

**STANDING ORDERS IN RESPECT OF  
M/S MAHANADI COALFIELDS LTD., BURLA,  
SAMBALPUR**

**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 Mahanadi Coalfields Ltd situated in different places in the country which come within the definition on 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.

**2.0 DEFINITION:**

2.1 Attendance means the presence of the workmen 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 Mahanadi Coalfields 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 order shall be put on Notice Board and copies sent to the concerned registered trade unions.

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 under 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 under the Industrial Employment (Standing Orders) Act,1946.

2.11 'Wages' means wages as defined under the Payment of Wages Act', 1936.

2.12. Words in singular shall include the plural and vice-versa.

2.13 – For the purpose of this Standing Order “ Sexual Harassment” includes such unwelcome sexually determined behavior whether directly or otherwise as :

- (a) Physical contact and advances, or
- (b) Demand or request for sexual favours, or
- (c) Sexually coloured remarks, or
- (d) showing any pornography, or
- (e) any other unwelcome physical verbal or non verbal conduct of a sexual nature

### 3. CLASSIFICATION OF WORKMEN:

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

a). Apprentice : (Same as defined under the Apprentices' Act, 1961 and 'Apprentice' is a learner who is paid an allowance during the period of his training which shall inter-alia be specified in the terms of contract and for a specific period)

b). Permanent

c). Probationer

d). Temporary

3.2 Same as defined under the Apprentices' Act, 1961 and 'Apprentice' is a learner who is paid an allowance during the period of his training which shall inter-alia be specified in the terms of contract and for a specific period.

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

3.4 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.

3.5 '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 Mines Act and Rules / Regulations framed there under, all the workmen would be subject to periodical Medical examination (PME) 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.

“Workman who would request or would be detected in course of PME that he / she is suffering from colour blindness, epilepsy, or other such congenital disease may be horizontally / vertically moved to such post, commensurate with his skill and qualification with pay protection, as part of internal selection to fill up the vacant posts will be required to undergo medical examination.”

#### **5. IDENTITY CARDS:**

5.1. 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 authorized by the Competent Authority. The Identity Card shall not be tampered by any means by the workman.

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 20/- (Rupees Twenty) 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, which is not due to his / her fault.

However if the identity card is found to be tampered/damaged by the workman other than wear and tear, the duplicate card issued will be chargeable in above rate.

#### **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 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 authorized 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 The Standing Order is amended for introduction of daily attendance system according to the method prescribed by the Competent Authority from time to time for each section or department etc. This will include by adoption of modern biometric technologies like finger print/face or eye detection system as found suitable by competent authority which may vary from section to section or department to department or be uniform if required.

7.3 Workmen who are required to sign in an attendance register will mark the time while reporting for duty and leaving for duty apart from using biometric as per requirement.

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 WORKS:

Any workman who after going underground or above ground, 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 given 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 shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 and the Rules framed there under. If shift working is restarted, the workman 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 6PM at the office of the mine establishment. The Manager or any other person authorized by him shall witness and attest the payment and note the date of payment in the wages

12

register. Wages may also be paid to workmen through a bank on a specific authorization in writing by him. Payment of wages to a contractor's workman shall be made at a place to be specified by the Manager and it shall be witnessed by a nominee of the employer deputed for this purpose in writing.

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 there from 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 be exhibited in English and/ or in the language understood by the majority of workmen employed in the establishment of the Regional language on Notice Boards maintained at or near the main entrance of the establishment and at the Time Keepers Office if any.

10.2. Notice(s) specifying (i) the days observed as holidays and (ii) pay days shall be posted on the said Notice Board.

10.3. Notice as required under the Mines Act/ Payment of Wages Act and the Rules framed there under 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 08 paid festival holidays. Out of these 08 days the Republic Day, Miner's Day, Independence Day and Mahatma Gandhi's Birth Day shall be allowed without option and the remaining paid holidays shall be fixed by agreement or local custom. Where 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 substituted holiday with wages on any other day during the same calendar 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 receive Annual leave with wages in accordance with the provisions of the Mines Act / NCWA whichever is higher and in force from time to time. However, if any workman is already enjoying larger quantum of leave as per terms of his contract of services, 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 cannot 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 smallpox, 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 infection 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 such number of days on full pay in a calendar year with the benefit of accumulation as per NCWA provisions/terms and conditions drawn from time to time.

