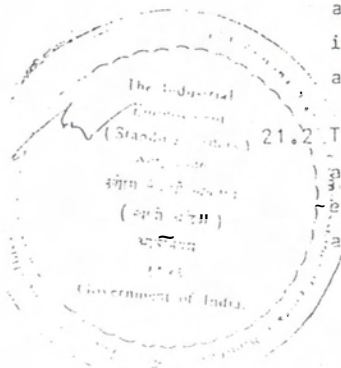
No workmen shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of an industrial establishment out of the work premises except with permission of his immediate superior, nor shall he in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secrets and confidential documents of the establishment to any unauthorised person, company or corporation without the written permission of the employer.

21 - TRANSFER :-

2.1 Workmen may be transferred due to the exigencies of work from one station to another, from one coal mine to another or from one establishment/department/section to another, within the same company or same holding company provided that the pay, grade and other conditions of service including continuity of service of the workmen are not adversely affected by such transfer and provided further that, if a workman is transferred from one job to another, the job should be of similar nature and such as he is capable of doing and provided further that - (i) Except in case of emergency minimum notice of two weeks is given of such transfers and (ii) reasonable joining time is allowed in case of transfers from one station to another.

21.2 The workman concerned shall be paid the actual charges for transporting his personal effects (by rail/or by bus or truck) as well as one fare of the appropriate class in

terms of15. ...



terms of the National Coal Wage Agreement in relation to leave travel concession for himself and for each of his dependent parents, wife and children if they do not avail of the conveyance of the Management. The workman shall also be paid one extra fare towards the incidental charges even if he has used the Management's transport.

21.3 The personal effects of a workman shall be limited to the ceilings applicable to the Central Govt. Servants within the pay ranges laid down by the National Coal Wage Agreement for purposes of transfer travelling allowance.

21.4 In case of inter-company transfer, it should be made in consultation with the Trade Unions/workmen concerned.

22 - ADDRESS/CHANGE OF ADDRESS :-

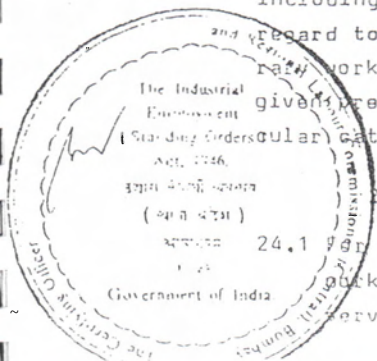
At the commencement of employment every workman must notify the management his local and/or permanent residential address. Any change of address local and/or permanent shall be immediately notified in writing to the Management by the workman.

23 - METHOD OF FILLING VACANCIES :-

Without prejudice to the accepted methods of filling permanent vacancies internally by the company including the operative provisions of NCWA-III with regard to employment to dependents, Badli and temporary workmen in the relevant categories shall be given preference in order of seniority in the particular category.

24 - TERMINATION OF EMPLOYMENT BY THE COMPANY:-

24.1 For terminating the services of permanent workman having less than one year of continuous service, notice of one month in writing with



reasons for wages in lieu there of shall be given by the employer:

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

24.2 Subject to the provisions of the Industrial Disputes Act, 1947 no notice of termination of employment shall be necessary in the case of temporary and Badli workmen :

Provided that a temporary workman, who has completed three months' continuous service, shall be given two weeks' notice of the intention to terminate his employment if such termination is not in accordance with the terms of the contract of his employment :

Provided further than when the services of a temporary workman, who has not completed three months' continuous service, are terminated before the completion of the term of employment given to him, he shall be informed of the reasons in writing. When the services of a Badli workman are terminated before the return to work of the permanent incumbent or the expiry of his (Badli's) term of employment, he shall be informed of the reasons for such termination in writing.

24.3 No workman shall leave the service of an employer unless notice in writing is given at the scale indicated below -

- i) For monthly paid workmen - One month
- ii) For weekly paid workman - Two weeks

Provided that it will be for employer to relax this condition and the workman may pay cash in lieu of such notice.

