

1.4 CERTIFIED STANDING ORDERS

1. SCOPE OF APPLICATION :

These Orders shall apply to all shore-based employees (workmen) of the Corporation, working at Head Office, Visakhapatnam and other DCI Offices situated all over India and shall come into force with effect from a date determined in accordance with the provisions of Section 7 of the Industrial Employment (Standing Orders) Act, 1946, as amended from time to time.

2. DEFINITIONS :

In these Orders, unless there is anything repugnant in the subject or context:

- a) The 'Company' or 'Corporation' means Dredging Corporation of India Limited.
- b) The Manager means the Chairman & Managing Director of the Company or any person authorized to act in his place, for the purpose.
- c) 'Workman/employee' means any person employed in the Company and defined as such in Section 2 (s) of the Industrial Disputes Act, 1947.
- d) 'Muster Rolls/Attendance Register' include any register or registers or other records maintained by the Company for the purpose of keeping a list of workmen/employees by the Company for the purpose of marking the attendance of the said workmen/employees.
- e) 'Notice' means a notice in writing required to be given or exhibited on the Notice Board for the purpose of these Standing Orders.
- f) 'Notice Board' means the Notice Board specially maintained in a conspicuous place at or near the main entrance to the works, canteen and administrative Office, for the purpose of displaying notices required to be posted or affixed under the provisions of these Standing Orders.
- g) 'Wages' means wages as defined in Section 2(rr) of the Industrial Disputes Act, 1947.
- h) 'Habitual' means repetition of an act or omission for four times within a period of one year or under, reckoned from the first act or omission and ending with the fourth act or omission (Month - Thirty days from the first act or omission).
- i) 'Year' means a period of twelve months.

NOTE : 1. Whenever the singular is used in these orders, the same shall be construed as including plural and the masculine gender shall be read to include the feminine gender and vice versa.

2. Words denoting workmen shall be read to include employees also and vice versa.

3. EMPLOYEE SHALL BE CLASSIFIED AS:

- i) Permanent
- ii) Probationer
- iii) Temporary
- iv) Casual
- v) Apprentice/Trainee
- vi) Badli

i) A "Permanent" employee is a person who has been engaged on a permanent basis and includes any person who satisfactorily completed the prescribed period of probation including breaks due to sickness, accident, leave, lockout, strike (not being an illegal strike) or involuntary closure of the establishment.

ii) A "Probationer" is an employee who is provisionally employed with a view to being considered for appointment in the regular establishment of the Corporation. Probation will normally be for a period of one year but the Manager or the delegated authority may at his discretion extend or curtail the probation. The Manager or any delegated authority has the right to extend the probationary period stipulated in the letter of appointment, to be communicated in writing, unless the services are otherwise terminated within or on the completion of the probationary period.

Provided that if the services of the probationer are neither terminated nor the probation is extended by a specific order within a reasonable period not exceeding three months and if the probationer is allowed to cross the probationary period, the order of crossing the probation shall take effect from the date of completion of the initial period of probation.

If a permanent employee is employed as a probationer in a new post, he may at anytime during his probationary period be reverted to his old permanent post.

- iii) 'Temporary employee' means an employee who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period.
- iv) 'Casual Employee' is an employee whose employment is of a casual nature, on daily-wage basis/ work charged basis.
- v) 'Apprentice/Trainee' is a learner who is paid an allowance or stipend during the period of his training.
- vi) A 'Badli' is workman who is appointed in the post of a permanent workman or probationer who is temporarily absent.

4. MEDICAL EXAMINATION :

- i) Every person employed directly in the Corporation shall be required to pass a medical examination by the Medical Authority nominated by the Corporation for this purpose.
- ii) The company may at any time direct any employee to undergo medical examination by any qualified Medical Officer nominated by the Company to find the employee's fitness or otherwise for continuance of his or her employment in the Company. If the employee is found unfit for employment after such medical examination, his or her services shall be dispensed with by giving the required notice in writing or payment of wages in lieu thereof, as required under the Rules.

5. IDENTITY BADGE :

- a) Every employee may be provided with an appropriate identity badge bearing his name and badge number.
- b) Every employee shall always wear on his person during the working hours of the Company and shall show his identity badge to the Security Guard at the entrance when entering in or leaving the premises on demand at any time by the Security Guard or other proper authority to produce it while the employee is inside the Office. An Employee may be refused entry without the identity Badge.

6. MANNER OF INTERMITTENT PERIODS AND HOURS OF WORK :

The period and hours of work for all classes of employees shall be fixed by the Manager in accordance with Law and shall be displayed on the Notice Boards of the Company in English and in the principal languages of workmen employed. All employees will comply with all the regulations relating to hours of duties as are laid down by the Company from time to time.

7. ATTENDANCE AND LATE COMING:

- i) All employees shall be at their work at the time fixed and notified by the Corporation as mentioned in the Standing Order No.6.
- ii) The half an hour time limit for lunch break should be observed strictly on letter and spirit.
- iii) Half-a-day's casual leave should be debited to the casual leave account of an employee for each late attendance but late attendance upto an hour, on not more than two occasions in a month, may be condoned. The case of an employee who leaves office early without permission before the time of closing of office should also be treated like late attendance and half-a-day's casual leave should be debited to the CL account for each such early departure from office. If there is no CL the same will be debited to PRL/HPL.

(Circular No.42/2013, dated 19.11.2013, w.e.f 22.10.2013)

- iv) Any employee who is found absent from his proper place or place of work during working hours without permission or without any sufficient reasons shall be liable to be treated as absent without leave for the period of his

absence and deduction from his wages may be made in accordance with the provisions of Section 9 of the Payment of Wages Act, 1936. If, however, he is so absent from the premises of the undertaking or workshop 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 recess period and for half a day in case his absence commences after the recess period. If the worker is so absent from the workshop with the permission of the Head of the Department, his wages for the actual period of absence only shall be liable to be deducted.

- v) Delay caused due to mechanical trouble or other reasons for transport provided by the Corporation will not be treated as late coming under this Rule.

8. PUBLICATIONS OF HOLIDAYS AND PAY DAYS :

Notices specifying (a) the days observed by the Company as holidays once in a year at the beginning and

(b) pay days shall be posted on Notice Boards, as required by the A.P. Shops and Establishments Act and Payment of Wages Act, 1936 or any other law applicable to such establishment.

9. MANNER OF INTIMATING RATES OF WAGES :

Notices specifying the rates of wages payable to all classes of employees shall be displayed on the Notice Boards

10. SHIFT WORKING AND OVERTIME :

a) More than one shift may be worked in a department or departments or any Section of a Department of the Establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. Subject to the provisions of the A.P. Shops and Establishments Act or any other law applicable to such establishment, no shift working shall be discontinued without two months notice being given in writing to the workmen prior to such discontinuance, provided that no such notice shall be necessary if the closing of the shift is under an agreement with the workmen affected. If as a result of the discontinuance of the shift working, any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 and the rules made thereunder. If shift working is re-started, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said Rules.

b) Notwithstanding the above, subject to the provisions of the A.P.Shops & Establishments Act, 1956 or any other law applicable to such establishment, the Corporation reserves the right to require any employee to work over time and to require to work on Sundays and declared holidays in accordance with the instructions which may be issued from time to time.

