

Standardized guidelines for submission of Draft Standing Orders for certification under the provisions of The Industrial Employment (Standing Orders) Act, 1946 and rules framed there under in respect of Hotel, Restaurant, Resort and the like.

STANDING ORDER

**CERTIFIED STANDING ORDERS FOR THE WORKMEN OF
HOTEL..... VILLAGE
TEHSIL, DISTRICT....., HIMACHAL PRADESH.**

1. APPLICATION

- A)** These Standing Orders may be called the CERTIFIED STANDING ORDERS of Hotel, Village Teh-, District, Himachal Pradesh.
- B)** These Standing Orders shall come into force in accordance with the provisions of Section 7 of the Industrial Employment (Standing Orders) Act,1946.
- C)** These Standing Orders shall apply to all the workman employed in the Establishment of M/s., Village Teh-, District, Himachal Pradesh as defined in section 2 (s) of the Industrial Disputes Act, 1947.
- D)** The Standing Orders may be modified as provided in section 10 of the Industrial Employment (Standing Orders) Act, 1946.

2. DEFINITIONS:-

- i)** Hotel :- 'Hotel' includes hotel, restaurant, eateries, residential accommodation, resorts & the like.
- ii)** Unit or Employer :- 'Unit' and 'Employer' meanhaving its Establishment namely Village Teh-, District, Himachal Pradesh with its registered / head office at(mention name and address of Head / Registered Office).
- iii)** Management :- 'Management' means the Proprietor/ General Manager/ Board of Directors/ President/ Vice President etc. appointed to run the administrative function of the Hotel or any other person as may be authorized in this behalf.

- iv)** Hotel Premises :- 'Hotel Premises' will include the hotel compound and hotel premises, all of its precincts, its lay-out and its administrative buildings situated at VillageP.O.....Tehsil.....Distt., H.P.
- v)** Board :- 'Board' means the Board of Directors of the Hotel.
- vi)** Workman :- 'Workman' means a workman as defined in section 2(s) of the Industrial Disputes Act,1947.
- vii)** Notice :- 'Notice' means a notice in writing required to be given or to be passed for the purpose of these Standing Orders.
- viii)** Notice Board :- 'Notice Board' means the board specifically maintained for displaying the hotel's notices of a general character from time to time at the main gate of the time office or in concerned section / department of the hotel as prescribed in Labour Laws.
- ix)** Leave :- 'Leave' means authorized absence with or without pay.
- x)** Habitual :- 'Habitual' means involving repetition of any act of commission or omission for more than 3 times in a period of 12 calendar months.
- The word Employer/ Director, President, General Manager, Employer, Management, Establishment, shall for all purposes means the Management of M/s.at Village.....TehsilDistrict H.P
- xi)** Dismissal :- 'Dismissal' means ordinarily punishment by way of dismissal from services but compulsorily in pursuant to proper enquiry.
- xii)** Superannuation :- 'Superannuation' means the attainment of an age of 60 years by the employee.
- xiii)** Unauthorized Absence :- 'Unauthorized absence' shall mean and include absence without prior permission of the appropriate authority, desertion of work place or leaving the establishment/ hotel premises before the fixed time.
- xiv)** Words imparting the singular number will include the plural numbers and vice-versa, except where expressly mentioned

otherwise. Similarly, the words imparting the masculine gender shall include the feminine gender except where expressly mentioned otherwise.

- xv) 'Medical Certificate' means a certificate duly signed by the authorized Doctor of E.S.I. Dispensary, concerned Civil Surgeon or a Registered Medical Practitioner, who is M.B.B.S. or by the Government Doctor who is so authorized under law.

3. CLASSIFICATION OF EMPLOYEES:

The workmen shall be classified as under:-

- 1) Permanent
- 2) Probationer
- 3) Temporary
- 4) Casual
- 5) Apprentice (Learner/Trainee)
- 6) Badli (Substitute)

- 1) '**Permanent Workman**' is one who is appointed as such by a written order of the management on a permanent post and includes any person who has satisfactorily completed a probationary period as given in sub-clause (2) below has been confirmed as such in writing against a permanent post.
- 2) '**Probationer**' means a workman who is provisionally employed on trial to fill any vacancy against a permanent post and has not been confirmed as permanent in accordance with these Standing Orders. Ordinarily the period of probation shall be 3 months but it may be extended once for a further period of 3 months provided probationary period shall not more than 6 months.
- 3) '**Temporary**' workman means a workman who has been engaged on temporary basis for any specified work for a specified period stipulated in the terms of employment on the completion of which his/her services shall stand terminated automatically and shall also include any workman who may be employed as an additional hand in connection with temporary increase in workload or for doing work of an urgent nature.
- 4) '**Casual**' workman means a workman who is employed for any work of an occasional, casual or intermittent nature. He will be paid only for the actual days or time worked.