24.4 For purposes of Standing Orders 24(1),(2) and (3) the terms 'service' and 'wages' shall have the same meaning as assigned to these in Sections 25(B)(1) and 2(rr) respectively of the Industrial Disputes Act, 1947.

25 - COMPANY'S QUARTERS :-

25.1 Workmen who have been allotted company's quarters shall observe all rules, regulations and conditions to be made by the company from time to time concerning the use by the workmen of such quarters in consultation with the union. Similarly, the rules for allotment of quarters shall be framed by the company in consultation with the union.

25.2 Such workmen shall observe all instructions and orders issued by the management in consultation with the union for the maintenance of sanitation, cleanliness and public health.

25.3 The use of company's quarters is conditional on the workman being in the service of the company.



26 - ACTS OF MISCONDUCT :-

The following shall denote misconduct :

- 26.1 Theft, fraud or dishonesty in connection with the employer's business or property
- ✓ 26.2 Taking or giving of bribe or illegal gratification whatsoever in connection with the employer's business or in his own interest.
- 26.3 Wilful insubordination or disobedience, whether alone or in conjunction with another or others of any lawful or reasonable order of a superior.
- 26.4 Gambling, drunkenness, fighting or riotous disorderly or indecent behaviour either at his place of work or at the colliery/establishment or company's residential settlements.
- ✓ 26.5 Wilful neglect of work
- 26.6 Smoking underground or within the mine or in places where it is prohibited by law.
- ✓ 26.7 Resorting to go slow
- 26.8 Conviction in any court of law for any criminal offence involving moral turpitude.
- 26.9 Giving of false information regarding one's name, age, father's name, qualification etc. in connection with his employment.
- 26.10 Going on illegal strike either singly or with other workers without giving 14 days' previous notice.
- 26.11 Refusal to accept any charge-sheet or order or notice communicated in writing.
- 26.12 Preaching....20

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Employment
(Standing Orders)
Act, 1946.
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- 26.12 Preaching or inciting other employees to resort to violence.
- 26.13 Tampering with the company's records with ulterior motives.
- 26.14 Unauthorised use or occupation of company's bungalow/quarters/buildings and/or land any such property in the custody of the company.
- 26.15 Any breach of the Mines Act, 1952 or any other Act or any Rules, Regulations or bye-laws thereunder.
- 26.16 Making accusations or allegations against a superior or an Officer of the company without any basis/proofs in this regard.
- 26.17 Habitual money lending on interest.
- 26.18 Assault, attempt to assault, threatening to assault, abuse; a co-worker or subordinate or superior while on duty or otherwise in connection with employment.
- 26.19 Gherrao, coercion, intimidation, wrongful confinement or use of force for getting one's demand conceded by the Management.
- 26.20 Contracting another marriage while wife/husband is still alive or marrying a person who has a wife/husband without obtaining prior permission of the management.
- 26.21 Participating in radio/TV broad cast or contributing any article or writing any letter to any newspaper or periodical on a subject having a bearing on the affairs of the Co. without prior permission of the competent Authority.

26.22 Any wilful and deliberate act which is subversive of discipline or which may be detrimental to the interests of the company.

26.23 Sabotage or causing wilful damage to work in progress or to property of the company.

26.24 Habitual late attendance or habitual absence from duty without sufficient cause.

26.25 Distributing or exhibiting in the company's work premises or estates, hand bills, pamphlets, posters or causing them to be displayed by means of signs or writing or other visible representations any matter prejudicial to the company without prior sanction of the management.

26.26 Organising, holding, attending, or taking part in any demonstration within company's work premises or estates in contravention of the provisions of the law or regulations of the company.

26.27 Conduct within the mine's premises or its precincts which endangers life or safety of any person.

26.28 Allowing an unauthorised person to operate company's vehicles or machinery without permission of the competent authority.

26.29 Possession of unlicensed arm or lethal weapon within the company's work premises or its estates.

26.30 Absence from duty without sanctioned leave or sufficient cause or overstaying beyond sanctioned leave.

26.31 Sleeping on duty

26.32 Malingering

26.33 Acceptance

workmen or contractors.