11. NOTICE OF CHANGE IN SHIFT WORKING :

Any notice of discontinuance or resumption of shift working required by Standing Order No.10 shall be in the prescribed form and shall be served in the following manner :

- a) The Notice shall be displayed conspicuously on a Notice Board;
- b) A copy of the Notice shall also be issued by registered post to the Secretary of the Union.

12. TRANSFERS :

Depending on the exigencies of work, transfers of the employees will be effected from one Department to another or from one section to another or from one job to another and also to anywhere in India or abroad where the Corporation has its activities, provided that the wages, grade, continuity of service and other conditions of service of the workmen are not adversely affected by such transfer and he is given reasonable notice/joining time and is also paid the TA/DA in accordance with the Rules of the establishment applicable to him.

13. LEAVE-VARIOUS TYPES OF LEAVE-RULES FOR GRANT OF LEAVE-GENERAL CONDITIONS FOR GRANT OF LEAVE :**LEAVE**

Leave cannot be claimed as matter of right. The grant of leave shall be subject to exigencies of work of the Corporation and at the discretion of the leave sanctioning authority.

Explanation - I : The leave sanctioning authority, for the purpose of these rules shall be the Chairman-Cum-Managing Director or such other authority, to whom the powers in this respect have been delegated.

Explanation - II : For purpose of this order (excepting Sub-Order vii(a), badlis/Casual and the temporary personnel employed on daily wage/work charged basis at Projects, Apprentices and Trainees are excluded.

i) Privilege Leave :

- a) All employees shall be credited with privilege leave in advance in two installments of 15 days each on the 1st January and 1st July, every year. The leave at the close of previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward and the advance credit for the half-year do not exceed the maximum limit of 300 days. The accumulated leave in excess of maximum limit of 300 days shall be deemed to have lapsed and will be forfeited except when such excess accumulation was involuntary on the part of the employee and was caused by the written refusal of leave by the leave sanctioning authority in the interests of the Corporation.

(Circular No.17/99 dt. 21-4-99, W.e.f. 01-07-1997).

- b) In case of first year of service of an employee, privilege leave will be calculated proportionately at the rate 2.5 days per completed month of service and provision under (a) above will apply after completion of one year service and from the date of commencement of next half-year i.e. 1st January or 1st July. For the period between completion of first year and the beginning of next half-year, leave shall be credited @ 2.5 days per completed month of service; fraction of a day being rounded off to the nearest day.

Note :-1. In case of resignation or termination of service, privilege leave during the calendar year shall be allowed at the rate of 2.5 days per month.

2. The advance credit of privilege leave to an employee in accordance with para(a) above shall be reduced by 1/10 of the period of extraordinary leave availed during the preceding six months period.

- c) Application of privilege leave for less than one week should ordinarily be made in writing in the prescribed form three days before the date from which the leave is required. In other case, it should be made 10 days before the date from which the leave is required. Intervening Public Holidays, Sundays shall be included in the leave period. Prefix and Suffix of Sundays/ Holidays/Public Holidays is permitted.

ii) Half-pay Leave :

20 days for each completed year of service which may be taken either on Medical Certificate or on private affairs. Commuted leave not exceeding half the amount of half-pay leave due may be granted on Medical Certificate subject to the following conditions :

- a) When Commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.

- b) The total earned leave and commuted leave taken in conjunction shall not exceed 240 days provided that no commuted leave, may be granted under this rule unless the authority competent to sanction leave has reason to believe that the employee shall return to duty on its expiry. Half pay leave may be combined with full pay leave, but the maximum amount of half-pay leave admissible at a time, shall not exceed 240 days.

iii) Casual Leave :

All employees will be allowed 14 days casual leave with wages in a Calendar Year. The unavailed No.of days of Casual Leave during a Calendar year will be doubled and credited to the Half-Pay Leave account of the employee concerned. Casual Leave can be taken for half day also. Prefix and Suffix is permitted and intervening holidays shall not be counted. Prior sanction should be obtained for availing Leave exceeding 2 days at a time from the leave sanctioning authority. Casual leave not exceeding six days can be availed at a time. When combined with prefix, suffix and public holidays the aggregate period of absence should not exceed 10 days.

Casual Leave cannot be availed in combination with the any other type of regular leave including Extra-Ordinary Leave. However, Casual Leave can be availed in combination with Special Casual Leave In the case of those employees who join during the middle of the year, Casual Leave for the year will be admissible as follows:

- a) For those employees who join before the end of June ... 14 days
- b) For those employees who join in July and after words ... 7 days

iv) Maternity Leave :

A Woman employee of the Corporation, who has been in continuous employment of the Corporation for a period of not less than six months preceding the date of her delivery, will be permitted to avail Maternity leave on full pay for a period, which may extend up to 180 days from the date of commencement of such leave.

Maternity leave admissible only to employees with less than two surviving children.

(Circular No.41/2012, dated 17.12.2012, W.e.f. 29.03.2012.)

(a) Paternity Leave : A regular male employee of the Corporation with less than two surviving children, may be granted Paternity Leave for a period of 15 days, during the confinement of his wife. During the period of such leave, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity leave shall not be debited against the leave account and may be combined with any other kind of leave (as in the case of Maternity Leave). It may not normally be refused under any circumstances. **(Circular No.17/99, dated 21-4-99, W.e.f. 7-10-97)**

v) Study Leave :

- a) Study leave may be granted to an employee with due regard to the exigencies of work of the Corporation to enable him to undergo a special course of study consisting of studies or specialized training in a professional or technical subject having direct and close connection with his sphere of duty.
- b) Study Leave out of India shall not be granted for the prosecution of studies for which adequate facilities exist in India.
- c) Study leave shall not ordinarily be granted to an employee who has not completed three years service under the Corporation or who is to retire within three years from the date on which he is expected to return after the expiry of the leave.
- d) Study leave shall not be granted to an employee with such frequency as to make him lose contact with his regular work.
- e) The maximum amount of study leave which may be granted to an employee shall not exceed 12 months at any one time or two years in the whole period of his service.

- f) Study leave may be combined with other kinds of leave but in no case shall the grant of such leave in combination with any other leave (other than extraordinarily leave) involve a total absence of more than thirty months from the regular duties of the employee.
- g) An employee who is granted study leave shall be required to execute a bond in prescribed form before the leave commences.
- h) If an employee resigns or retires from service without returning to duty after a period of study leave or within a period of three years after return to duty, he shall be required to refund double the amount of leave salary and any other expenses incurred on his account by the Corporation together with interest thereon during such leave provided that the Management at its sole discretion may relax this provision where an employee on return to duty from study is forced to resign or retire on medical grounds.
- i) During the study leave an employee shall draw leave salary equal to half-pay.

vi) Extraordinary Leave :

When there is no other leave to the credit of the employee, an employee may be granted leave without pay at the discretion of the Competent Authority under special circumstances. Leave without pay can be availed of by an employee either alone or in combination with leave of any other kind not exceeding 180 days at a time. If the total period of such absence of an employee on leave without pay exceeds 180 days he shall be automatically deemed to be out of employment of the Corporation without any further notice to him. In special circumstances the Chairman-cum-Managing Director may extend the period upto one year.

An employee shall resume work on the expiry of leave unless extension has been sanctioned in writing by the leave sanctioning authority as aforesaid prior to that date.