- 5) **Apprentices** means a person who is undergoing apprenticeship training in a designated trade in terms of the Apprenticeship Act, 1961 and the rules framed thereunder.
- 6) **'Badli'** or **'Substitute'** workman is a workman who has been appointed in the post of permanent workman or a probationer, who is temporarily absent.

4. **RECRUITMENT & EMPLOYMENT**

- a. No person seeking employment will be deemed to have been employed until a certificate of fitness has been obtained from the Medical officer of the company or Medical Officer of Government Hospital or Dispensary. The necessity of a certificate of fitness can be waived off under special circumstances by the management.
- b. On appointment, name of every employee as well as the category of work to which he belongs shall be entered on the Muster Roll.
- c. At the time of the appointment, employee must produce evidence of age, namely, birth certificate or school leaving certificate or Insurance Policy . In the absence of any of these, on affidavit by the employee concerned affirming his correct age shall be considered valid evidence of age and shall be binding on the employee and employer or same can be amended as per prevalent law. In addition to this provision regarding record of age provided in the Model Standing Orders shall also be applicable.
- d. If at any time, it is found that the Employee has furnished false information to the Management on the basis of which the appointment is given to the employee, the Management may initiate disciplinary proceedings.

5. **IDENTITY CARDS:**

- a. Employee will be provided with an identity card containing the following or any other particulars that the Management may deem proper from time to time as per applicable labour laws.
 - i. Id Card No.
 - ii. Name.
 - iii. Date of birth.
 - iv. Father/Husband Name
 - v. Local Address
 - vi. Name of Next kin : Relationship
 - vii. Permanent Address

- viii. Contractor Name : License if any : Address
 - ix. Nature of Employment : Wage Rate
 - x. Date of Employment issued by : Valid unto
 - xi. Date of Issue
 - xii. Photograph of the employee with stamp of issuing authority affixed thereon.
 - xiii. Signature of thumb impression of the employee.
- b. The identity card shall not be transferable.
 - c. There shall be no tampering with the identity card.
 - d. The cost of the photograph and identity card shall be borne by the employer and not by employee.
 - e. Every employee when he ceased to be in the employment of the Employer/ Company shall deposit his identity card with the HRD office/ management.
 - f. The identity card shall be the property of the Employer/ Company and its loss must immediately be reported to the Manager HRD through the Departmental Head. Failure to report the loss shall render the employee liable to disciplinary action.
 - g. The identity card is to be carried at the times while on duty. Every employee shall on being required to do so, show his identity card to any person superior to him or any other person authorized by the management to inspect the same.

6. MEDICAL EXAMINATION

Every employee will be required to undergo medical examination by medical Officer. No employee will be deemed to have been employed until he has undergone the medical examination and declared medically fit for the employment. At the time of medical examination every employee shall provide true and correct information relating to his health to the Medical Officer.

The Management reserves the right to send any employee for periodic medical check-up during the course of employment or every six months at the cost of the Management. Non submission for medical examination by any employee will be a misconduct. The Management may take appropriate action as per applicable labour laws if the employees found to be medically unfit to perform his duties temporarily or permanently.

All employees who handle Food (i.e. Chef De Parties, Head Cooks, Cooks, Kitchen Chefs, Senior Captain, Captains, Stewards, Utility Worker, Bartenders, Bar Stewards) will be required to submit to a full medical examination in every six months or as desired by the Management.

7. LOCKER FACILITY:

- a) Every employee will be allotted a locker.
- b) Loss of locker key is to be reported immediately to the HRD Office/Employer.
- c) Employees will not use their personal locks on the locker.
- d) No food stuff, alcoholic drinks, tobacco, pan-masala, intoxicants or any such items, inflammable material and soiled clothing are to be kept in the lockers or in the locker room.
- e) The locker room, wash room and the locker are to be kept clean and tidy.
- f) The management reserves the right for periodic inspection of the lockers by an authorized person.
- g) On termination of service the locker is to be surrendered immediately to the HRD Office/ Employer.

8. ATTENDANCE PROCEDURE

- a. All employees shall work in the establishment at the times fixed and notified. Employees attending late may not be allowed to attend duties and treated as absent provided that no employee who attends within ten minutes of the starting time shall be allowed to attend the duties. The absence from work or coming late shall be governed by provisions of Payment of Wages Act,1936 however the circumstances beyond control would be considered by the Management.
- b. Attendance of the employees shall be marked on the basis of daily attendance prescribed register maintained by the time keeper and / or department heads.
- c. The employees on attendance on each day will mark their attendance in the prescribed Departmental Attendance Registers and will report to their department heads at the appointed time. Similarly, at the time of going off duty, the employees will report to the department heads and will mark their attendance in the prescribed Department Attendance Registers.

