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In the matter of appeal filed by the Rajasthan State Mines and Minerals Ltd. Udaipur against the modifications certified by the Regional Labour Commissioner (Central) and Certifying Officer, Ajmer vide his Order No:AJ:51(1-1)/78 dated 9.4.1981, before the Chief Labour Commissioner (Central) & Appellate Authority, New Delhi.

PARTIES

I. Representing the Employers:

- 1. Shri U.S. Bhatnagar,
Industrial Relations Adviser,
The Rajasthan State Mines and Minerals Ltd.,
Udaipur.

II. Representing the workmen

- (i) Shri R.C. Shukla,
Vice-President,
Rajasthan State Mines & Minerals Karamchhari Sangh,
Vila Rani Bazar, Bikaner.
- (ii) Rock Phosphate Mazdoor Sangh,
P.O. Jhamar Kotra, Udaipur ---None appeared.

ORDER

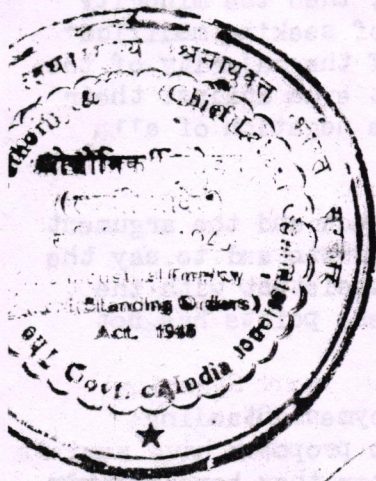
NO. LS(4)/81-LS.I

Dated, the 14th December, 1982.

1.1. M/s. Rajasthan State Mines and Minerals Ltd. P.O. Udaipur filed an appeal under their letter No: N1 dated the 8th May, 1981 against the order No:AJ51(1-1)/78 dated 9.4.1981 of the Regional Labour Commissioner (Central) and Certifying Officer, Ajmer certifying certain modifications to the Standing Orders of Jhamar Kotra Rock Phosphate Mines of M/s. Rajasthan State Mines & Minerals Ltd., Udaipur. The appeal of the employers is against modifications of the following Orders:-

Standing Orders No: 2, 5(f), 19, 22(a), 23(i), 48, 49 & 50.

2.1. The hearings in this case were fixed at New Delhi on 2.11.81, 28.6.1982 and 7.9.1982. The necessary notices were issued to all the parties concerned i.e. the management of Jhamar Kotra Rock Phosphate, mines and the unions mentioned above. The hearings fixed on 2.11.81 and 28.6.1982 did not take place due to non-appearance of the parties. On 7.9.1982, Shri U.S. Bhatnagar, Industrial Relations Adviser, appeared on behalf of the appellant and Shri R.C. Shukla Vice-President represented Rajasthan State Mines & Minerals Karamchhari Sangh in the hearing. None appeared on behalf of the Rock Phosphate Mazdoor Sangh, Udaipur.



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3.1. During the course of hearing, the appellant raised various general objections and contentions in the appeal, apart from questioning the specific provisions of the Standing Orders Certified, and these are dealt with herein below:-

3.2 Among the general objections the main points are :-

(i) that the Standing Orders were certified by the Certifying Officer as late as on 29.3.1977 and therefore the modifications proposed by the Rajasthan State Mines & Minerals Karamchhari Sangh, Udaipur, in their letter of 12th August, 1978 should not have been taken up for certification by the Certifying Officer.

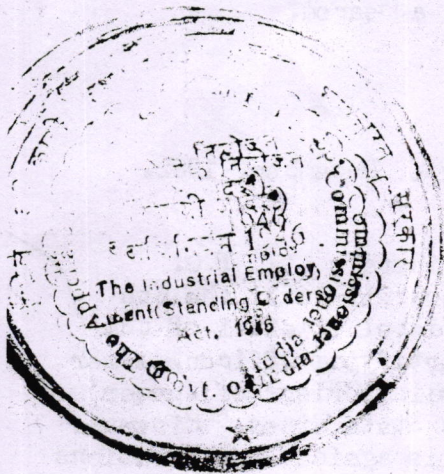
(ii) that the intention of Section 5 is to give notice to only one trade union and implead only one trade union as party to the proceedings relating to original certification of Standing Orders and that the scheme of the Industrial Employment (Standing Orders) Act it is only the majority of the workmen who have Locus-Standis to be heard in the matter of original certification of Standing Orders as also in the matter of modifications and that the minority union has no such right. They have further contended that Rock Phosphate Mazdoor Sangh was the majority union and, therefore, ~~that~~ that union alone was competent to raise matters concerning demands of general nature. Therefore, the modifications filed on behalf of minority union namely, Rajasthan State Mines and Minerals Karamchhari Sangh were wholly incompetent and not maintainable and no modification should have taken place on that basis, according to the appellant;

(iii) that the Standing Orders once certified are binding on the company and all the workmen of the mines. If the modifications proposed by the minority union are accepted and made applicable to its employees, then the minority union through its unilateral action of seeking modifications in the conditions of Service of the majority of the workmen employed in the establishment even against their wishes, this would amount to complete negation of all principles of law.

3.3 I have carefully considered these aspects and the argument raised and other material produced in relation thereto and to say the least these contentions are misconceived and inconsistent with the law. The provisions under law in relation to these points has not been set out correctly.

3.4 Keeping in view that Industrial Employment Standing Orders ^{Act} confers a right of any workman or union to propose modification of the certified Standing Orders after they have ~~remained~~ remained in force for six months, the objections of the management in this regard have no force and are rejected.

3.5.