If an employee after proceeding on leave desires an extension thereof, he shall, as far as possible, apply by letter or telegram to the leave sanctioning authority as aforesaid well in advance for the reply to reach him before the date on which the employee would have to start back to resume his duties.

If on account of sickness, accident or the like, an employee is unable to resume his duties by the due date, he shall notify the leave sanctioning authority as aforesaid, without any delay and in the event of sickness or accident, furnish a medical certificate from a registered medical practitioner.

Unless the competent authority agrees otherwise, all leave must be taken before the termination of an employee's service with the Corporation whether such termination is due to the employee reaching the retiring age laid down in Rule 47 or due to afflux of time or either party giving appropriate notice as laid down in Rule 20.

An employee who over-stays his leave shall lose his lien on the post after 10 days from the expiry of his sanctioned leave. In consequence of the loss of the lien the name of the employee will be struck-off the rolls of the Corporation without any notice to the employee. In case an employee returns after 10 days from the

expiry of his sanctioned leave and explains to the satisfaction of the leave sanctioning authority the reasons for his over-stay, the Management at its sole discretion may take him in employment on the job from which he proceeded on leave.

vii) Special Casual Leave:

Special Casual Leave can be granted in the following circumstances :

- a) Special Casual Leave not exceeding six working days to all employees of the Corporation (including the employees who are on probation and those appointed on casual/temporary basis) who undergo sterilization operation. (Vasectomy or Salpingectomy)
- b) Special Casual Leave not exceeding 14 working days to regular female employees of the Corporation who undergo non-puerperal sterilization.
- c) One day's Special Casual Leave to those regular women employees of the Corporation who have had IUCD insertion.
- d) Special Casual Leave may be granted for a maximum period of 27 days in a Calendar Year for the day or days on which a regular employee is unable to attend duty in special circumstances for instance, due to his participation in sporting events of local, National or International importance in a representative capacity with prior permission of the leave sanctioning authority or suffers an injury in such sporting event or when attending a camp of the Territorial Army or a Scout Camp.
- e) Special Casual Leave for actual number of days not exceeding 12 days in a year of examination may be granted to employees appearing for examination for acquiring Higher Professional/ Technical Qualifications as recognized by the Management, provided such examination is held during Office hours and on working days.
- f) The Competent Authority may grant special casual leave to employees residing at places far from their headquarters Office i.e. beyond a distance of more than 5 kms. to their place of duty who are unable to attend office due to dislocation of traffic arising out of natural calamities, bundhs, civil commotion, etc., if the said authority is satisfied that the absence was due to failure of transport facilities.

Provided that is the absence was due to picketing or disturbances or curfew then too special casual leave could be granted to regulate the absence without insisting on the condition that the distance between the place of duty and their residence should be more than 5 Kms.

viii) Disability Leave :

In case an employee is disabled due to the injury incurred by an accident in the discharge of his duties and in whose case the disability manifests even within three months of the occurrence to which it is attributed he may be granted special disability leave on full pay upto the extent of 90 days and the balance of absence on account of such injury will be met by debiting the same to the half-pay leave or other kinds of leave standing to the credit of the employee.

Provided that if the employee is disabled by injury intentionally inflicted he may be granted first the half-pay leave due to him and then only special disability leave may be granted to the maximum of 90 days on full pay.

Provided further that the leave as indicated above shall be granted on the strength of a medical certificate issued by the Authorised Medical Attendant. The disability leave is not debitible to any leave account and may be combined with any other kinds of leave except casual leave.

In case of a person to whom the Workmen Compensation Act, 1923 and/or Employees State Insurance Act, 1948 applies Special Disability Leave shall be reduced by the amount of compensation, if any, payable under the provisions of the relevant Act and the Rules.

ix) Quarantine Leave :

This may be granted to an employee who is necessitated by order not to attend duty in consequence of the presence to any infectious disease in his family or house-hold. Such leave is granted on the certificate of Medical or Public Health Officer for a period not exceeding 21 days. Cholera, Smallpox, Plague, Diphtheria, Typhus Fever and Cerebrospinal Meningitis may be considered as infectious disease for the purpose of this clause. Any other disease also as may be declared by the State Government as an infectious disease for the purpose of quarantine leave rules may be considered as infectious disease for the purpose of this clause. In exceptional circumstances, such leave can be granted upto a maximum of not exceeding 30 days.

x) Encashment of Privilege Leave:

a) While in the service of the Corporation:

An employee is permitted to encash Privilege Leave standing at his credit, subject to the above that a minimum of 30 days is available at his/her credit. Encashment of Privilege Leave as above can be permitted once in a year and for 60 days at a time.

b) At the time of leaving the services of the Corporation, retirement or death of an employee.

All employees may encash the balance of Privilege Leave standing at their credit, subject to a maximum of 300 days, including any period for adjustment of Notice period, etc., in case the employee retires, or leaves the services of the Corporation or dies while in service.

(Circular No.17/99, dated 21-4-99, w.e.f 1-7-1997)

xi) Every employee shall, on all occasions on which he shall be incapable through illness to perform his duties for a period exceeding 7 days furnish a certificate from the Authorised Medical Attendant as prescribed in the Corporation's Medical Attendance Rules to the effect and shall place himself under the treatment as prescribed in the 'Medical Attendance Rules'.

xii) Leave Salary:

The leave salary of every employee shall be governed as stated hereinafter:

During the full pay leave (Privilege Leave, Commuted Leave etc.), an employee is entitled to draw the leave pay at the same rates as the pay which he was drawing on the day prior to the date of his proceeding on leave. In addition, he will be entitled to other allowances at the rates he was drawing before proceeding on leave.

(During half pay leave, the employee will be given half of his basic pay plus Dearness Allowance, and HRA at regular rate).

xiii) General Conditions for Grant of Leave:

- a) All employees will be entitled to leave under the provisions of Laws and the Rules of the Corporation in force from time to time. The sanctioning Authority has the discretion to advise, curtail or revoke leave at any time according to the exigencies of service.
- b) The quantum of leave that the employees are entitled to, the manner in which it is to be applied for and the manner in which it will be granted will be as stated in these rules.
- c) In the event of an employee remaining absent in excess of the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless he returns within 10 days after the expiry of the period of leave sanctioned and gives explanation to the satisfaction of the competent authority of his inability to return immediately on the expiry of the leave period. In case an employee loses his lien on his appointment, he may be eligible for temporary employment at the sole discretion of the management.

If an employee absents himself for more than 10 consecutive days without even applying for leave he shall be deemed to have left the services of the Corporation without notice thereby terminating his contract of service with the Corporation and no formal charge sheet or notice would be necessary for terminating his services.

Authorities competent to sanction leave to the employees have been notified by the Chairman-cum-Managing Director separately.

14. UNCLAIMED WAGES:

- i) Any wages due to an employee but not paid on the usual pay day on account of being unclaimed shall be paid by the Corporation on a claim made by the employee on any working day.
- ii) Salaries will be paid to all the employees ordinarily on the last working day of the month.
- iii) Any change in the pay-day shall be notified in the Notice Board.

15. FESTIVAL & NATIONAL HOLIDAYS:

All employees shall be entitled to 16 National/Festival Holidays in accordance with the existing regulations. The list of such holidays will be declared by the Management at various Offices of the Corporation at the beginning of the Calendar year in consultation with the Union (s).