- d. Similar procedure as specified in sub clause (c) above will be followed when the employees go out for their break or rest interval or when they leave or rejoin the duty for whatsoever reasons.
- e). If any employee is found absent from his appointed place of work during working hours without permission, he shall be liable to be treated as absent for the whole day in case his absence commences before the first break
- f. In case of employees attending late or treated as absent under sub clause (e) of the above, their wages are liable to be deducted as per provisions contained in the payment of Wages Act, 1936.
- g. Every employee at the start of his duty / shift must be present in uniform (if prescribed and provided by the employer) at his appointed place of duty and will not leave at the end of his duty / shift unless he hands over charge of work properly to his relieving employee. The shift working shall be regulated as per applicable labour laws.

9. LEAVE PROCEDURE

- A)** Maternity benefits and maternity leave shall be regulated as per provisions of the Maternity Benefit Act, 1961 or other applicable labour laws or better provisions may be made as per service conditions and settlement regarding leaves and holidays.
- B)** (i) A workman may be granted leave without pay for a total period of one month during the calendar year. Grant of such leave shall depend on the requirements of the department in which he/she is employed and on well founded reasons. However, in the case of sickness, if the total period of such leave granted to a worker exceeds one month in any calendar year, the manager may extend it beyond one month depending on the merits of the case. Further for granting of such leave, exigencies of employee shall also be considered along with discretion of the management, Further where the ESI Act, 1948 is applicable, the period of sickness is accordingly regulated as per relevant provisions and rules framed thereunder.
(ii) An application for sick leave extending more than 3 days shall be accompanied by a medical certificate signed by the Medical Practitioner in the absence of the Medical Officer of the Establishment or of the Employees'

State Insurance Corporation; but in case the worker happens to be outside the place, by a certificate issued by a Registered Medical Practitioner or Govt. Medical Officer.

- C) Any workman, who desires to obtain leave of absence without pay for any cause, shall apply in writing to the Departmental Head, ordinarily one week before commencement of the leave applied for. It shall be the duty of the Departmental Head to pass orders on the application within 3 days of its receipt. If the leave applied for is of urgent nature, i.e., to commence on the date of the application, shall be dealt with without delay. If the leave asked for is granted, the grant of such leave shall be recorded on the application, attendance card and a leave pass will be issued to the worker. If, however, the leave is refused or postponed, the fact of such refusal or postponement shall be expressed and explained in writing. However the condition of one week advance will not be applicable in case of sickness and in case any unforeseen circumstances.
- D) If a worker, after proceeding on leave, desires an extension thereof, he/she shall make an application in writing for the purpose, to the authority granting leave, having sufficient time for the reply to reach him before the expiry of the leave already granted. A written reply either of the grant or refusal of extension of leave shall be sent to the workman through ordinary post as well as registered post or through courier, on the address supplied by him/her, otherwise on the address already given in the records of the establishment if his/her application is received before the expiry of the leave originally granted to him/her. It shall be at the discretion of the management to grant or refuse such extension keeping in view the merits of the case.

10. OVERSTAY

- A) If the worker remains absent beyond the period of leave originally granted or subsequently extended, he/she shall lose his/her lien on his/her employment unless:
- i. He / She returns within 8 days of the expiry of leave: and

- ii. Gives explanation to the satisfaction of the management of his inability to return in time and in such case, the management at its sole discretion keeping in view merits of each case, may allow continuation of his/her employment.
- B) A workmen not reporting for duty within 8 days of the expiry of his/her leave. The disciplinary action may be contemplated.
- C) If a workman is involved in a criminal case and unable to report for work on that account, his/her services are liable to be terminated after conducting disciplinary action.

11. DEDUCTIONS

All the deductions from wages of workers shall be made in accordance with the provisions of Payment of Wages Act, 1936.

12. HOLIDAYS

The employees will be entitled for the following holidays or the Holidays as settled in any settlement the Management and Employees every year with full wages in consonance with legal provisions or better settlement.

- a. Republic Day.
- b. Holi.
- c. Independence Day.
- d. Birthday of Mahatma Gandhi.
- e. Diwali.
- f. Dussehra.
- g. Himachal Day
- h. Vishkarma Day.

If an employee is required to work on any holiday on account of continuous process, essential services then he shall be paid additional wages for the work done as per provisions contained in H.P. Shops and Commercial Establishments Act, 1969 or The Minimum Wages Act, 1948.

13. ENTRY AND EXIT

No employee shall enter or leave the premises of the establishment and the department except by the gate(s) appointed for the purpose.