12.5. Application for leave or extension of leave on medical ground shall be supported by a certificate from a Medical Officer of the Company or where there is no such officer, government Medical Officer or failing him from a Registered Medical practitioner stating the period for which leave is recommended. On accepted 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 for resume duty unless he produced a certificate of fitness. If no information is received by the workman from the management regarding leave in question as applied for it may be presumed to be granted.

## 13. APPLICATION FOR LEAVE:

13.1. A workman who desire 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 of two days prior to the commencement of the leave application for which 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 thereof 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 as extension thereof he shall apply to the competent authority who shall send a

*D*

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 the Central Govt. and as modified by the National Coal Wage Agreement. Where, however the workmen are enjoying better 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 arrangement 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 NCWA 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 the workmen shall be fixed by the management from time to time.

17. 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 along with 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 of 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 recognized weekly rest days, after being notified for work, should obtain prior-permission from the Manager 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 incharge 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 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 workers will not ordinarily be required to remain at work place or work stop 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, as per the definition of I.D Act, 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 workmen concerned. Leaves 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 Dispute 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. 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.

### **20. SECRECY:**

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 secret and confidential documents of the establishment to any unauthorized person, company or corporation without the written permission of the employer.

*D*



**21 TRANSFER:**

21.1 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, but provided further that if a workmen 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 transfer and (ii) On the ground of request transfers, the seniority of the workman concerned is placed at the bottom of seniority list of his existing designation /grade at his new place of posting to which request has been made. Further, reasonable joining time is allowed in case of transfer 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 of the National Coal Wage Agreement in relation to leave travel concession for himself and for each of his dependant parents, wife and children if they do not avail of the conveyance of the Management. The workmen shall also be paid one extra fare towards the incidental charges even if he has used the Management's transport.

21.3 Personal effects of the workmen shall be limited to the ceiling applicable to the executives of the company.

21.4 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 workmen must notify the management his local and or permanent residential address. Any change of address local / or permanent shall be immediately notified in writing to the management by the workman with valid documents.

**23. METHOD OF FILLING VACANCIES:**

The filling of permanent vacancies internally by the Company and with regard to employment to dependants, shall be done as per the operative provision of NCWA and Government directive in force at the relevant time and revised from time to time.

**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 or wages in lieu thereof shall be given by the employer.

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

24.2 Subject to the provisions of the Industrial Dispute Act', 1947, no notice of termination of employment shall be necessary in the case of temporary workmen. Provided further that when the services of a temporary workman, who has completed three months continuous services, shall be given two weeks notice of the intention to terminate his employment if such termination is not in accordance with terms of the contract of his employment. Provided further that when the services of a temporary workmen, who has not completed three months continuous service are terminated before the completion of the terms of employment given to him, he shall be informed of the reason in writing.

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

i). For monthly paid workmen-One month

ii). For weekly paid workmen-Two weeks

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

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

## **25. COMPANY'S QUARTERS:**

25.1 Allotment of quarters to the workmen shall be made as per "House Allotment and Administrative Rules for Non Executives of MCL" which is framed and revised by the company from time to time and in consultation with the union. 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,

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 workmen being in service of the company. However where case pertaining to the concerned workers is pending before CGIT till the case is decided by the CGIT or where the management prefers and appeal against the AWARD of the CGIT till the case is decided by the Hon'ble Court of Law.

25.4 The Management reserves the right to withhold the terminal dues (other than gratuity payable under Payment of Gratuity Act'1972) of the workman for non vacation of company's quarter.