NOTE: All Casual/daily wage/work-charged employees at Projects and other Offices of DCI shall be given 3 National holidays and 5 festival holidays as specified by the Management.

16. DUTIES AND OBLIGATIONS OF EMPLOYEES DURING WORKING HOURS :

- i) Every employee shall carry out the work for which he has been employed, conscientiously and to the best of his ability and in accordance with procedures and rules of the Corporation and specific or general instructions given to him by the Corporation or its Officers directly or through delegated authority.
- ii) Employees shall not enter or pass through departments other than those in which they are employed unless this is necessary in the course of their duties of the Corporation.
- iii) Employees shall not engage themselves in any other work or trade excepting that of the Corporation either for themselves or for any other person during working hours and within the premises of the Corporation. For undertaking work outside working hours, prior permission of the management should be obtained.
- iv) Each employee is responsible for and shall take proper care of all items of property of the Corporation generally and specifically entrusted to him. Employee shall not take, out of the premises, any articles, documents, drawings, materials, etc., belonging to the Corporation without prior approval of the Head of the Department concerned.
- v) Employees shall take precautions to safeguard the Corporation's property and prevent accident or damage to it. An employee shall at once report to his Supervisor or Manager any defect which he may notice in any machinery/equipment connected with his work. He shall also immediately report any defect or occurrence which he may notice and which might endanger himself or any other employee/ person or might result in damage to the Corporation's or any employee's/person's property. It is the duty of every employee to see that his machinery and or work-place is kept clean and tidy.
- vi) Strict observance of all safety instructions including fire prevention and protection is obligatory on the part of the employees. Employees shall not, unless specifically authorised, interfere with any safety device or any machine running or idle. Where the Corporation provides protective clothing or appliances for the safety of employees, those shall be worn by such employees while engaged in such jobs.

vii) Prohibition of Sexual Harassment of Women :

In view of prohibition of sexual harassment of working women in the Corporation, all employees should refrain from doing anything whether directly or by implication, which constitutes sexual harassment of women employees, such as;

- i) Physical contact and advance;
- ii) A demand or request for sexual favours;

- iii) Sexually coloured remarks;
- iv) Showing pornography ;
- v) Any other un-welcome physical, verbal or non-verbal conduct of sexual nature.

(Circular No.16/99, dt. 21-4-99)

17. ENTRY, EXIT AND SEARCH OF EMPLOYEES :

- i) All employees shall enter or leave the Corporation premises only by the gates provided for that purpose.
- ii) All male employees shall be liable to be searched on leaving the premises of the undertaking by the Gateman and all female employees shall be liable to be detained by the Gateman for searching by a female searcher. Search of such persons shall be made in the presence of another person of the same sex as the employee so detained or searched.
- iii) All employees carrying Tiffin carriers, bags or other receptacles shall keep them open, when demanded by the authorised persons of the Corporation.

18. STOPPAGE OF WORK :

Subject to the provisions of the Industrial Disputes Act, 1947:

- i) The Corporation may at any time or times in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemic civil commotion, slowing down of work, strikes or other causes whether or like nature or not, beyond the control of the Corporation, stop working of any machine or machines, department or departments, wholly or partly, for any period or periods without notice.
- ii) In the event of any such stoppage or closure during working hours, the employees affected shall be notified by the notices put upon Notice Boards as soon as practicable and when work will be resumed and whether they are to remain or leave the premises. The period of detention in the premises shall not ordinarily exceed one hour after the commencement of the stoppage or closure. If the period of detention does not exceed one hour, employees so detained shall not be paid for the period of detention. If the period of detention in the premises exceeds one hour, employees so detained shall be entitled to receive wages for the day during which they are detained in the premises as a result of the stoppage or closure.
- iii) The Corporation may, in the event of a strike affecting either wholly or partially anyone or more departments of the Corporation close down either wholly or partially, such department or departments affected by such closing down and for any period or periods. The fact of such closure shall be notified by notices put on the Notice Boards as soon as practicable. The employee concerned will also be notified by a general notice prior to the resumption of work as to when work will be resumed. For such closure, no wages will be payable on the principle of 'no work no pay'.

- iv) Compensation for lay-off and retrenchment shall be governed by the provisions of the Industrial Disputes Act, 1947.

19. DEDUCTIONS FROM WAGE BILLS :

Deductions from the wages of an employee will be made in accordance with the provisions of the payment of Wages Act and for reasons specified in that Act in the case of those who are governed by the Payment of Wages Act. The deductions may be of the following kinds:

- i) Fines
- ii) For absence from duty
- iii) For damage to or loss of goods expressly entrusted to the employees for custody, or for loss of money for which he is required to account, where such damage or loss indirectly attributable to his negligence or fault.
- iv) for house accommodation provided by the Corporation.
- v) for amenities and services supplied by the Corporation.
- vi) for recovery of advances or for adjustment over-payment of wages etc.
- vii) Income Tax or any other tax levied by the Government or Municipality payable by the employee.
- viii) Deductions required to be made by order of a Court or other authority competent to make such order.
- ix) for subscription to and refund of any advance from the provident fund or any other advances taken from the Corporation or interest thereon.
- x) for payments to cooperative societies approved by the State Government.
- xi) Deductions made with the written authorisation of the employee for payment of Life Insurance Premia or for the purpose of purchase of Government Securities or investment in small savings securities.
- xii) Deductions made with the written authorisation of the employee for payment of subscriptions and other charges dues to any other employees' clubs duly recognised by the Corporation.
- xiii) Deductions made with the written authorisation of the employee for payment of subscriptions or contributions to any fund sponsored or approved by the Management.
- xiv) Deductions made with the written authorisation of the employee for payment of monthly deposits to post office under Cumulative Time Deposit Scheme.

20. TERMINATION OF EMPLOYMENT:

The employment of an employee in the Corporation's service shall be terminated as hereinafter provided:

- a) Subject to the provisions of the Industrial Disputes Act, 1947, the employment

of a regular employee may be terminated at three months' notice in writing on either side or by paying three months' pay in lieu of notice. The Corporation may alternatively deduct three months' pay from the dues of the employee, who leaves its employment without giving due notice.

(Pay for this purpose will be Basic Pay + DA only)

- b) The services of a probationer may be terminated without assigning any reason and without notice at any time during the period of probation including the period of extension, if any, of such probationary period.
- c) The services of a temporary employee appointed for a specified period may also be terminated without assigning any reasons and without notice during the period of his employment.

21. MEDICAL FACILITIES :

Every employee will be provided with medical facilities as per the Medical Attendance Rules of the Corporation.

22. TRAVELLING ALLOWANCE RULES :

All employees of the Corporation shall be governed by the Corporation's TRAVELLING ALLOWANCE RULES for the purpose of travel, tour, etc., on behalf of and for the purpose of the Corporation's affairs.

23. DISCIPLINARY ACTION:

GENERAL: i) Every Employee of the Corporation shall at all times:

a) Maintain absolute integrity; b) maintain devotion to duty; and c)

Do nothing which is unbecoming of public servant.

ii) Every employee of the Corporation holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority

24. MISCONDUCT:

Without prejudice to the generality of the term "misconduct" the following acts of omission and commission shall be treated as misconduct:

- i) Theft, fraud or dishonesty in connection with the business or property of the Corporation or property of another person within the premises of the Corporation.
- ii) Taking or giving bribes or any illegal gratification.
- iv) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another

person, which, the employee cannot satisfactorily account for.