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4.1 In so far as the contentions in appeal on specific provisions of the Standing Orders as certified are concerned, after carefully considering the contentions raised in the appeal, arguments advanced during hearing of the parties and the other material placed before me, I order as under :-

Standing Order No:2

Apprentices:- I do not find any change is called for to what has been certified by the Certifying Officer.

Standing Order No:5(f)

During the course of hearing both the parties agreed to assign the definition to the term 'mine' as is contained in clause (j) of subsection (1) of Section 2 of the Mines Act, 1952 (35 of 1952).

This is quite fair and also consistent with the law. I order that the draft Standing Orders No. 5(f) shall be worded accordingly.

Standing Order No: 19 Since 'transfer' is not covered in the items specified in the schedule appended to the Industrial Employment (Standing Orders) Act, to incorporate a provision regarding transfer in the Standing Orders would be beyond the purview of the Industrial Employment (Standing Orders) Act. This provisions needs to be deleted from the Standing Orders as certified.

Standing Order No: 22(a) The appellant during the course of hearing on 7.9.82 agreed to withdraw the appeal in relation to the proviso under the Standing Order 22(a). This was in view of item 17 of items of misconduct under Standing Order No: 21. The proviso will thus remain as it is.

Standing Orders No: 23(i) The representative of the Appellant and the workman agreed during the course of hearing to re-word the sub-clause as under :-

"(i) at such enquiry the charged workman shall be entitled to be represented by a co-worker."

I consider this as fair and reasonable. I order that the Certified clause 23(i) shall be substituted and worded as above.

Standing Order No: 48 The representative of the Appellant and the workmen agreed during the course of hearing to re-word this Standing Order as under :-

" A workman seeking employment elsewhere shall forward his application for such employment through the competent authority of the company. However not more than 2 such applications shall be forwarded by the competent authority in a Calendar year."

This is considered fair and reasonable. I order that sub-clause(a) under the heading Standing Orders No: 48, 49 & 50 of the



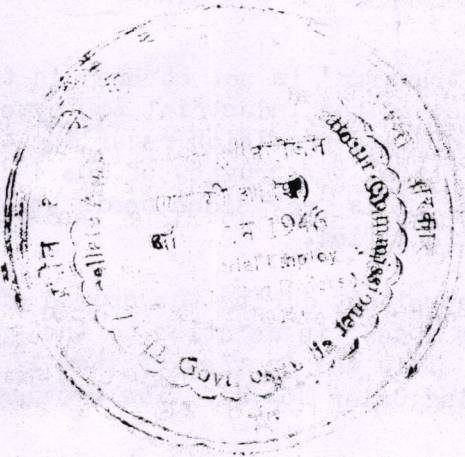
- 4 -

Standing Orders modified shall be reworded accordingly and shall remain as S.O 48 in the final orders.

Standing Orders No: 49 & 50

In view of items 4, 21, 22, etc. of the Standing Order 21(a) it was agreed that there was no need for these clauses. This is considered fair and reasonable. Therefore, sub-clause (b) and (c) under the heading Standing Orders No: 48, 49 and 50 of the Standing Orders as modified shall be deleted.

The appeal is disposed of accordingly. Given under my hand and seal on this Fourteenth day of December, 1982.



(P.N. RAZDAN)
CHIEF LABOUR COMMISSIONER (CENTRAL)
&
APPELLATE AUTHORITY
NEW DELHI.

REGISTERED

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Telegram: "CHILABCOM"

GOVERNMENT OF INDIA
(BHARAT SARKAR)

MINISTRY OF LABOUR/SHRAM MANTRALAYA

OFFICE OF THE

CHIEF LABOUR COMMISSIONER (CENTRAL)
MUKHYA SHRAM-AYUKT (KENDRIYA)

KA KARYALAYA

SHRAM-SHAKTI BHAVAN, RAFI MARG,
New DELHI-110001

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बच्चे की सुरक्षा
राष्ट्र की शान



HAPPY CHILD -
NATION'S PRIDE

भारत सरकार

श्रम मंत्रालय

राष्ट्रीय मुख्य श्रम आयुक्त
(केन्द्रीय)

श्रम-शक्ति भवन, रफी मार्ग
नई दिल्ली-110001

ख्या/No. IE.5(4)/81-LS.I

दिनांक/Dated the 15th December, 1982.

To

1. The Managing Director,
Rajasthan State Mines & Minerals Ltd.,
(Govt. of Rajasthan Undertaking),
Udaipur.
2. The General Secretary,
Rock Phosphate Mazdoor Sangh,
Mazdoor Karya'aya, Arvind Nagar,
Udaipur.
3. The President,
Rajasthan State Mines & Minerals Karamchari Sangh,
Near Champala' Dharamshala,
Udaipur.

SUBJECT:- Appeal under Section 6(1) of the Industrial Employment (Standing Orders) Act, 1946 preferred by the employers in relation to the Rajasthan State Mines and Minerals Ltd., Udaipur against Order No: 2J-51(1-1)/76 dated 9.4.1981 of the Regional Labour Commissioner (C), & Certifying Officer, Ajmer.

.....

Dear Sir,

In accordance with Section 6(2) of the Industrial Employment (Standing Orders) Act, 1946, I forward herewith an authenticated copy of my order No. IE.5(4)/81-LS.I dated the 14th December, 1982 under Section 6(1) of the said Act in respect of the above mentioned appeal.

Yours faithfully,

(P.N. RAZDAN)

CHIEF LABOUR COMMISSIONER AND
APPELLATE AUTHORITY

Handwritten notes:
C.P.
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consent
in front of
12/12/82

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20/12/82

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Office of the Secretary of State
Washington, D.C.

Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 14th instant, in which you request information regarding the status of the application for a passport for the purpose of the proposed trip to the United States.