12



**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 Willful 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 behavior either at his place of work or at the colliery / establishment or company's residential settlements.
- 26.5 Willful neglect of work.
- 26.6 Smoking underground or within the mine or in place 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 single 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 or inciting other employees to resort to violence.
- 26.13 Tampering with the company's record with ulterior motives.
- 26.14 Unauthorized 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 byelaws there under.
- 26.16 Making accusations or allegations against a superior or an Officer of the company without any basis/ proof 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. Gherao, 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 Broadcast or contributing any article or writing any letter to any newspaper or periodical on a subject having a bearing on the affairs of the Company without prior written intimation to the competent authority.
- 26.22 Any willful and deliberate act which is subversive of discipline or which may be detrimental to the interest of the company.
- 26.23 Sabotage or causing willful 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 bill, 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 Organizing, 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 unauthorized 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 it's estates.
- 26.30 Absence from duty without sanctioned leave or sufficient cause or overstaying beyond leave.
- 26.31 Sleeping on duty
- 26.32 Malingering
- 26.33 Acceptance of gifts from subordinate workmen or contractors.
- 26.34 Leaving work without permissions or sufficient reason.





26.35 Disclosing to any unauthorized 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 identify card to any other person or frequent loss thereof.

26.39 Abetment 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 mine's or establishment's premises without previous written intimation to the management.

26.42 Interference with the safety devices or fire-fighting equipment.

26.43 Indulging in any act of sexual harassment of any workmen at her work place

26.44 May be altered/modified subject to prior submission of plan to the General Manager of the Area who will have right to approve with or without conditions or reject

26.45 Non-adherence of the provision may be treated as an act of misconduct.

## **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 When an employee is charge 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

12

or Officers of the company appointed by the management. At the enquiry the workman concerned shall be afforded reasonable opportunity of defending himself. The workman concerned shall be entitled to be represented or assisted by a co-worker or office bearer of a trade union of which he is 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 willful damage to the property of the company or sabotage or serious case of willful insubordination etc. The order of suspension pending enquiry shall be in 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  $3/4^{\text{th}}$  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  $1/4^{\text{th}}$  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 as alleged against him or some other charges brought in the course of the enquiry or is convicted in the criminal proceeding and is consequently discharged or dismissed, he shall not be entitled to any remuneration for such period other than the subsistence allowance already paid to him. If a penalty other than dismissal, discharge or removal is imposed on him or he is exonerated of charges 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, had he not been suspended except in case, where he is suspended not exceeding ten days as a measure of punishment.

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 in to 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 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.

28.11 In case of issuance of charge sheet to a workman and his consideration of promotion through DPC, as per the CVC guideline, will be kept in a sealed envelope.

### **29. PROVISION REGARDING WORKMEN BORROWED FROM OTHER SOURCES:**

In the application of these Standing Order in relation to the workmen whose service have been borrowed by the company from another organization and who retain a lien in their parent organization any operation of these Standing Orders shall be subject to the terms and conditions on which their service have been loaned to the company.

### **30 APPEAL:**

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 forty five days receipt of the order of punishment. The appellate authority shall dispose of the appeal within forty five days of receipt of the same.

### **31. REVIEW OF CASES OF PUNISHMENT:**

An authority higher than the Appellate Authority may review the cases 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

R

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 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 language of the local area in which the mine / establishment is situated shall be pasted at the Manager office and in such other place of the mine as the employees 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, will come into force as provided for in the Industrial Employment(Standing Orders) Act, 1946 and disciplinary action which is already initiated under previous Certified Standing Orders and might be pending at the time of coming in to force of these standing orders, shall continue to prevail as per clauses / terms of the previous certified standing orders until it is finally disposed of.





37.2 These Standing Orders shall not in any way curtail or adversely affect better privileges enjoyed by the existing workmen in any colliery / establishment other than provisions which are made herewith in the matter of discipline and formulating policies.

38. Simultaneously with the coming into force of their Standing Orders, the existing Certified Standing Orders in respect of the individual establishment / mine 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 15<sup>th</sup> day of February Two thousand Nineteen.

Dated.15.02.2019

Sd/-  
(Dr.T.K.Panda)  
Regional Labour Commissioner (Central), Bhubaneswar &  
Certifying Officer under the IE (Standing Orders) Act'1946

12