- v) Furnishing false information regarding name, age, father's name, qualifications, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
- v) Acting in a manner prejudicial to the interests of the Corporation.
- vi) Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
- vii) Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
- viii) Habitual late or irregular attendance.
- ix) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- x) Damage to any property of the Corporation.
- xi) Interference or tampering with any safety devices installed in or about the premises of the Corporation.
- xii) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Corporation or out side such premises where such behaviour is related to or connected with the employment.
- xiii) Gambling within the premises of the establishment.
- xiv) Smoking within the premises of the establishment where it is prohibited.
- xv) Collection without the permission of the Competent Authority of any money within the premises of the Corporation except as sanctioned by any law of the land for the time being in force or rules of the Corporation.
- xvi) Sleeping while on duty.
- xvii) Commission of any act which amount to a criminal offence involving moral turpitude.
- xviii) Absence from the employees' appointed place of work without permission or sufficient cause.
- xix) Purchasing properties, machinery, stores etc., from or selling properties, machinery, stores etc., to the Corporation without express permission in writing from the Competent Authority.
- xx) Commission of any act subversive of discipline or of good behaviour.
- xxi) Abetment of, or attempt to abet any, act which amounts to misconduct.
- xxii) Leaving station without permission.
- xxiii) Acceptance of gifts from and lending or borrowing money to or from, subordinate employees.

- xxiv) Deliberately spreading false information or spreading rumors with a view to defame other employees and bringing about disruption to the Corporation's normal work.
- xxv) Unauthorised use or occupation of the Corporation's quarters, land or other property.
- xxvi) Unauthorised communication of official documents or information relating to the Corporation's business.
- xxvii) Striking work or inciting others to strike work in contravention of the provisions of any law or rule having the force of law, resorting to slogan shouting etc.
- xxviii) Writing of anonymous letters etc., addressing appeals or representations to an authority other than the appellate or the appropriate authority, as per relevant rules of the Corporation.
- xxix) Engaging in other employment whilst still in the service of the Corporation without prior permission of the authority.
- xxx) Canvassing for Union/Party membership or the collection of the Union or Party dues, funds or contribution etc., at the office premises or the Corporation's non-residential premises or precincts.
- xxxi) Distributing or exhibiting in the Corporation's premises of its precincts handbills, pamphlets, posters or causing to be displayed by means of signs or writings or other visible representations any matter without previous sanction of the authority.
- xxxii) Organising, holding attending or taking part in any meeting within the Corporation's premises or its precincts without the prior sanction of the authority.
- xxxiii) Conduct within the Corporation's premises or its precincts which is likely to endanger the life or in the life or in the interest of discipline.
- xxxiv) Refusal to accept charge-sheet, orders or other communications served either in accordance with these rules or in the interest of discipline.
- xxxv) Wilful falsification, defacement or destruction of personnel records or any records of the Corporation.
- xxxvi) Refusal to work on holidays, or on Sundays when notified to do so in the exigencies of the Corporation's work.
- xxxvii) Unauthorised use of Corporation's vehicle and allowing an unauthorised person to operate Corporation's vehicles and carrying unauthorised persons in the Corporation's vehicles.
- xxxviii) Surrounding or forcibly detaining management or any of the Corporation's Offices.
- xxxix) Possession of any lethal weapon on the Corporation's premises or within the precincts without the prior permission of the authority.
- xL) Commission of any act, involving sexual harassment of working women, at work

places. (Circular No.16/99, dated 21-4-99)

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

24.A. MOVABLE, IMMOVABLE AND VALUABLE PROPERTY :

01. No Employee of the Corporation/Company shall, except with the previous knowledge of the competent authority, acquire or dispose off any immovable property by lease, mortgage, purchase, sale, gift or otherwise/either in his own name or in the name of any members of his family.

02. No. employee of the Corporation/Company shall except with the previous sanction of the Competent authority, enter into any transaction concerning an immovable or movable property with a person or a firm having official dealings with the employee or his subordinates.

03. Every employee of the Corporation who enters into a transaction in respect of a movable property either in his name or on name of the member of his family shall report to the Competent Authority within one month from the date of such transaction, if the value of property exceeds Rs.15000/-
(Circular No.10/2010 dated 21.6.2010, w.e.f 16.6.2010)

EXPLANATION :

The term every transaction concerning movable property owned or held by him includes all transactions of sale or purchase. For the purpose of this sub-rule, the definition of movable property would include:

- a) Jewellery, insurance policies, the annual premium of which exceeds, two months basic pay or 1/6th of the annual emoluments received from the Company, whichever is less, shares, securities and debentures.
- b) Loans advanced by such employees whether secured or not.
- c) Motor Cars, Motor Cycles or Scooters or any other means of conveyance.
- d) Refrigerators, radio (radiograms and television sets).

EXPLANATION-II

Transaction entered into by the spouse or any other member of family of an employee of the Corporation out of his or her own funds (including Streedhan, gifts inheritance etc.,) as distinct from the funds of the employees of the Company himself, in his or her own name and in his or her own rights, would not attract the provisions of the above sub-rules.

04. Every employee shall on first appointment in the Corporation/Company submit a return of assets and liabilities in the prescribed form giving the

particulars regarding:

a) The immovable property inherited by him, or owned or acquired by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

b) Shares, debentures and cash including bank deposits inherited by him or similarly owned acquired or held by him.

c) Other movable property inherited by him or similarly owned, acquired or held by him, if the value of such property exceeds, Rs.15000/-. **(Circular No.10/2010 dated 21.06.2010, w.e.f 16.06.2010)**

d) Debts and other liabilities incurred by him directly or indirectly.

e) Every employee shall, beginning 1st January, submit a return of immovable property inherited/owned/acquired annually.

- 05.** The Competent Authority may, at any time by general or special order require an employee to submit within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so, required by the Competent Authority include details of the means by which or the source from which such property was acquired.

(Circular No.18/2002, Dt. 13-6-2002)

(i) Any employee involved in the decision making process of fixation of price of an IPO/FPO of shares of DCI shall not apply either himself/herself or through any member of his/her family or through any person acting on her/his behalf for allotment of shares (which includes all types of equity related instruments) in an IPO/FPO of DCI even out of the category of preferential quota reserved for employees of DCI.

(ii) All employees who are in possession of unpublished price sensitive information would be prohibited from dealing/ transacting either in their own name or through any member of their family in the shares of their own company.

(iii) Employees of DCI or any member of his/her family or any person acting on his/her behalf shall not apply for shares out of any preferential quota reserved for employees of other companies.