The Department is currently reviewing the application and will advise you of the results as soon as a final decision has been reached.

I am sure that you will understand the need for thorough review of all applications to ensure the highest standards of security and integrity.

Very truly yours,
Secretary of State

Very truly yours,
[Signature]

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1. Shri U.S. Bhatnagar,
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O R D E R

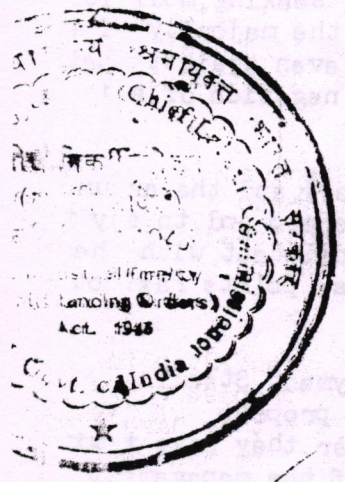
NO. LB-3(4)/81-LS.I

Dated, the 14th December, 1982.

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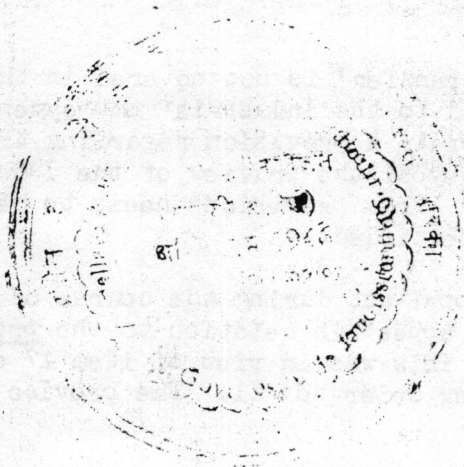


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The appeal is disposed of accordingly. Given under my hand and seal on this Fourteenth day of December, 1982.



(P.N. RAZDAN)
CHIEF LABOUR COMMISSIONER (CENTRAL)
&
APPELLATE AUTHORITY
NEW DELHI.

(11)

RAJASTHAN STATE MINES & MINERALS LIMITED
(A Government of Rajasthan Undertaking)
UDAIPUR.

**STANDING ORDERS FOR THE MINES OF THE COMPANY AT
JHAMAR KOTRA (PHOSPHATE DIVISION).**

1. Scope of Orders:

These orders will come into force in accordance with Section 7 of the Industrial Employment (Standing Orders) Act, 1946 and will apply to all workmen at the Mines of the Company at Jhamarkotra and surrounding places or any other mine in Phosphate Division under the Company and any other offices forming part of these mines which may be opened subsequently, under the Company in Phosphate Division unless specifically otherwise stated or excepted in so far as workmen under contract or employment with the Company may be covered by special contract.

2. Apprentices:

Apprentices are not entitled to any of the privileges of regular workmen, provided by these Orders, but are otherwise subject to these orders except in so far as they are governed by their apprenticeship contracts and or any special rules or orders framed by the Management for apprentices.

3. Amendments or Modifications.

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

4. Publication of Orders:-

These orders and amendments or modifications made there-to and any notices, orders or instructions issued thereunder will be posted on the general Notices Board at the Mines and other places outside the precincts of mines but covered under these Standing Orders.

5. Definitions:

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

(a) 'Act' means Industrial Employment (Standing Orders) Act, 1946.

(b) 'Company' means 'Rajasthan State Mines & Minerals Limited.'

(c) 'Competent Authority' under the Standing Orders who can take action as per provisions of the Standing Orders means Mines Superintendent/Mines Manager or any other person authorised to act in their places and/or appointed in accordance with the provisions of Clause 2(c) of the Mines Act.

(d) 'Discharge' shall mean termination by way of punishment which shall not be a dis-qualification for future employment & gratuity (if the workman concerned has completed the stipulated number of years of service to make him entitled to gratuity).

(e) 'Dismissal' from service shall mean termination by way of punishment which shall ordinarily be a disqualification for future employment and, may be disqualification for gratuity.

(f) 'The Mines' means the Mines of the Company and includes Offices forming part of one or other sections of the Mines, and includes the housing colony at Jhamarkote.

(g) 'Manager' means the Manager of the Mine or acting Manager for the time being appointed in accordance with provisions of the Mines Act, 1952, or any other officer nominated by the Managing Director as may be authorised to exercise any or all the powers of the Manager for purpose of these Standing Orders.

(h) 'Mines Superintendent' means any person whether appointed as such or not who acts as a representative of the management of the mines or of any part thereof and as such superior to the Manager under this Act or any other officer nominated by the Managing Director as may be authorised to exercise any or all the powers of the Mines Superintendent for the purpose of these Standing Orders.

(i) 'Muster Roll' means the register or registers, maintained by the Company in which the daily attendance, payment of wages, overtime wages, leave wages, fitness and other deductions of the workmen are shown.

(j) 'Notice Board' means the notice board specifically maintained in a conspicuous place in quarry office, general office, workshop office wherever maintained at all these places or any one of these or other places within the mines precincts or any other office in Phosphate Division for the purpose displaying notices and orders issued by the Management from time to time.

(k) 'Termination of service' shall mean termination which is neither 'Discharge' nor 'dismissal' and the workman concerned shall remain entitled to all benefits such as due notice or pay in lieu of notice gratuity, if eligible otherwise.

(l) The 'Workman' means a workman as defined in the Industrial Employment (Standing Orders) Act, 1946 and also as defined in the Industrial Disputes Act, 1947.

(m) Words importing the singular number shall include plural number and vice-versa.

(n) Words importing the masculine gender shall include the feminine gender.

6. Categories of workmen:

For the purpose of these orders there shall be the following four categories of workmen.