- 26.34 Leaving work without permission or sufficient reason.
- 26.35 Disclosing to any unauthorised person or any confidential information in regard to the working or process of the establishment/mine which may come in the possession of the workmen in the course of his work.
- 26.36 Refusal to wear or use any protective/safety equipment given by the management.
- 26.37 Taking up employment with any other employer, or carrying on any business or trade, without the permission of the management.
- 26.38 Transfer or handing over of identity card to any other person or frequent loss thereof.
- 26.39 Ab^ettment of any act of misconduct.
- 26.40 Deliberately spreading false information/ rumour with a view to bringing about disruption in company's work.
- 26.41 Holding meeting within the mines/establishment premises without the previous permission of the management.
- 26.42 Interference with the safety devices or fire-fighting equipment.
- 26.43 Violation of any clause of these standing orders.

26.44 Sexual harassment & includes

27 - PENALTIES FOR MISCONDUCT :-

27.1 The following punishment/penalties may be imposed for misconduct :

- a) warning, reprimand, censure
b) Fine

- c) Suspension without wages for a period not exceeding ten days.
- d) Stoppage of increment without cumulative effect.
- e) Stoppage increment with cumulative effect
- f) Demotion to a lower stage or a lower grade in a time scale.
- g) Removal/discharge from service
- h) Dismissal from service.

28 - PROCEDURE FOR IMPOSITION OF PENALTIES :-

28.1 Where an employee is charged with a misconduct he shall be informed in writing of the allegations against him by the competent authority and shall be given an opportunity to submit his explanation in writing within a period of not less than three days. On receipt of a workman's explanation when allegations are denied by him, an enquiry shall be held, normally by an Officer or Officers of the company appointed by the management. At the enquiry, the workman concerned shall be afforded reasonable opportunity of defending himself. "The workmen concerned shall be entitled to be represented or assisted by a co-worker or office bearer of a trade union of which he is a member if so requested by him during the enquiry.

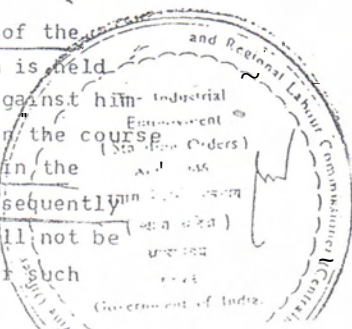
28.2 A workman may be suspended pending enquiry. Such suspension shall be ordered only where there is PRIMA FACIE serious charges such as, theft, fraud, assault, riotous conduct at the place of work, causing wilful damage to the property of the company or sabotage or serious case of wilful insubordination etc. The order of

writing and shall be followed by a charge-sheet within three days setting out the misconduct alleged against him in case the charge-sheet cannot be issued simultaneously. He shall not leave station without the permission of the management.

28.3 Where workman is suspended pending departmental enquiry, he shall be paid in such cases subsistence allowance equal to half of his wages as defined in the Payment of Wages Act, 1936. If, however, he is kept suspended by the Management beyond thirty days, this subsistence allowance will be at the rate of 3/4th of his wages as aforesaid but if the enquiry is delayed beyond thirty days, because of the workmen, the subsistence allowance shall be reduced to 1/4th of his wages. The employer shall normally complete the enquiry within sixty days, where the enquiry is delayed beyond sixty days due to the management, the suspended workman shall be paid full wages. The payment of subsistence allowance shall be subject to his not taking up any employment elsewhere during the suspension period.

28.4 The payment of subsistence allowance will be subject to a written declaration by the workman that he is not engaged in any other employment during the period of suspension.

28.5 If after enquiry or conclusion of the criminal proceedings, a workman is held guilty of the charges alleged against him or some other charges brought in the course of the enquiry or is convicted in the criminal proceedings and is consequently discharged or dismissed, he shall not be entitled to any remuneration for such



already paid to him. If a penalty other than dismissal discharge or removal is imposed on him or he is exonerated of charge against him or he is not convicted in the criminal proceedings, he shall be paid the difference of the subsistence allowance already paid to him and the wages which he would have got if he had not been suspended except in case where he is suspended not exceeding ten days, as a measure of punishment.