14. LIABILITY TO SEARCH

- a) All the employees including female employees shall surrender articles or things in their possession for examination by the Watch and Ward staff of the undertaking or by any other person appointed for this purpose but the female employees will only be searched by female searchers and male employees by the male searchers.
- b) 'Outgoing Package" or articles being carried out after duty or any time must bear the signature of the respective Heads of Department but they will still be open for inspection by the Watch and Ward staff. No Hotel property may be taken from the premises without the specific authorization of the General Manager.

15. SHIFT WORKING.

More than one shift may be worked in a department or departments or any section or sections of the department of the establishment at the discretion of the Management which would be regulated as per legal provisions. Every employee shall be liable to be rotated from one shift to another whether day or night. Employees shall not change inter-se without orders and written permission from the Management. The management in its discretion may rotate duties of all employees including permanent and temporary employee in the interest of the business of the Hotel.

Whenever a shift is discontinued, notice of twenty one days shall be given.

If, as a result of the discontinuance of any shift, any employee is likely to be discharged, he shall be discharged keeping in view the provision of Industrial Disputes Act, 1947.

Whenever a shift is re-started or whenever working hours of the shift are altered, the re-employment shall also be regulated as per provisions of the Industrial Disputes Act, 1947.

Shift working will be so arranged that no workman is employed in the night shift for more than seven days at a time after which he will be transferred to the day shift for a period not less than the period for which he has worked in the night shift.

16. LAY-OFF RETRENCHMENT, CLOSURE OR STOPPAGE OF WORK AND TRANSFER OF ESTABLISHMENT ETC.

The Lay-Off, Retrenchment, Closure, Stoppage of Work and Transfer of Establishment shall be as per provisions of the Industrial Disputes Act, 1947.

17. UNIFORM

All uniforms, shoes, etc., provided by the management to the employee shall be used exclusively for the purpose and discharge of duties of Hotel and on no account to be used for private purpose or while off duty. Before leaving the services of the management, the employee shall return to the Hotel management any articles, uniforms, lockers, key etc., which may have been issued to him/her by the management for use during employment. In case of his/her failure to do so, the management may recover the reasonable and appropriate value of the articles by deduction from salary after giving reasonable opportunity of explanation.

18. OVERTIME

The overtime work will be performed and extra wages on account of overtime shall be paid as per provisions of applicable labour laws.

19. FIDELITY AND SECURITY BOND.

In case of loss on account of shortage of cash and loss of property, the employer shall have right to recover the same from such employee, after giving proper opportunity and conducting enquiry/ disciplinary proceedings.

20. DUTY HOURS.

The period, hours of work of each category of employee and shift will be fixed by the Manager or by the respective Departmental Head for their departments, as per relevant provisions of labour laws.

21. TERMINATION AND RETIREMENT

When the employment of a permanent employee is to be terminated, he shall be given one month's notice or shall be paid wages for one month in lieu of notice as per the provisions of labour laws. The retirement shall be governed by rule 3 of the Industrial Employment (Standing Order) Himachal Pradesh Rules 1973 and amended rules of 1991. Superannuation benefits shall be regulated as per labour laws and the management at its discretion re-employ an employee who has retired after attaining age of superannuation on the terms and conditions as decided by the employer and accepted by the employee but the terms and conditions shall not be contrary to labour laws.

An employee who leaves service or retire or is discharged shall be given a service certificate.

22. GENERAL

Every employee of the Hotel shall at all time:

- (a) Maintain absolute integrity.
- (b) Maintain devotion to duty.
- (c) Do nothing which is unbecoming of an employee of the Hotel.

23. MISCONDUCT

(A) Minor misconducts:

- i. Late or irregular attendance.
- ii. Absence from duty without leave and without sufficient justification for any period less than 10 days.
- iii. Overstaying sectioned leave without sufficient justification for any period or more than 10 days.
- iv. Neglecting work or negligence in the performance of duties.
- v. Sleeping, napping/ dozing during working hours.
- vi. Refusal to work on a job or assignment of similar nature without giving adequate reasons for the same.
- vii. Holding a meeting inside the premises of the establishment without the previous permission of the manager or except as permitted by law.
- viii. Failure to show consideration or attention to officers, customers or other

employees of the establishment or unseemly behaviors during the course of duties.

- ix. Borrowing money from a subordinate.
- x. Refusal to undergo training in first aid, fire fighting and air raid precautions without any cogent reasons.
- xi. Refusal to receive official communication.