(1)(a) A 'Permanent' workman is a workman who has been engaged on a permanent basis and has satisfactorily completed a probationary period of company's service including break due to sickness, accident leave, lockout, strike (not being an illegal strike) or involuntary closure of the establishment and an order to that effect is passed, in writing, by the Competent Authority.

(b) A 'Probationer' is one who has been provisionally employed to fill up a permanent vacancy, in a post and has not been confirmed as permanent by the management. The period of probation shall be one year but such period of probation ~~shall be one year but such period of~~ may be extended by another six months, if management considers that a further probationary period is necessary. No probationer, however, will be classified as permanent unless he has been confirmed.



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by a letter from the management. If the work during the probation period is not found satisfactory the services can be terminated without notice. If a permanent employee is employed as probationer in a higher post, he may, at any time during the probation period, be reverted to his permanent post.

(c) 'Temporary' workman means a workman who has been appointed for a limited period or work of a temporary nature or who is employed in connection with a temporary increase in work of permanent nature. Without prejudice to the general meaning of temporary workman as given above, the workman engaged on construction jobs shall be treated as temporary workmen.

(d) 'Casual' workman means a workman who is employed for any work of an occasional or casual nature.

(ii) Each of the above four categories of workmen for the purpose of these orders shall be classified as follows:-

(a) Monthly rated monthly paid i.e. workmen whose salaries or wages are calculated at a monthly rate and who are paid monthly.

(b) Daily rated monthly paid i.e. workmen whose salaries or wages are calculated at a daily rate and who are paid monthly.

7. Recruitment & Employment:

(a) Candidates for recruitment should normally be between the age of 18 to 40 years.

(b) All new appointments will be subject to a medical examination of the candidates by a Medical Officer of the Company and 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 such other Medical Officer as may be appointed for the purpose.

(c) Each workman shall be provided with an identity card bearing his name, number, category and classification and any other particulars which the Company may deem necessary.

(d) Every workman who ceases to be in the employment of the company shall deliver up his card at the time office. He should also obtain clearance certificates from the department concerned before receiving payment.

8. Record of Age:

(a) The company shall record the age of every workman at the time of his employment and the entry of age shall be attested by the workman. Workman should for this purpose produce any of the following documents in proof of his age:-

- i) Birth Certificate.
- ii) School leaving Certificate.
- iii) Insurance Policy.
- iv) Horoscope, provided the Management in its discretion considers it sufficient to establish its genuineness and the age of the candidate.

Provided that in case of workmen who have passed matriculation or equivalent examination shall have to produce the certificates issued on passing the examinations in support of their age.

(4)

b) A workman who is unable to produce documentary evidence of his age shall state his age and make a written declaration that the age as stated by him is correct. Such workman will be sent to the Company's Medical Officer or such other Medical Officer appointed for the purpose of examination, free of cost, and his opinion as to the workman's age shall be binding on the workman. When the year of birth has been determined as per this clause the date of birth shall be taken as first July of that year.

c) Workmen, other than mazdoors, are bound to produce documentary evidence of their age to the satisfaction of the Management and shall also verify the entry of their age in their service cards by affixing their signatures thereto.

d) The age of workman as recorded with the Company at the time of his employment shall not thereafter be questioned by the workman.

9. Notice of instructions regarding attendance, departure etc.

All instructions issued from time to time relating to attendance checking of arrival and departure and period of duty, hours of work and the like will be notified on the notice board in Hindi. Every workman shall comply with such instructions.

10 A) Shift working shall be regulated in accordance with the provisions of the Mines Act for the time being or any other Act in force. More than one shift will be worked in any section of the Mines at the discretion of the management. Notices showing the shifts worked in each section shall be posted on the respective section Notice Board. Workmen working in shifts are liable to be transferred from one shift to another or from general shift to other shift and vice versa. The workman will be informed of the change of shift in case where the shift is to be changed because of some emergent reasons both verbally as well as in writing in the shift whereof he has come in the duty in the changed shift.

B) Workman shall not change their shifts without permission.

c) Workmen may in case of necessity be required to work overtime as per the provisions of the Mines Act or Acts.

11. Attendance Rules:

(a) The workman shall, on attendance each day, deliver up his card or token at the check house and/or the worksite of the Section in which he is employed. It will be returned to him while he is on duty with 'in' punch by the Check House and/or by the Time Officer staff, or his personal token will be kept by the Officer.

(b) The workman shall at the time of leaving duty again present his card or token at the check House to obtain 'out' punch or shall get back his card or token.

(c)(i) Those workmen whose are required to sign in a register maintained for the purpose shall do so at the time of reporting for duty on every working day.

(ii) If a workman is not at his working place at the beginning of his shift he shall be liable to be shut out and marked absent for that day.

(d) A workman who after presenting his ticket, card or token is found absent from his proper place or places or work during working hours without permission or without



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sufficient reason shall be presumed to be absent for the period of such absence and wages may be deducted for such absence in accordance with the Payment of Wages Act. In the cases of workmen not governed by the Payment of Wages Act, such deduction may be made in accordance with the said Act. Such absence on the part of the workmen is a misconduct and the workmen shall in addition be liable for disciplinary action as per the provisions of the Standing Orders.

12. Search:

All workmen are liable on entering or leaving the mines to be searched by the Watch & Ward staff and all female workers are liable to be detained and searched by a female searcher. In case of suspicion a thorough search may be made in the presence of two other persons of the same sex as the workmen to be searched.

13. Closure of Mine in certain cases:-

(a) The management may, at any time, in the event of fire, natural catastrophe, breakdown of machinery or stoppage of power supplies, epidemic, civil commotion or other causes beyond its control stop any section or sections of the establishment wholly or partly for any period or periods without notice. In that event, an attempt will be made for an alternative employment, in case of stoppage of work. Otherwise lay off compensation will be paid in accordance with the provisions of the Industrial Disputes Act, 1947.