Modified
(See page 31 to 35)

28.6

The approval of the competent authority (above the charge-sheeting authority) specified by the Managing Director for this purpose from time to time shall be obtained before imposing the punishment of dismissal discharge removal from service of a workman

28.7

In awarding the punishment gravity of the misconduct, previous record of the workman and any other extenuating or aggravating circumstances that may exist shall be taken into account. A copy of the order passed by the disciplinary authority, shall be supplied to the workman concerned.

28.8

If any workman refuses to accept a charge-sheet, order or other communications intended for and offered to him, a copy of the same shall be sent by registered post to his address as recorded by the Management and another copy pasted on the notice board.

28.9

Notwithstanding the provisions contained in these Standing orders, as above, the management reserves the right to suspend a workman being prosecuted in a court of law for any grave criminal offence involving moral turpitude or murder until the

The Industrial
Employment
(Standing Orders)
Act, 1946
(Section 25)
(Section 25)
(Section 25)

disposal of the trial. In such cases, the workman concerned shall be entitled to 50% of wages as subsistence allowance. In case the above workman is finally acquitted, he would be paid full wages for the period of suspension.

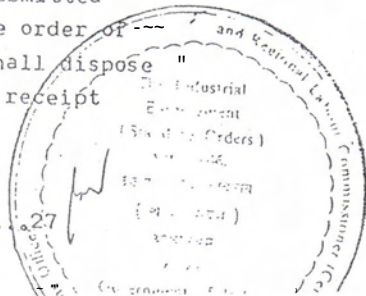
28.10 The proceedings of departmental enquiry shall be in writing. Where after the enquiry it is proposed to impose any punishment against a workman, a copy of the enquiry report shall be given to him. The workman shall also be given an opportunity to inspect the day to day record of enquiry proceedings.

29 - PROVISION REGARDING WORKMEN BORROWED FROM OTHER SOURCES :-

In the application of these standing orders in relation to the workmen whose services have been borrowed by the company from another organisation and who retain a lien in their parent organisation any operation of these standing orders shall be subject to the terms and conditions on which their services have been loaned to the company.

30 - APPEAL (Modified) (See Page 31 to 35)

The appellate authorities shall be notified by the management from time to time. A workman on whom any of the penalties is imposed shall have the right to appeal to the authorities notified in this behalf. The appeal shall be submitted within fortyfive days of receipt of the order of punishment. The appellate authority shall dispose of the appeal within fortyfive days of receipt of the same.



31 - REVIEW OF CASES OF PUNISHMENT

An authority higher than the appellate authority may review the case after imposition of punishment at any time either on his own motion or on the application of the workman concerned.

32 - RESIGNATION

32.1 Workmen (other than those who have executed a bond to serve the company for a specified period) who wish to leave the company's service, must give the company one month's notice in the case of monthly rated workmen and two weeks' notice in the case of others. The management may, at its discretion, accept the resignation with immediate effect or from any date before the expiry of the notice period. In the case of workmen who have executed a bond to serve the company for a specified period, their cases shall be governed as per the provisions of the bond in this respect.

32.2 If a workman leaves the service of the company without giving requisite notice, then without prejudice to any other action under his contract of service, if any, the management may deduct from his unpaid wages a sum equivalent to the period of notice which he is required to give under these standing orders.

33 - CERTIFICATE OF SERVICE :-

Every workman shall be furnished with a service certificate at the time of discharge or termination of his service, resignation or retirement.

34 - AGE OF RETIREMENT/SUPERANNUATION :-

The age of superannuation/retirement shall be 60 years.

35 - COMPLAINTS :-

All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the management or their agent shall be submitted by the aggrieved workman to the manager or other person as specified in this behalf with the right of appeal to the chief executive of the company namely, the chairman/Managing Director.