(B) Major Misconducts:

Without prejudice to the general meaning of the term "Misconduct" it shall deem and mean, of all acts of misconducts and other acts of omission specified herein below:-

1. Insubordination and or refusal to work or disobedience whether alone or with others, of any lawful and reasonable orders of superiors including the order which the manager may issue under these standing orders from time to time.
2. Theft, fraud or dishonesty in connection with the company business or property of another person's or employee on the premises of the establishing or unauthorized retention of any property or quarter of the company.
3. Breach of any standing order or any law applicable to the establishment or any rules made there under.
4. Soliciting or collecting contribution for any purpose whatever including union dues or subscription or canvassing union membership at any time in the establishment without the written permission of the manager.
5. Engaging in trade including money lending or borrowing within the premises of the establishment.
6. Riotous, disorderly or incident behaviors or wrong fully interfering with the work of other employees or any improper Act, with in the establishment premises or inciting violence.
7. Damage whether willful or due irresponsible action or negligence to any plant, machinery of work in process or to any property of establishment.

8. Disclosing to any unauthorized person any information in regard to the process or relating to business of the establishment which may come to possession of a workman during the course of his employment.
9. Distributing or exhibiting or causing to distribute or exhibit hand bill, pamphlet, posters and/ or other things or causing to be displaying by mean of signature or writing or other visible representations of any matter with-in factory premise without previous sanction of the manager in writing.
10. Taking or smuggling or being found in possession of any lethal weapon in toxicants, explosive material etc. in the establishment.
11. Doing private, personal or union work within the establishment without the previous permission of the manager.
12. Willful falsification, defacement or destruction of records of the establishment.
13. Allowing an unauthorized person to operate his machine and operating or attempting to operate or use of any machine without specific permission or use of any machine without specific permission or instructions of the in-charge.
14. Operating or attempting to operate or use of any machine without specific permission or instructions of the Incharge.
15. Blocking or obstruction the gate or gates of the establishment factory or office, subject to the provisions of the Industrial Disputes Act, 1947.
16. Hunger strike with factory premises, go slow, dharna, stay in strike or to tool down for any reason whatsoever, subject to the previsions of the industrial Disputes Act, 1947.
17. Habitual late attendance.
18. Smoking at workshop floor and at place where smoking is prohibited.
19. Willful or deliberate or intentional or knowingly slowing down of production or inciting other to slow down, subject to the provisions of the industrial Disputes Act,1947.
20. Conviction by a court of law for any offence involving moral turpitude.
21. Threatening, intimidating, insulting, abusing, using abusive language or

assaulting any superior or co-worker in connection with the establishment business, either inside or outside the factory.

22. Tampering with any safety devices installed in the establishment or not following the given instructions pertaining to safety or refusal to use safety apparatus/equipment provided by the management.
23. Drunkenness or intoxication or gambling during the course of duties.
24. Willful absent from duty or making application for leave on false grounds.
25. Unauthorized occupation or use of company quarter, telephone, conveyance or other property.
26. Sexual harassment which includes such un-welcome sexual determined behavior (whether directly or by implication) as-
 - I. Physical contact and advances; or
 - II. Demand or request for sexual favours; or
 - III. Sexually coloured remarks; or
 - IV. Showing pornography ; or
 - V. Any other un-welcome physical, verbal or non-verbal conduct of sexual nature.

26-A Provided that where there is a complaint of sexual harassment within the meaning of above sub-clause (24.26), the Complaints Committee constituted under sub-paragraph (24.26-B) in each establishment for inquiring into such complaints, shall deemed to be inquiring authority appointed by the employer for the purpose of these rules. The complaint committee shall hold the inquiry, unless separate procedure has been prescribed for the complaints committee for holding such inquiry into the complaints of procedure laid down in these rules.

(23.26B) the complaints committee shall consist of -

- a) A chairperson who shall be a woman;
- b) Two members representing non- government organization (NGO) or any other body which is familiar with the issue of sexual harassment or nominees of the National or State Human Rights Commission or the National or State Commission for woman familiar with the issue of sexual harassment, To be nominated by the employer:
Provided one of the two members of the Complaints Committee shall be a woman.

(23.26C) The complaints Committee shall make and submit every year an annual report, to the appropriate Government, of the complaints and action taken.

(23.26D) The employers or their agents shall report, to the appropriate Government, on the compliance of the guidelines issued by the Central Government in pursuance of the directions of the Supreme Court in Writ Petition (Criminal) Nos. 666-670 of 1992(Vishakha V. State of Rajasthan and Others) including on the reports of the Complaints Committee.

24. PROCEDURE FOR ENQUIRY

I) PROCEDURE FOR AWARDING PENALTIES FOR ACTS OF MINOR MISCONDUCT:

Where an allegation of a minor misconduct is alleged against a workman, he shall be called upon to explain his position. He shall be given one week's time to submit his explanation. The Manager shall, after considering the reply received from the workman and taking into account the gravity of circumstances that may exist, decide whether the workman deserves any punishment and if so, pass orders accordingly. The management may, in special circumstances, hold an inquiry into the allegations after serving him with a proper charge-sheet and following the procedure as per these rules. The worker may appeal against the order so passed to the higher authorities or take legal course of action.