(b) In the event of such stoppage during ~~hours~~ working hours, the workmen affected shall be notified by notice ~~put~~ put up on the notice board in the establishment concerned or at the office of the Manager as soon as practicable when work will be resumed and whether they are to remain or leave their place of work. If the workmen are detained, they will be paid full wages for the period of detention and half wages for the rest of the period. In the case of piece rate workers, the average daily earning for the previous month shall be taken to be the daily wages.

14. Resumption of work after shut downs:-

As and when a section or sections of the Mines or a section or sections of the offices are to be reopened after shut down, closure or stoppage the date of resumption of work in these departments will be notified by notice Board with an reasonable time prior to such resumption of normal work.

15 Laying off of workmen:

In the event of shut down, stoppage or closure for any of the causes mentioned in standing order 13 if the company is unable to provide work for all workmen any class of workmen or any particular workmen or workmen the management shall be entitled to lay off from work or duty all or any such workman or workmen as the local management shall elect for any period or periods. The provisions of Industrial Disputes Act, 1947 shall apply in all cases of lay off.



16. Strikes:

The management may in the event of a strike affecting either wholly or partially any section or sections of the Mine or the establishment or any office close down either wholly or partially such section or sections or any other office affected by such closing down. The fact of such closure shall be notified by notices put on the notice Board in the section or Sections or office or offices concerned, and in the Time office, if any, as soon as practicable. The workmen concerned shall also be notified by a general notice prior to resumption of work, as to when work will be resumed. Provided that such workmen as have left station on account of such closure will be given ten days time for resuming their duty.

17. Manners of intimating rates:

On employment all workmen shall be given an employment slip on which shall be entered among other things their rate of pay.

18. Dates of Payment of wages:

Payment of wages will be made in accordance with the Payment of Wages Act.

19. Transfer:

Workmen shall be liable to be transferred from one Mine to any other establishment of the Company and shall also be liable to be transferred from one section to another or from one job to another or from any other establishment and office or office to the mines provided such transfer does not cause any prejudice to their wages and 7 days' notice shall be given to such transfer but other conditions of service of such workmen will be guided by the rules and regulations as prevalent in the place where they are transferred. They shall be entitled to travelling allowance in accordance with the TA Rules of the company in force. Wage means wage as defined in the Industrial Disputes Act.

20. Exclusive Service:

Every workman shall devote his whole time and energy exclusively to the business and interest of the company. In particular a workman (including workman on leave) shall not directly or indirectly engage in any other profession or business or enter the services of or be employed in any capacity or for any purpose whatsoever and for any part of time by any other person, government department, firm or company and shall not have any private financial dealings with persons or firms having business relations with company for the sale of purchase of any materials or equipments or supply of labour or for any other purpose unless and until it is permitted in writing by the Mines Supdt./Manager or any other person authorized by the company under very special conditions. Every workman shall hold himself in readiness to perform any duties required of him by his superiors to the best of his ability provided that this does not adversely affect his conditions of service. Breach of this order shall be misconduct under order 21 and the workman shall be liable to punishment in accordance with these orders.



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21. Acts of misconduct:

(a) Without prejudice to the general meaning of the term "gross misconduct" shall be deemed to mean and include the following:-

- i) Conviction by a court of law for an offence involving moral turpitude.
- ii) Theft, fraud or dishonesty in connection with the business or property of the establishment.
- iii) Taking or giving any illegal gratification.
- iv) Wilful insubordination or disobedience, whether alone or in combination with another or others of any lawful and reasonable order of superiors or any act subversive to discipline.
- v) Gambling within the premises of the mines or establishment.
- vi) Drunkenness and/or riotous behaviour, during the working hours at the establishment or conduct endangering the life or safety or any person intimidation, physical duress or indecent behaviour;
- (vii) Advancing or collecting of moneys within the premises of the mines or establishment for purposes and by persons not authorised by the company other than the recognised/union representative;
- viii) Engaging in trade or business within the premises of the establishment including collection of pay-tickets given to the employees or the sale or canvassing of tickets, coupons or other tokens of any commodity or article without the previous sanction of the company.
- ix) Canvassing for trade union membership and collection of Union's dues within the premises of the company except other than recognised/union representatives.
- x) Striking work either singly or with other in contravention of these Standing Orders or any statute, law, rules of encashment from time to time and for the time being in force, or inciting any workman while within the precincts of the company to strike work.
- xi) Wilful slowing down in performance of work or abatement or instigation thereof.
- xii) Wilful damage or attempt to cause damage to work in process or to any other property of the establishment or of the customers of the establishment.
- xiii) Refusal to work on a job or assignment of similar nature or another machine subject to the provisions of the Standing Order No. 19.
- xiv) Smoking within the mines premises or establishment in places where it is prohibited.
- xv) Theft of employees property at the premises of the mines or the establishment.
- xvi) Writing of anonymous letters criticising his superiors
- (xvii) Continuous absence without permission and without satisfactory cause for more than ten days.
- (xviii) Absence from place of work after reporting for a period exceeding 15 minutes.