(iv) All employees of DCI would be required to disclose to the company all transactions of purchase/sale in shares worth Rs.20000/- or more in value or existing holding/ interest in the shares worth Rs.20000/- or more in his/her

own company either in his/her own name or in the name of any family member to report to the company indicating quantity, price, date of transaction and nature of interest within four working days. (Circular No.10/2010 dated 21.06.2010, w.e.f 16.06.2010)

25.SUSPENSION :

- i) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Management by general special order may place an employee under suspension.
 - a) Where disciplinary proceeding against him is contemplated or is pending;
or
 - b) Where a case against him in respect of any criminal offence is under investigation or trial.
- ii) An employee who is detained in custody, whether on criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the appointing authority and shall remain under suspension until further orders.
- iii) Where a penalty of dismissal or removal from service imposed upon an employee under suspension
is set aside on appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of original order of dismissal or removal and shall remain in force until further orders.
- iv) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances of the case decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.
- v) An order of suspension made or deemed to have been made under this Standing Order may at any time be revoked by the authority which made or is deemed to have been made the order or by any authority to which that authority is subordinate.

26. SUBSISTENCE ALLOWANCE:

- i) Where any employee is suspended by the Employer, pending investigation or inquiry into complaints or charges of misconduct against him, the Employer shall pay to such employee, subsistence allowance;
 - a) At the rate of 50 (fifty) percent of his basic pay which the employee was entitled to immediately preceding the date of such suspension, for the first 90 (ninety) days of suspension, provided, the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. In addition, such employee shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the date of suspension, provided the suspending authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.
 - b) At the rate of 75 (seventy five) percent of such basic pay and other admissible allowances as in sub-para (a) for the remaining period of suspension, if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension.
 - c) The amount of subsistence allowance may be reduced to 25 (twenty five) percent of basic pay and other admissible allowances as in sub-para (a) above, if in the opinion of such authority, the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the employee under suspension.

If an employee is arrested by the Police on a Criminal Charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

(Circular No.18/2002, dated 13-6-2002)

- ii) If any dispute arises regarding the subsistence allowance payable to a workman under sub-section (i), the workman or the employer concerned may refer the dispute to the Labour Court, constituted under the Industrial Disputes Act, 1947, within the local limits of whose jurisdiction the industrial establishment wherein such workman is employed is situated and the Labour Court in which the dispute so rendered shall, after giving the parties an opportunity of being heard, decide the dispute and such decision shall be final and binding on the parties.

- iii) Notwithstanding anything contained in the foregoing provisions of this Section, where provisions relating to payment of subsistence allowance under any other law for the time being in force in any State or more beneficial than the provisions of this Section, the provisions of such other law shall be applicable to the payment of subsistence allowance in that state.

27. TREATMENT OF THE PERIOD OF SUSPENSION :

- i) When the employee under suspension is re-instated, the Competent Authority may grant to him the following pay and allowances for the period of suspension :
- a) If the employee is exonerated and not awarded any of the penalties mentioned in Standing Order 28, the full pay and allowances which he would have been entitled to if he had not been suspended less the subsistence allowance already paid to him; and
 - b) If otherwise, such proportion of pay and allowance as the competent authority may prescribe.
- ii) In a case falling under Sub-Clause (a) the period of absence from duty will be treated as a period spent on duty. In a case falling under sub-clause (b) it will not be treated as a period spent on duty unless the competent authority so directed.

28. PENALTIES :

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

Minor Penalties: (Circular No.31/2009 dated 20.11.2009, w.e.f 22.09.2009)

- a) Censure
- b) Withholding of increments of pay with or without cumulative effect
- c) Withholding of promotion;
- d) Recovery from pay of the whole or part of any pecuniary loss caused by him to the Corporation/Company by negligence or breach of orders.
- e) Reduction to a lower stage in the time scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his terminal benefits.

Major Penalties :

- f) Same as provided for in Clause (e), reduction to a lower stage in the time scale of pay for a specific period with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of pay.

g) Reduction to a lower time-scale of pay, grade or post or service, which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post from which he was reduced, with or without further directions regarding conditions restoration to the grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post.

h) Compulsory Retirement

i) Removal from service which shall not be a disqualification for future employment under the Government or the Corporation/Company owned or controlled by the Government.

j) Dismissal from the service, which shall ordinarily be a disqualification for future employment under the Government or the Corporation/Company owned or controlled by the Government.

“Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or change of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or for bearing to do any official act is established, the penalty mentioned in Clause (i) and (j) shall be imposed. Provided further that in any exceptional case and for special reasons recorded in writing any other penalty may be imposed.”

(Circular No.31/2009, dated 20.11.2009. w.e.f 22.09.2009)

EXPLANATION : The following shall not amount to a penalty within the meaning of this rule:

- i) Withholding of increments of an employee on account of his work being found unsatisfactory or not being of the required standard, or for failure to pass a prescribed test or examination;
- ii) Stoppage of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar;
- iii) Non-promotion, whether in an officiating capacity or otherwise, of an employee, to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- iv) Reversion to a lower grade or post, of an employee, officiating in a higher grade or post on the ground that he is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct;
- v) Reversion to his previous grade or post, of an employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment;

vi) Termination of Service:

- a) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment;
- b) of an employee appointed on a casual or temporary capacity otherwise than under a contract or agreement on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment;
- c) of an employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement; and
- d) of any employee on reduction of establishment.

29. DISCIPLINARY AUTHORITY:

The Disciplinary Authority, as specified in the Annexure or authority higher than that may impose any of the penalties specified in Standing Order 28 on any employee.

30. PROCEDURE FOR IMPOSING MAJOR PENALTIES : (APPLICABLE TO REGULAR EMPLOYEES ONLY):

- i) No order imposing any of the major penalties specified in Clause (f), (g) (h), (i) and (j) of Standing Order No.28 shall be made except after an enquiry is held in accordance with this Standing Order.
- ii) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against the employee, it may itself inquire into or appoint any "Public Servant" or Retired "Public Servant" of proven integrity or a Retired Judge (hereinafter called the Inquiry authority) to enquire into the truth, thereof. **(Circular No.31/2009 dated 20.11.2009 w.e.f 22.09.2009)**
- iv) Where it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite charges on the basis of the allegations against the employees. The charges, together with a statement of the allegations, on which they are based, a list of documents by which and a list of witnesses by whom the articles of charges are proposed to be sustained shall be communicated in writing to the employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), a written statement whether he admits or denies any or all of the Articles of charges.

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

- iv) On receipt of the written statement of the employee or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself, or by any other Public Servant appointed as an Inquiring authority, under Sub-Clause (ii) who shall conduct inquiry and submit the report to the Disciplinary Authority within 6 (six) months from the date of appointment. Provided that it may not be necessary to hold an inquiry in respect of the charges admitted by the employee in his written statement. The disciplinary authority shall, however, record its findings on such charge. (Circular No.18/2002, dated 13-06-2002) .
- v) Where the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry it may, by an order appoint a Public Servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- vi) The employee may take the assistance of any other Public Servant but not engage a Legal Practitioner for this purpose. However, if the case is being presented on behalf of the Disciplinary Authority by a Prosecuting Officer of CBI or by the Law Officer of the Department, such as Legal Adviser etc., the delinquent may be allowed to be represented by a legal practitioner in order to ensure expeditious disposal of inquiry proceedings. A person will not be permitted to act as defence assistant in more than three cases at any given point of time. The Inquiring Authority shall satisfy himself that the aforesaid condition is satisfied. (Circular No.18/2002, dated 13-6-2002)
- vii) On the date fixed by the Inquiring Authority, the employee shall appear before the Inquiring Authority at the time, place and date specified in the notice. The Inquiring Authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilt to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleaded guilty.
- viii) If the employee does not plead guilty, the Inquiring Authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence:
- a) Inspect the documents listed with the charge-sheet
 - b) Submit a list of additional documents and witnesses that he wants to examine; and
 - c) Be supplied with the copies of the statements of witnesses, if any, listed in the charge-sheet.