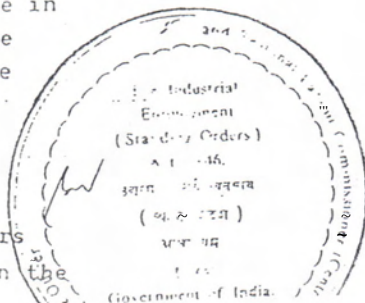
36 - DISPLAY OF STANDING ORDERS :-

36.1 A copy of these standing orders in English and in the regional languages of the local area in which the mine/establishment is situated shall be pasted at the Manager's office and in such other places of the mine as the employer may decide and it shall be kept in a legible condition. A copy of standing orders shall be supplied to a workman on application, on payment of prescribed price. A trade union in the establishment/mine will, however, be entitled to the free supply of a copy of the Standing orders, once only.

36.2 If there is any conflict between the Standing orders in English and those in any other language or languages, the English version shall prevail and be followed.

37 - SAVING :-

37.1 Notwithstanding these standing orders coming into force as provided for in the



Industrial Employment (Standing Orders) Act, 1946 and disciplinary action initiated under previous certified standing orders which might be pending at the time of coming into force of these standing orders, shall continue to be governed by the previous certified standing orders till it is finally disposed of.

37.2 These standing orders will not in any way curtail or adversely affect better privileges enjoyed by the existing workmen in any colliery/establishment.

38. Simultaneously with the coming into force of these standing orders, the existing certified standing orders, in respect of the individual establishments/mines of the company shall stand modified and substituted by these standing orders, save and except as provided in SO-37.

Certified under my hand and seal on this 28th day of July One thousand nine hundred ninety one.



(S.K.MUKHOPADHYAY)
REGIONAL LABOUR COMMISSIONER (CENTRAL)
BOMBAY AND
CERTIFYING OFFICER



सीएमपीडीआई
आईएसओ 9001 कम्पनी
CMPDI
ISO 9001 Company

सेन्ट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टीट्यूट लिमिटेड
गोन्दवाना प्लेस, कान्के रोड, राँची - 834 008 (झारखण्ड), इण्डिया
Central Mine Planning & Design Institute Limited
Gondwana Place, Kanke Road, Ranchi - 834 008, (Jharkhand), INDIA

No.CMPDI/HQ/IR/IESO/ 32-06

DL24.07.2007

To
The Regional Director,
RI-I, II, III, IV, V, VI & VII

All HODs
CMPDI (HQ)

Sub: Modification of Certified Standing Orders of M/s Central Mine Planning & Design Institute Limited.

Dear Sir,

I have been directed to enclose Certified Standing Orders of CMPDI for perusal and necessary action at your end.

Following clauses in the Certified Standing Orders of CMPDI have been modified/inserted:-

1. Clause - 26.44 - Sexual harassment & includes

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

2. Cause - 28.6 - " For the purpose of imposing punishment of dismissal, discharge/removal from the services of the workmen (non-executive cadre under Clause - 28.6 of the Certified Standing Orders of CMPDI, the Functional Directors of the concerned divisions/departments shall be the Disciplinary Authority."

3. Clause - 30 - " A workman on whom any of the penalty is imposed, shall have right to appeal before the Appellate Authority. The Chairman-cum-Managing Director of CMPDI shall be the Appellate Authority (for non-executive cadre employees). The appeal shall be submitted within 45 days of the receipt of the order of the punishment. The Appellate Authority shall dispose off the appeal within 45 days of the receipt of the same."

However, a photo copy of the modification in the Certified Standing Orders of CMPDI is enclosed for your record.