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- xix) Sleeping on duty.
- xx) Giving false information regarding his name, age, father's name, qualifications or previous service etc. at the time of employment.
- xxi) Unauthorised disclosure of information connected with the affairs of the Company or any of its customers or any other persons connected with the business of the Company which is confidential or the disclosure of which is likely to be prejudicial to the interest of the establishment.
- xxii) Doing any act prejudicial to the interests of the company or gross negligence or negligence involving or likely to involve the establishment in serious loss.
- xxiii) Failure to absorb safety instructions or unauthorised removal in reference to machinery, guard, fencing or other safety device installed in the premises of the company or any other act of behaviour which is likely to cause injury or any harm to any person or endanger the life or safety of such persons.
- xxiv) Wilful breach of the Indian Mines Act or any other Act or any rules or byelaws thereunder or of these Standing Orders.
- xxv) Late attendance for more than 6 times within a period of 6 months.
- Late attendance means reporting to duty after 10 minutes and when permission is given for joining the duty.
- xxvi) Unauthorised use or occupation of or construction on a land or any building or sub letting or parting with possession of residential quarters.
- xxvii) Wrongful and unauthorised use of any of the property of the company.
- xxviii) Marked disregard of ordinary requirement of decency in person or dress.
- xxix) Abetment or instigation of any or the above acts or commissions.
- xxx) Habitual doing of any act which amounts to minor misconduct as defined below 'habitual' means a course of action taken or persisted in notwithstanding that at least on three previous occasions censure or warning have been administered or any adverse remark has been entered against him.
- xxxi) Refusal to accept the chargesheet, order or other communication from the management or its superiors.
- xxxii) Deceptive or corrupt practices in connection with the work of the company.

21. Minor Misconduct:

- (b) Without prejudice to the general meaning of the term 'minor misconduct' shall be deemed to mean and include the following:-
- i) Late attendance and absence without leave or without sufficient cause.
 - ii) Absence from duty without leave or without sufficient grounds for a period less than 10 consecutive days.

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iii) Overstaying sanctioned leave without sufficient grounds for a period less than 10 consecutive days.

iv) Neglect of work or negligence in performing duties.

v) Failure by workman to inform the Medical Officer of the occurrence in his house of a notifiable disease, viz. Cholera, Small Pox, Leprosy, Diphtheria, Cerebro-spinal, meningitis,ague, Bacillary, Dysentery, Yellow fever, whooping cough, quicken pox, Tuberculosis, Typhoid or Enteric fever, Mumps, Dropsy.

vi) Holding meeting inside the premises of the establishment without previous permission of the Company or except as permitted by law.

vii) Failure to show consideration or attention towards the officers, customers or other employees of the establishment or unseemly behaviour on duty.

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22(a) The following penalties may, for good and sufficient reasons, be imposed on an workman found guilty of a major misconduct:-

- i) Warning or censure.
- ii) Making an adverse entry in his service record.
- iii) Withholding of increment of pay for a period which may extend to one year.
- iv) Withholding of one increment of pay permanently, demotion where possible or reduction by one or more increment in his grade permanently.
- v) Suspension from service without payment of wages for a period not exceeding six days.
- vi) Discharge.
- vii) dismissal.

Provided further that when a workman is absenting without permission and without satisfactory cause for more than 10 days his name will be struck off from the roll of the Company and it will be considered as if the workman left the service of his own accord.

22(b) The following penalties may, for good and sufficient reasons, be imposed on an employee found guilty of a minor misconduct:-

- i) Warning or censure;
- ii) Making an adverse entry in his service record.
- iii) withholding of increment of pay for a period which may extend to six months;
- iv) suspension from service without payment of wages for a period not exceeding four days.

23. No punishment shall be imposed on workman under these Standing Orders unless he is found to be guilty of major or minor misconduct alleged against him in an enquiry conducted in the following manner:

a) The employer or competent authority authorised under the Standing Orders shall give to the workman a chargesheet setting forth the misconduct and the circumstances appearing against him and requiring his explanation;

- b) the workman shall be given for submitting his explanation time of at least two days provided that such time may be extended on an application made by him if sufficient grounds are shown for the same;
- c) after the receipt of the explanation a date for the enquiry shall be fixed and notice containing the date, time and place of enquiry and name of Enquiry Officer shall be sent to the workman, provided that in the case where the workman admits the charge made against him in writing and the employer is satisfied that such statement has been given voluntarily by the concerned workman it shall be open to the employer or competent Authority to award punishment without holding any enquiry;
- d) such enquiry shall be conducted either by the employer or any competent authority under the Standing Order or any Officer or person nominated or appointed for such purpose;
- e) at the enquiry the evidence against the concerned workman shall be first let in and then the concerned workman shall be permitted to produce his witnesses in defence and cross examine the witnesses of the management on whose evidence the charge rests;
- f) the enquiry officer shall not represent the employer for examining or cross-examining the witnesses or the concerned employee at such enquiry;
- g) the Enquiry officer if a request is made by the concerned workman, shall make available such documents and information in the custody or in the possession of the employer which are relevant and necessary for the purpose of the enquiry unless for reasons to be recorded in writing that such document or information are found by him to be irrelevant for the purposes of the enquiry or where he is satisfied for reasons to be recorded in writing that such documents or information, if disclosed, would be prejudicial to the interests of the establishment;
- h) the enquiry officer shall on the conclusion of the enquiry submit his report in writing giving his findings with reasons thereof to the management;
- i) at such enquiry the concerned workman shall be entitled to bring any representative of the registered union or co-worker, who will act as an Observer;
- j) an order of punishment shall be in writing and shall be issued over signature of the employer or competent authority under the Standing Orders and a copy of such order duly signed shall be given to the concerned workman immediately. Wherean employee is found guilty of more than one misconduct there will be one punishment for all misconducts considered together;
- k) if during the enquiry it is found that the workman is guilty of misconduct other than that stated in the chargesheet, the workman shall none-the less be liable to punishment for misconduct provided by order 21, but before any punishment is awarded to him, he shall be afforded a reasonable opportunity of explaining and defending his actions in respect of such act of misconduct as provided above;



l) where the concerned workman refuses to accept any such communication under these Standing Orders or avoids to accept such communication without any justification, the service of such communication by registered post or display of the communication or chargesheet on the Notice Board of the Company shall be deemed to be sufficient service on him;

m) If the concerned workman refuses or avoids or neglects to receive the chargesheet or to submit his explanation or to appear at the enquiry without any justifications or good reasons, it shall be open to company to proceed with the enquiry in his absence;

n) the workman charged with major misconduct may be suspended forthwith from duty for the alleged misconduct, but in such case the enquiry shall be completed within a period of three months.