NOTE: Relevancy of the additional documents and the witnesses referred to in sub-clause (viii) (b) above will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the Inquiring Authority is satisfied about their relevance to the charges under inquiry.

- ix) The Inquiring Authority shall ask the authority in whose custody or possession the documents are kept for the production of the documents on such date as may be specified.
- x) The authority in whose custody or possession the requisitioned documents are, will arrange to produce the same before the Inquiring Authority on the date, place and time specified in the requisition notice.

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

- xi) On the date fixed for the inquiry the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.
- xii) Before the close of the prosecution case the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the charge-sheet or may itself call for new evidence or recall or re-examine any witnesses. In such cases the employee shall be given opportunity to inspect the documentary evidence before it is taken on record, or to cross-examine a witness, who has been so summoned.
- xiii) When the case for the Disciplinary Authority is closed, the employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer if any appointed.
- xiv) The evidence on behalf of the employee shall then be produced. The employee may examine himself on his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provision applicable to the witnesses for the Disciplinary

Authority.

- xv) The Inquiring Authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- xvi) After the completion of the production of the evidence, the Presenting Officer and the employee may file written briefs of their respective cases within a week of the date of completion of the production of evidence and on receipt of written brief from the presenting officer respectively.

(Circular No.18/2002, dated 13-6-2002)

- xvii) If the employee does not submit the written statement of the defence referred to in sub-order (iii) on or before the date specified for the purpose or does not appear in person, or through the assisting Officer or otherwise fails or refuses to comply with any of the provisions of these rules, the Inquiring Authority may hold the enquiry ex-parte.
- xviii) Whenever any Inquiring Authority , after having heard and recorded the whole or any part of the evidence in an enquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself. Provided that if the succeeding Inquiring Authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall examine, cross-examine and re-examine any such witnesses as herein before provided.
- xix) (A) After the conclusion of the inquiry, report shall be prepared and it shall contain

- a) gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- b) a gist of the defence of the employee in respect of each article of charge;
- c) an assessment of the evidence in respect of each article of charge;
- d) the finding on each article of charge and the reasons therefore.

EXPLANATION : If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its

findings on such article of charge;

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

(B) The Inquiring Authority, where it is not itself the Disciplinary Authority shall forward to the Disciplinary Authority the records of inquiry which shall include.

a) the report of the inquiry prepared by it under sub-order (A) above;

b) the written statement of defence, if any, submitted by the employee referred to in suborder (xiii);

c) the oral and documentary evidence produced in the course of the inquiry;

d) written briefs referred to in sub-order (xvi), if any; and

e) the orders, if any made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

31. ACTION ON THE INQUIRY REPORT:

(i) The Disciplinary Authority if it is not itself the inquiry authority, may, for reasons to be recorded by it in writing remit the case to the inquiring authority for fresh or further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Standing Order No.30 as far as may be.

(a) The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority to the employee, who shall be required to submit his representation or submission to the disciplinary authority within 15 days, irrespective of whether the report is favourable or not to the employee.

(b) The disciplinary authority shall consider the representation, if any, submitted by the employee, before proceeding further in the matter.

(Circular No.18/2002, dt. 13-6-2002)

ii) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiring Authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

- iii) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in standing order 28 should be imposed on the employee it shall, notwithstanding anything contained in Standing Order 32, make an order imposing such penalty.
- iv) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

32. PROCEDURE FOR IMPOSING MINOR PENALTIES (APPLICABLE TO REGULAR EMPLOYEES ONLY):

- i) Where it is proposed to impose any of the minor penalties specified in Clause (a) to (d) of Order 28, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 10 days. The defence statement if any submitted by the employee shall be taken into consideration by the Disciplinary Authority before passing orders.

(Circular No.18/2002, dated 13-6-2002)

- ii) The record of the proceedings shall include
 - (a) a copy of the statement of imputation of misconduct or misbehaviour delivered to the employee;
 - (b) his defence statement, if any; and
 - (c) the orders of the disciplinary authority together with the reasons therefor.

33. COMMUNICATION OF ORDERS:

Orders made by the disciplinary authority shall be communicated to the employee, who shall be supplied with a copy of its finding on each article of charge or where the disciplinary authority is not the inquiring authority, a statement of findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority.

(Circular No. 18/2002, dated 13-6-2002)

34. COMMON PROCEEDINGS:

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

Authority for the purpose of such common proceedings.

35. SPECIAL PROCEEDINGS IN CERTAIN CASES :

Notwithstanding anything contained in Standing Order No. 30 or 31 or 32, the Disciplinary Authority may impose any of the penalties specified in Standing Order No. 28 in any of the following circumstances :

- i) The employee has been convicted on a criminal charge, or on the strength of facts or conclusion arrived at by a judicial trial; or
- ii) Where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these Standing Orders; or
- iii) Where the Disciplinary Authority is satisfied that in the interest of the security of the Corporation, it is not expedient to hold any inquiry in the manner provided in these rules.

36. EMPLOYEES ON DEPUTATION FROM THE CENTRAL GOVERNMENT OR THE STATE GOVERNMENT ETC.:

- i) Where an order of suspension is made or disciplinary proceedings is taken against an employee, who is on deputation to the Corporation from the Central or State Government or another Public Undertaking or a local authority, the authority lending his services (hereinafter referred to as the 'Lending Authority') shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.
- ii) In the light of the findings in the Disciplinary proceeding taken against the employee-
 - a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority provided that in the event of difference of opinion between the Disciplinary and the Lending Authority the services of the employee shall be placed at the disposal of the Lending Authority.
 - b) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should replace his services at the disposal of the lending authority then transmit to it the proceedings of the enquiry for such action as it deems necessary.
- iii) If the employee submits an appeal against an order imposing a minor penalty on him under sub-order

(ii) (a) above it will be disposed of after consultation with the Lending Authority provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to that Authority for such action as it deems necessary.

37. APPEALS:

- i) An employee may appeal against an order imposing upon him any of the penalties specified in Standing Order No.28 or against the order of suspension referred to in Standing Order No.25. The appeal shall lie to the Authority specified in the schedule.
- ii) An appeal may be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified in the schedule and submitted to the Authority whose order is appealed against. The authority whose order is appealed against will forward the appeal together with its comments and the records of the case to the Appellate Authority within shortest possible time. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders at the earliest from the date of receipt of the appeal. The Appellate Authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.
- iii) Provided that if the enhanced penalty which the Appellate Authority proposed to impose is a major penalty specified in Clauses (f), (g), (h),(i) and (j) of Standing Order 28 and an inquiry as provided in Standing Order 30 has not already been held in the case, the Appellate Authority shall direct that such an enquiry be held in accordance with the provisions of Standing Order 30 and thereafter consider the record of the inquiry and pass such orders as it may deem proper.
- iv) If the Appellate Authority decides to enhance the punishment but an enquiry has already been held as provided in Standing Order 30, the Appellate Authority shall give a show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Appellate Authority shall pass final order after taking into account the representation, if any, submitted by the employee.