II). PROCEURE FOR DEALING WITH CASES OF MAJOR MISCONDUCTS AND PUNISHMENT

A) PUNISHMENTS

Against a workman found guilty of any major misconduct, the following punishments can be awarded by the management after holding proper enquiry, taking into consideration the act(s) of misconduct (s) so proved:

- 1) Dismissal or discharge from service.
- 2) Break in service and loss of benefits of past service
- 3) Demotion to the next lower cadre.
- 4) Stopping or with-holding of increment and promotion for a period up to two years.
- 5) Warning, reprimand or censure.

B). PROCEDURE OF ENQUIRY AND PUNISHMENT FOR MAJOR MISCONDUCT:

No order imposing any of the penalties specified in this rule shall be made except after an enquiry, in the manner provided in this rule:-

- a) The employer or the manager or a person authorized by the employer or the manager shall give to concerned worker a charge sheet clearly

setting forth the charges of misconduct and circumstances appearing against him and requiring his explanation.

- b) The worker shall be given at least ten days for submitting his explanation.

Provided that such time may be extended for a maximum period of fifteen days after the expiry of 10 days, if cogent reason are advanced by the worker for seeking an extension.

Note:- A show cause notice making details of the misconduct and requiring the explanation may be treated as charge sheet.

- c) In case the worker fails to submit his explanation within the prescribed time or extended time allowed to him or whether the explanation submitted by him is not found satisfactory, the employer or the manager or the person authorized by the employer or by the manager shall appoint a person to hold an enquiry and issue a notice containing the name of the enquiry officer, date time and place of enquiry. The enquiry officer may be from within or outside the establishment.

Provided:- That in case the workman admits in writing the charges leveled against him and the employer is satisfied that such an admission is voluntary, it shall be open to employer or the manager to award any one of the punishment provided in these rules without holding any inquiry.

- d) While holding the inquiry, first of all the evidence produced by the employer against the concerned worker shall be recorded and the accused worker shall be given full opportunity to cross examine the witness produced by the management against him. After that the detailed statement of the accused employee shall be recorded in respect of all the evidence in defense. In case he does not want to produce any evidence in defense, the inquiry officer shall record his statement to that effect. If he wants to produce evidence in defense, it shall be recorded. Defense witnesses may be cross examined by the management's representative.
- e) The inquiry officer may ask any question to the witnesses or the accused worker in the interest of justice;
- f) If the worker makes a request, the inquiry officer shall issue a written requisition to the employer to produce before him any documents or information in his custody, which is considered relevant or necessary for the purpose of the enquiry. The employer shall produce the documents or information unless production of the documents is prejudicial to the interest of the establishment.

- g) The concerned worker, if he makes a request, shall be furnished with the certified copies of the documents, statements and depositions sought to be relied on as evidence against him before he is called upon to make his submission to enquiry officer during the inquiry.
- h) The accused worker may mention any employee of the establishment as defense witness. The inquiry officer shall call him to give evidence unless for reasons to be recorded in writing, he considers his evidence to be irrelevant.
- i) During the inquiry proceedings the concerned worker shall be permitted to be assisted/ defended by a fellow worker who must be an employee of the establishment. The worker defending shall be given necessary time for the conduct of the inquiry. No outsider will be permitted to represent the workmen during inquiry proceedings.
- j) The inquiry officer shall on the conclusion of the inquiry, submit his report in writing giving his findings with reasons thereof to the authority, which had appointed the inquiry officer.
- k) In case the management decides to impose any of the major punishments on the accused employee on the basis of the finding of the inquiry officer it shall supply a copy of the report of the inquiry officer to the accused worker for his comments.
- l) If the reply given by the accused worker is not found to be satisfactory, the employer shall pass appropriate order of punishment against the worker. A copy of this order shall be given to the concerned worker immediately.

The worker may appeal against the order so passed to the higher authorities or take legal course of action.

Note:- Any notice, order, charge sheet or intimation under these orders which is meant for an individual worker shall ordinarily be in English **(or)** Hindi unless a specific written request is made by the concerned worker, to be provided in a language other than English. In case of an employee who is absent, such a notice shall be sent to him by registered notice with acknowledgement on his last known address as per office record.

25. SUSPENSION PENDING ENQUIRY

A workman against whom any action is proposed to be taken may be suspended pending inquiry or for the periods, if any, given to him for submitting his explanation. The order of suspension will take effect

immediately on its communication to the workman and it shall be formulated as per the provisions of Model Standing Orders.