provided that the period of three months may for reasons to be recorded in writing be extended by such further period as may be deemed necessary by the Enquiry Officer.

o) a workman who is placed under suspension shall during the period of such suspension, be paid a subsistence allowance at the following rates;

i) Where the enquiry contemplated or pending is domestic, the subsistence allowance shall for the first ninety days from the date of suspension be equal to one half of basic wages, dearness allowance and other compensatory allowance to which workman would have been entitled if he was on leave with wages. If the departmental enquiry gets prolonged and the workman continues to be under suspension for a period exceeding ninety days the subsistence allowance shall for such period be equal to three-fourths of such basic wages, dearness allowance and other compensatory allowance.

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workman, the subsistence allowance shall for the period exceeding ninety days, be reduced to one-fourth of such basic wages, dearness allowance and other compensatory allowances.

ii) Where the enquiry is by an outside agency, or as the case may be, where criminal proceedings against the workman are under investigation or trial, the subsistence allowance shall, for the first one hundred and eighty days from the date of suspension, be equal to one half of his basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled to if he was on leave. If such enquiry or criminal proceedings gets prolonged and the workman continues to be under suspension for a period exceeding one hundred and eighty days, the subsistence allowance shall for such period be equal to three fourths of such wages.

iii) During the period of suspension the workman shall not leave the station without written permission of the Management.

p) If on the conclusion of the enquiry or, as the case may be, of the criminal proceedings, the workman



has been found guilty of the charges framed against him and is considered, after giving the workman concerned a reasonable opportunity of making representation of the penalty proposed that, an order of dismissal or suspension or fine or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly.

Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period, and the subsistence allowance already paid to him shall not be recovered.

Provided further that where the period between the date on which the workman was suspended from duty pending the enquiry or investigation or trial and the date on which an order of suspension was passed under this clause exceeds four days, the workman shall be deemed to have been suspended only for four days or such shorter period as specified in the said order of suspension and for the remaining period he shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.

Provided also that where an order imposing fine or stoppage of annual increment or reduction in rank is passed under this clause, the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.

Provided also that in the case of workmen to whom the provisions of clauses (2) of Article 311 of the Constitution apply, the provisions of that article shall be complied with.

q) If on the conclusion of the enquiry, or as the case may be, of the criminal proceedings, the workman has been found to be not guilty of any of the 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 as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.

The payment of subsistence allowance under the standing order shall be subject to the workman concerned not taking up any employment during the period of suspension.

r) If the workman be dismissed as a result of the enquiry the dismissal shall have effect from the date of suspension;

s) Nothing herein contained shall effect the right of the Company to terminate the services of the workman by notice or payment of salary in lieu of notice in accordance with these orders notwithstanding that an enquiry into the alleged misconduct of the workman is pending and /or finalised;



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t) any irregularity in the issue of chargesheet or holding of the enquiry shall not vitiate the ultimate order passed or made by the Company unless it is shown that such irregularity has caused prejudice to the case of the concerned workman.

24. Deduction:

Deduction and fines etc. will be governed by the Payment of Wages Act.

25. a) No workman shall by writing to any person (including a co-workman) or by communication to public paper, journals, books, pamphlets, disclose or cause to be disclosed at any time during service or after service any information or documents official or otherwise relating to the company except with approval of the Management.

b) No workman shall otherwise than in the normal course of his work engage in giving information or advice on matters relating to the activities of the company;

c) Except in the ordinary course of his duties no workman shall disclose either during service or after leaving the service of the company any secrets, secret information or any other information or matters concerning the operations of the Company which is in the nature of trade or business secrets.

d) No workman is permitted to carry with him outside the works any papers, books, drawings, photographs, instruments, apparatus, documents or any other property belonging to the Co. or relating to the company's affairs except with the express permission of the Company.

e) No workman is permitted to take notes, drawing or sketches for his own use of any plant process or work or copies of officials papers with him.

g) Any books, drawing, sketches, photographs and similar papers containing notes or information relating to the company's business, affairs or operations shall always be treated as Company's property, whether prepared by the workman or otherwise.

26. Publication or written article:

No workman shall publish or cause to be published an article written by him or any matter whatsoever in any local or overseas newspapers journals or other publication without the permission of the Management. Provided that such permission shall not be necessary for the publication of articles which have no bearing on the affairs of the Company or which do not directly or indirectly affect the Company.

27. Holidays:

All workmen other than school teachers shall be entitled to three National Holidays, i.e. (i) Independence day, (ii) Republic day and (iii) 2nd October and 5 other festival holidays, which will be determined mutually by the management and the recognised union before the commencement of each calendar year and shall be duly notified. No change shall than be made during the year.