Yours faithfully,

(A.K. Mishra)

Sr. Personnel Officer (Legal/IR)

Copy to:

1. Sr. ES to CMD, CMPDI, Ranchi for kind information
2. OSD to Director (T)(P&D), CMPDI, Ranchi for kind information
3. Secretary to Director (T)(Egg.Services), CMPDI, Ranchi for kind information
4. Sr. ES to Director (T)(RD&T)/Director (T)(CRD), CMPDI, Ranchi for kind information



- 32 -

IN THE MATTER OF MODIFICATION OF THE CERTIFIED STANDING
ORDERS, APPLICATION SUBMITTED BY THE EMPLOYER OF M/s
CENTRAL MINE PLANNING & DESIGN INSTITUTE LIMITED, KANKE ROAD,
GONDWANA PLACE, RANCHI

PRESENT:

SRI M.L. VERMA,
REGIONAL LABOUR COMMISSIONER
(CENTRAL), RANCHI & CERTIFYING OFFICER

APPEARANCE FOR THE
EMPLOYER/MANAGEMENT:

1. Sri R.R. Mishra,
D.G.M. (P&A), M/s CMPDIL, (HQ), Kanke Road,
Ranchi.
2. Sri A.K. Mishra,
Sr. P.O., M/s CMPDIL(HQ), Kanke Road,
Ranchi.
3. Sri N.K. Sinha,
Sr. P.O., M/s CMPDIL(HQ), Kanke Road,
Ranchi.

APPEARANCE FOR THE
WORKMEN/UNION:

1. Sri R.P. Singh, Addl. General Secretary,
N.C.O.E.A. (CITU)
2. Sri S.K. Mukherjee, General Secretary,
Jharkhand Colliery Mazdoor Union (HMS),
3. Sri Sarvesh Prasad, Regional Secretary,
Rashtriya Colliery Mazdoor Sangh (INTUC)
4. Sri K.N. Singh, Addl. General Secretary,
National Coal Worker's Congress,
5. Sri Raj Kumar Singh, General Secretary,
CMPDI Karmchari Sangh (BMS),
6. Sri Gore Lal Paswan, General Secretary,
Coyla Mazdoor Union (AITUC)



No. 16/(2)/2006-RLC (R)

Dated, the 10th July, 2007

ORDER

The management of M/s Central Mine Planning & Design Institute Ltd., Kanke Road, Ranchi vide their letter No.CMPDI/HQ/IR/Standing Order/6616 dated 27.12.2004 & CMPDI/ HQ/IR/Standing Order/1901 dated 18.05.2005 under Section 10(2) of Industrial Employment (Standing Orders) Act, 1946, submitted proposals for modification of their Certified Standing Orders by incorporating new clauses as 26.44 and for modifying clause 28.6 and 30.

The hearing for the proposed modification was fixed on various dates and finally, it was heard on 03.07.2007 when the representatives of the management and all the unions except CMPDI Karmchari Sangh (BMS) and National Coal Workers Congress were present.

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The modification or addition proposed by the management is reproduced below:-

Clause 26.44 – Sexual harassment” and includes –

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

Clause 28.6 –

“For the purpose of imposing punishment of dismissal, discharge/removal from the services of the workmen (non-executive cadre) under Clause 28.6) of the Certified Standing Orders of CMPDI, the Functional Directors of the concerned Divisions/Departments shall be the Disciplinary Authority.”

Clause 30 –

“A workman on whom any of the penalty is imposed, shall have right to appeal before the Appellate Authority. The Chairman-cum-Managing Director of CMPDI shall be the Appellate Authority (for non-executive cadre employees). The appeal shall be submitted within forty five days of the receipt of the order of the punishment. The Appellate Authority shall dispose of the appeal within forty five days of the receipt of the same.”

The above two issues were clubbed together and heard simultaneously.

As regards addition of Clause 26.44, the management in their proposal have stated that it is solely based on the judgment of Hon'ble Supreme Court of India in Writ Petition (Criminal) No.666-70 of 1992 between Vishaka & other Vs. State of Rajasthan & others. Moreover, it has also been inserted in Model Standing Order for Industrial Establishment and Coal Mines.