- 1) Where the inquiry contemplated or pending is departmental, the subsistence allowance shall for the first 90 days from the date of suspension, be equal to half or 50% of the wages to which the workman would have been entitled to if he was on leave with wages. If it exceeds 90 days and gets prolonged unless the inquiry has been delayed because of default of the worker and worker continues to be suspended, the subsistence allowance shall for the period exceeding 90 days, be equal to $\frac{3}{4}$ th or 75% of wages provided further that during the period of suspension, the management has the right to ask the concerned workman for marking his attendance every day at the appointed time and place so stipulated in the written orders issued to him and if the workman fails to do so, he shall not be entitled for suspension allowance.
- 2) If on the conclusion of the inquiry or of the criminal proceedings, the workman concerned is found guilty of the charges framed against him and it is considered that an order of dismissal or suspension or stoppage of annual increment or reduction in rank or any other punishment would meet the ends of justice, the management/manager shall pass an order accordingly.
- 3) If a workmen is found guilty under the above clause and it is considered that the period of suspension up to the conclusion of the enquiry is sufficient punishment, orders shall be passed to reinstate the workman treating the period of suspension as punishment without further payment for this period except the suspension allowance admissible under these standing orders.
- 4) If on the conclusion of the enquiry proceedings, the workman has been found not guilty of any charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages and other service benefits as he would have received if he had not been placed under suspension.
- 5) The payment of subsistence allowance under the standing orders shall be subject to the suspended workman concerned not taking up any employment anywhere else during the period of suspension and presenting

himself on each working day at the entrance gate of the industrial establishment at the time specified in the suspension order by the Manager. The suspended workman shall accept all the communications addressed to him by the management.

- 6) In awarding any punishment under these standing orders, the management may take into account the gravity of the misconduct, the previous record, if any.
- 7) All orders of dismissal or any other punishment shall be made in writing by the manager.
- 8) A copy of the order passed by the management / manager shall be supplied to the workman concerned and it shall take effect from the date specified therein.
- 9) A workman dismissed for misconduct shall be paid his dues before the expiry of second working day, provided the worker has immediately delivered to the authorized person all the property or belongings of the management in his possession. The residential accommodation or other accommodation allotted to him, will be handed over to the management within 15 days.

26. SERVICE RECORD

The service record shall be governed according to Model Standing Order and shall be maintained as per Form-I.

- a) Certification of Service-Every workman shall be entitled to a service certificate specifying the nature of work (designation) and the period of employment (indicating the days, months, years) at the time of discharge, termination, retirement or resignation from service.
- b) Residential address of workman- A workman shall communicate to the employer immediately on engagement the details of his \ residential address and thereafter promptly communicate to his employer any change of his residential address. In case the workman has not communicated to his employer the change in his residential address, his last address shall be treated by the employer as his residential address for sending any communication.

- c) Record of Age- (a) Every workman shall indicate his exact date of birth to the employer or the officer authorized by him in this behalf at the time of entering the service of the establishment. The employer or the officer authorized by him in this behalf may, before the date of birth of a workman is entered in his service card require him to supply the following documents:-
- (i) His matriculation school leaving certificate granted by the Board of Secondary Education or similar educational authorities or head master of the school, or
 - (ii) A certified copy of his date of birth as recorded in the register of a municipality or local authority of Panchayat or Register of Births; or
 - (iii) In the absence of either of the aforesaid two categories of the certificates, the employer or the officer authorized by him in this behalf may require the workman to supply, a certificate from a Government Medical Officer indicating the probable age of the worker, provided the cost of obtaining such certificate is borne by the employer; or
 - (iv) Where it is not practicable to obtain a certificate from a Government Medical Officer, an affidavit by the Workman as evidence in support of the date of birth given by him.
- (d) The date of birth of a workman, once entered in the service record of the establishment shall be the sole evidence of his age in relation to all matters pertaining to his services including fixation of the date of his retirement from the service of the establishment. All formalities regarding recording of the date of birth shall be finalized within three months from the date of appointment of a workman.
- (e) Cases where date of birth of any workman had already been decided on the date these rules come into force shall not to be reopened under these provisions.

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

27. TRANSFER / OUTSTATION DUTIES:

- A) Workmen shall be liable to be transferred or sent on outstation duty in connection with any work or business of the employer for such period as

- may be considered necessary.
- B) The interests of the establishment will be inconsonance with the interest of the workers, whenever transfer is warranted it will be done on well founded reasons and as far as possible the consent of the worker may also be obtained. Such transfers or outstation duties shall not adversely affect service conditions, wages and other monetary benefits of the worker and such transfer/out-station duties shall be under the same employer.
 - C) The quantum of expenses will be in consonance with the expenditure likely to be incurred and reasonable amount of advance money will be paid. An advance notice of 48 hours will be given while deputing on out station duty and in case of transfer such order will be made 10 days in advance.