38. REVIEW OF THE CASES:

Notwithstanding anything contained in these Standing Orders, the Reviewing Authority may call for the record of the case within six months of the date of the final order and after reviewing the case pass such orders thereon as it may deem fit. (Circular No.18/2002, dated 13-6-2002)

Provided that if the enhanced penalty, which the reviewing authority proposes, to impose, is a major penalty specified in Clauses (f), (g), (h), (i) and (j) of Standing Order 28 and an enquiry as provided under standing order 30 has not already been held in the case, the Reviewing Authority shall direct that such an enquiry be held in accordance with the provisions of Standing Order 30 and thereafter consider the record of the enquiry and pass such orders as it may deem proper.

If the Reviewing Authority decides to enhance the punishment but an enquiry has already been held in accordance with the provisions of Standing Order 30, the Reviewing Authority shall give show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Reviewing Authority shall pass final order after taking into account the representation, if any, submitted by the employee.

39. SERVICE OF ORDERS, NOTICES ETC.:

Every order, notice and other process made or issued under these Standing Orders shall be served in person on the employee concerned or communicated to him by registered post at his last known address

A: i) Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall after the final retirement of employee, be deemed to be proceeding and shall be continued and concluded by the Authority by which it was commenced in the same manner, as if the employee had continued in service.

ii) During the pendency of the disciplinary proceedings, the disciplinary authority, may withhold payment of gratuity for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the Company, if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offences/ mis-conduct as mentioned in sub-section (6) of Section-4 of the Payment of Gratuity Act, 1972, after giving the employee natural justice or to have caused pecuniary loss to the company by misconduct or Negligence during his service including service rendered on deputation or on re-employment after retirement. However, the provision of Section 7(3) and 7(3A) of Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment in case the employee is fully exonerated.

(Circular No.41/2012, dated 17.12.2012, w.e.f 16.10.2012)

40. POWER TO RELAX TIME-LIMIT AND TO CONDONE DELAY:

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

41. SAVINGS :

- i) Nothing in these orders shall be construed as depriving any person to whom these Standing Orders apply, of any right of appeal which had accrued to him under the rules, which have been superseded by these Standing Orders.
- ii) An appeal pending at the commencement of these Standing Orders against an order made before the commencement of these Standing Orders shall be considered and orders thereon shall be made, in accordance with these Standing Orders.
- iii) The proceedings pending at the commencement of the Standing Orders shall be continued and disposed as far as may be, in accordance with the provisions of these Standing Orders, as if such proceedings were proceeding under these Standing Orders.
- iv) Any misconduct, etc., committed prior to the issue of the Standing Orders which was a misconduct under the superseded rules shall be deemed to be misconduct under these rules.

42. SERVICE RECORD :

Matters relating to service card, certification of service change of residential address of workers and record of age, etc.

i) Service Card:

The establishment shall maintain a service card in respect of each workman in Form-II appended to these orders wherein particulars of that workman shall be recorded with the knowledge of that workman and duly attested by an Officer authorised in this behalf together with date.

ii) 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.

iii) Residential address of workman :

A workman shall notify 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 known address shall be treated by the employer as his residential address for sending any communication.

iv) Record of age :

- a) Every workman shall indicate his exact date of birth to the employer or the Officer authorised by him in this behalf, at the time of entering service of the establishment. The employer or the Officer authorised by him in this behalf may, before the date of birth of a workman is entered in his service card, require him to supply:
- 1) his matriculation or school leaving certificate granted by the Board of Secondary Education or similar educational authority; or
 - 2) a certified copy of his date of birth as recorded in the registers of a municipality, local authority or panchayat or Registrar of Births;
 - 3) in the absence of either of the aforesaid two categories of certificates, the employer or the officer authorised by him in this behalf may require the workman to supply, a certificate from a Govt. Medical Officer not below the rank of an Assistant Surgeon, indicating the probable age of the workman provided the cost of obtaining such certificate is borne by the employer;
 - 4) Where it is not practicable to obtain a certificate from a Government Medical Officer an affidavit sworn, either by the workman or his parents, or by a near relative, who is in a position to know about the workman's actual or approximate date of birth, before a first class Magistrate or oath Commissioner, as evidence in support of the date of birth given by him.
- b) The date of birth of workman, once entered in the Service Card of the establishment shall be the sole evidence of his age in relation to all matters pertaining to his service 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 finalised within three months of the appointment of a workman.

c) Cases where the date of birth of any workman had already been decided on the date these rules come into force shall not be reopened under these provisions.

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

43. CONFIRMATION :

The employer shall, in accordance with the terms and conditions stipulated in the letter of appointment, confirm the eligible workmen and issue a letter of confirmation to him. Wherever a workman is confirmed, an entry with regard to the confirmation shall also be made in his service card within a period of thirty days from the date of such confirmation.

44. COMPLAINTS:

All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the executives of the Corporation shall be submitted to the Manager or other person specified in this behalf with the right of appeal to the Corporation as per the approved Grievance procedure.

45. SECRECY :

i) No employee shall take any papers, books, drawings, photographs, instruments, apparatus, documents or

any other property of the Corporation out of the office/work premises except with the permission of a person authorised by the Head of the Department nor shall be in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the activities, trade secrets including cost of production and confidential documents of the Corporation to any unauthorised person, Company or Corporation without the permission of the management.

ii) Breach of this order shall be deemed to be misconduct and defaulting employee shall be liable to punishment in accordance with these Standing Orders in addition to any other penalties to which he may be liable under the law.

46. EXCLUSIVE SERVICE :

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

47. RETIREMENT :

Every employee shall retire from the employment of the Corporation on the last date of the month in which the employee reaches the age of 60 years. The date of birth once declared at the time of joining the service shall be binding on the employee and he shall not be entitled to seek a correction thereof.

48. LIABILITY OF THE MANAGEMENT :

All Heads of Departments and Officers concerned shall be responsible for the proper and faithful enforcement and observation of these Standing Orders.

49. PROCEDURE REGARDING NOTICE :

- i) All notices required to be affixed under these Standing Orders shall be in English and also in the principal regional languages of the district in which the Corporation's establishment is situated.
- ii) a) Any notice, order, charge-sheet, communication or intimation which is personal i.e. meant for an individual employee and is given in writing under these Standing Orders shall be in English.

b) Before such a notice, order, charge-sheet, communication or intimation is handed over to the employee, it shall be read out to him if he so desires.

50. EXHIBITION OF STANDING ORDERS :

A copy of these orders in English alongwith a true translation in the language understood by the majority of the employees shall be posted on all the Notice Boards and at such other places as the Corporation may decide.

SCHEDULE

**(SCHEDULE OF POWERS UNDER CERTIFIED STANDING ORDERS (CSO) OF
DREDGING CORPORATION OF INDIA LIMITED)**

| Description of Posts | Appointing Authority | Authority Competent to impose penalties and penalties which it may impose (with reference to Order No. 28 of CSO) | Appellate Authority |
|-------------------------|----------------------|---|---------------------|
| Non-executive employees | Concerned Director | Penalties Disciplinary Authority | Appellate Authority |
| | i) Minor | Head of the Dept./Head of the Project | Concerned Director |
| | ii) All | Concerned Director | CMD |