The representatives of National Coal Organisation (Govt. of India) Employees Association (CITU) & Coyla Mazdoor Union (AITUC) objected to the incorporation of Sub-clause (e) on the ground being vague and may be misused but agreed with the management for incorporation of other sub-clauses i.e. (a), (b), (c) & (d). The representatives of Rashtriya Colliery Mazdoor Sangh (INTUC) opposed the incorporation of Sub-clause (c), (d) & (e) and the Jharkhand Colliery Mazdoor Union (HMS) opposed Sub-clause (c) & (e) as these are quite vague and may be misused. They, however, supported the modification pertaining to other sub-clauses.

The other 2 Unions i.e. CMPDI Karmachari Sangh (BMS) and National Coal Worker's Congress, after raising some preliminary objections, failed to attend the hearing finally fixed on 3.7.2007 and submit their representation, if any.

After hearing the arguments of Trade Unions/management, going through their representations, I have come to the conclusion that the objections of the Trade Unions are not based on sound consideration. The modification proposed by the management of CMPDI, Kanke Road, Ranchi is in pursuance of the judgment of the Hon'ble Supreme Court of India

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and any adjudication over the propriety or justification will be meaningless. Further, it is observed that the modification sought by the management are in consonance with the provisions of Model Standing Order.

In the above circumstance, I hereby order acceptance of the above modification and allow it to be incorporated in the Certified Standing Order of Central Mine Planning & Design Institute Ltd., Kanke Road, Ranchi in the manner given hereunder:

Clause 26.44 - Sexual harassment and includes such unwelcome sexual determined behavior (whether directly or by implications) as -

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

Regarding modification pertaining to Clause 28.6 and 30, the contention of the management is that under Clause 28.6 and Clause 30 of the Certified Standing Order, authority has been given to the Managing Director/Management of CMPDI to specify/notify the Competent Authority for the purpose of imposing the punishment of dismissal/discharge/removal from service of a workman and Appellate Authority respectively. During the course of hearing, the representative of management stated that with the modification of Clause 28.6 & 30 it will be more clear and specific.

The representatives of Coyla Mazdoor Union (AITUC) opposed the modification proposed by the management vide letter dated 26.2.2007 as the same has already been modified by the management vide Notification dated 29.8.2002/2.9.2002. But without observing the contents of the above notification, the Chairman-cum-Managing Director, CMPDI dismissed two non-executives under his signature who is notified as Appellate Authority.

The view of the two unions viz. CMPDI Karamchari Sangh (BMS) & National Coal Workers' Congress could not be known despite being given sufficient opportunity of being heard.

The other 3 Unions namely NCOEA (CITU), RMCS(INTUC) & JCMU(HMS) supported the modification of clause 28.6 & 30 as proposed by the management.

After hearing the arguments of the representatives of Coyla Mazdoor Union (AITUC) and management, going through their representations, it appears that the union is not opposed to modification of clause 28.6 & 30 but they are opposed to manner in which the two non-executives were dismissed which may be a subject matter of judicial review.

Since the modification proposed by the CMPDI management pertaining to clause 28.6 & 30 is reasonable and fair being very clear, specific and well understood by the workmen, I hereby order acceptance of the above modification and the said clauses are modified in the manner given hereunder :-

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✓ Clause 28.6 -

"For the purpose of imposing punishment of dismissal, discharge/removal from the services of the workmen (non-executive cadre) under Clause 28.6) of the Certified Standing Orders of CMPDI, the Functional Directors of the concerned Divisions/Departments shall be the Disciplinary Authority."

✓ Clause 30 -

"A workman on whom any of the penalty is imposed, shall have right to appeal before the Appellate Authority. The Chairman-cum-Managing Director of CMPDI shall be the Appellate Authority (for non-executive cadre employees). The appeal shall be submitted within forty five days of the receipt of the order of the punishment. The Appellate Authority shall dispose of the appeal within forty five days of the receipt of the same."

Accordingly, the Certified Standing Orders of Central Mine Planning & Design Institute Ltd., Kanke Road, Ranchi will stand modified in the manner set forth above.

Given under my hand and seal, this 10th day of July, 2007.




 (M.L. VERMA)
 REGIONAL LABOUR COMMISSIONER (CENTRAL),
 RANCHI AND
 CERTIFYING OFFICER