28. MEDICAL AID IN CASE OF ACCIDENTS

Where a workman meets with an accident during the course of his duties or arising out of his employment, the employer shall at the employer's expense, make satisfactory arrangements for immediate and necessary medical aid to the injured workman, and shall arrange for his further treatment, if considered necessary by the doctor attending on him. Whenever the workman is entitled for treatment and benefits under the Employment State Insurance Act, 1948 or the Workman's Compensation Act, 1923 the employer shall arrange for the treatment and compensation accordingly.

29. SECRECY

Neither workman shall take any papers, books, drawing photographs, instrument, apparatus, documents or any other property of the establishment out of the work premises except with written permission of his immediate superior, nor; shall be in any way pass or cause to be: passed or disclosed or cause to be disclosed any information or matter concerning the matters of establishment or its trade secrets and confidential documents of the establishment to any person, company or corporation without the written permission of the employer.

30. EXCLUSIVE SERVICE

A workman shall not at any time work against the interest of the establishment in which he is employed and shall not take up any employment in addition to his job in the establishment, which may adversely affect the interest of his employer.

31. DATE OF PAYMENT OF WAGES

Payment of wages will be regulated by the provisions of The Payment of Wages Act, 1936.

32. DEDUCTIONS AND FINES

Deduction and fines will be governed by The Payment of Wages Act, 1936.

33. MANAGEMENT TO FIX THE STRENGTH OF EMPLOYEES REQUIRED FOR RUNNING THE HOTEL.

It will be purely a management's function to fix the strength of the Hotel or any department, and his strength will not be called into question by the employee. The employees recognize this to be the exclusive domain of the Management which is to be governed by provisions of Industrial Disputes Act, 1947.

34. RETIREMENT

A) Every permanent workman shall superannuate on the date he/she:

- i) Attains the age of 60 years; or
- ii) Is declared permanently medically unfit to do any job available with the management and accepted by the worker.

B) The management may, in its discretion, re-employ a workman and such re-employment shall be purely on contractual basis for specified period.

35. GRATUITY

All workmen shall have the benefit of gratuity as per Payment of Gratuity Act, 1972 and rules framed there under or any other relevant law.

36. LIABILITY OF THE MANAGER

The Manager of the establishment shall be held personally responsible for the faithful observance of these standing orders.

37. EXHIBITION OF STANDING ORDERS

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

38. A copy of these STANDING ORDERS will be given to employees. No employee shall be deemed to be unaware of the existence of any of the provisions of this STANDING ORDER.

* * * * *

“ FORM – 1 ”

(See clause 27)
SERVICE RECORD

Name of Industrial Establishment/ Factory :

Ticket/Token No. :

1. Register Serial No.
2. Name
3. Specimen Signature/Thumb- impression
4. Father's or Husband's Name
5. Sex
6. Religion
7. Date of birth
8. Place of birth
9. Date of joining
10. Details of Medical Certificate at the time of joining
11. Educational and other qualification
12. Can read
13. Can write
14. Can Speak
15. Height
16. Identification marks
17. Category of workman
18. Department
19. Details of family members
20. Permanent address
21. Local address
22. Quarter No.
23. Life insurance Policy No.
24. provident Fund Account No.
25. Nominee of gratuity
26. Nominee of pension, if any
27. Employee State insurance No.
28. Training courses attended (details)
29. Eligibility for higher jobs

30. Proficiency tests passed.

31. Employment History (as per following table):-

Department	Token No.	Designation	Pay Scale	Date of Joining	Date of Leaving	Reasons

32. Absence Period(as per following table):-

From	To	Reason	Medical reports regarding suitability for continued employment.

- (ii) Sick Leave
- (iii) Earned Leave
- (iv) Any Other Leave

33. Maternity Benefit

34. Workmen's Compensation

Details of accidents:

35. Details of Disciplinary Action

36. Promotions

- (i) Details
- (ii) Awards
- (iii) Issue of Certificate of commendation

37. Date of superannuation

38. Any other matter.

* * * * *

Particulars of workmen for the purposes of sub-section (3) of section 3 of the Industrial Employment (Standing Order) Act, 1946 read with Rule-5 of the Industrial Employment (Standing order) Himachal Pradesh Rules, 1973 and Amendment Rules, 1991:-

1. Total number employed =
2. number of permanent workers =
3. number of temporary workers =
4. number of casual workers =
5. number of badly or substitutes =
6. numbers of probationers =
7. number of apprentices =
8. name of the trade union or
trade unions, if any, to which
the workmen belongs. =
9. remarks =