28. Privilege Leave:

a) A workman who has completed a calendar years' service in the mines or office shall be allowed during subsequent calendar year Privilege leave of 28 days. Such leave may be accumulated upto a total of 56 days.

b) The continuous service for one year shall be 240 days attendance which will include, besides actual days of work, privilege leave availed, casual leave, sick leave and special leave with pay during the year. Period of training will also be counted towards this period. Leave without pay or days when a workman is absent shall not be counted for this period of 240 days.

c) The weekly day of rest or holidays occurring during the period of leave shall be counted as part of such leave but the prefixing or suffixing of holidays and/or weekly days of rest shall be allowed and shall not be counted as a part of such leave.

d) A workman who joins the company during a calendar year shall be entitled to privilege leave in the subsequent calendar year proportionate to the period he has served with the company and has put in continuous service in proportion to 240 days as computed above.

e) The leave and holidays for school teachers of the Company would be governed by the schedule of holidays and vacations of the Education Department, Government of Rajasthan. However, they would be entitled to 3 days privilege leave in a calendar year.

29. Casual leave:

Every workman will be entitled to 8 days casual leave in a full calendar year. A workman who joins the Company during a calendar year shall be entitled to casual leave in proportion to the balance period of that year from the date of joining. Such leave cannot be availed of for more than 4 days at a time. Casual leave for half day shall not be allowed. Casual leave can be prefixed and or suffixed to weekly rest day/or holidays. The intervening weekly rest days/holidays will not be counted in the spell of the casual leave.

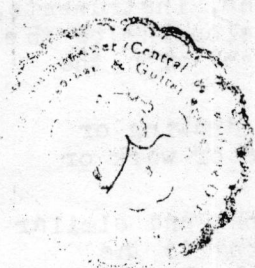
30. Sick leave:

All workmen shall be entitled to 10 days sick leave in a calendar year on pro-rata basis and sick leave can be accumulated upto 30 days. A workman who joins the Company during a calendar year shall be entitled to sick leave in proportion to the balance period of that year from the date of joining.

31. There will be no restrictions as regard to the minimum number of privilege leave that can be availed at a time. Privilege leave for half day shall not be allowed.

31. There will be no restrictions as regard to the minimum number of privilege leave that can be availed at a time. Privilege leave for half day shall not be allowed.

32. In the case of privilege leave application for more than seven days must be made 7 days in advance and the workman shall proceed on leave after the leave is granted in writing.



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33. For casual/privilege leave of more than 3 days application should be made 24 hours in advance of the date from which the leave is required, save and except in case of emergencies.

34. No sick leave will be granted unless recommended and certified by the Company's Medical Officer or any other recognised Medical Officer.

35. No sick leave can be taken in continuation of casual leave. In case of continuation the whole period will be considered as sick leave or privilege leave or leave without pay.

36. Privilege leave cannot be suffixed or prefixed by casual leave.

37. Privilege leave can be suffixed or prefixed by sick leave.

38. Every workman shall be allowed to encash once in two year privilege leave due provided such encashment will not exceed 50% of the total privilege leave due, subject to a maximum of 28 days. The cash value of leave payable to the employee on encashment would be basic and dearness allowance payable on the date of encashment. Provided that the leave balance after encashment shall not be less than 14 days.

39. A workman absenting for more than six months on the ground of sickness should be discharged.

40. Leave will be calculated on a workman's monthly rate or 26 times his daily rate.

41. In addition to leave with pay the workmen may be sanctioned leave without pay at the discretion of the Management.

42. Maternity Leave:

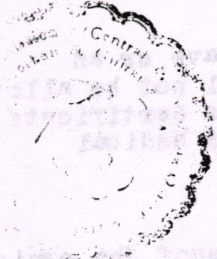
Maternity leave and Maternity benefit will be governed by the provisions of the Maternity Benefit Act and Rules.

43. Leave preparatory to retirement:

All leave to a workman which is not availed of before the date of superannuation or retirement shall be forfeited. Provided that such forfeiture shall not be effected if prior to such date of retirement or superannuation the workman has formally applied in writing for leave due to him and has been refused such leave. Workman should therefore, proceed on leave prior to superannuation or retirement on such earlier date as will enable them to use up all the leave due to them including the leave in respect of the last completed year of service, before the actual date of superannuation or retirement, Leave preparatory to retirement in excess of 84 days shall not count for earning further leave under these Standing Orders.

44. Authority to Sanction Leave:

The authorities to sanction leave shall be the Mines Superintendent/Mines Manager and such other officers as may be authorised by the Management.



45. Application for Leave:

a) A workman who desires to obtain leave of absence shall apply to his Sectional Head.

b) Application for leave under clause 43 shall be disposed of immediately. Application for leave under clause 32 hereof shall be disposed of within 5 days.

c) A copy of the order passed on the application shall be given to the workman and, if leave is refused or postponed the reasons thereof shall be recorded in writing by the authority making the order.

d) A workman shall before proceeding on leave inform the officer of the Section in which he is employed of his address during the period of leave.

e) A workman who desires to extend his leave shall make an application in writing to his sectional head before the expiry of the leave already sanctioned. If the application for leave is on medical grounds he should submit with his application a certificate of the nature prescribed in order 34 stating the probable period for which leave is required. On receipt of such application the sectional head shall immediately inform the workman in writing to the address given by the workman in his application or previously intimated under sub-clause (d), above whether the extension of leave has been sanctioned and if so, for what period or whether the extension has been refused.

f) A workman who has been sanctioned leave or an extension of leave on medical grounds shall not be allowed to resume duty unless he produces a fitness certificate from Company's Medical Officer or recognised Medical Officer or registered medical practitioner.

46. Absence in excess the period of leave:

A workman who remains absent in excess of the period of leave originally sanctioned or subsequently extended shall be liable to disciplinary action unless he is able to explain his over stay in a manner satisfactory to the Company.

47. All workmen shall be bound to observe all safety rules as notified from time to time and to use safety equipment when necessary.

48. A workman seeking employment elsewhere shall forward his application through the company's management. Provided that where a workman applies for outside jobs with vexatious frequency the company shall have the right not to forward his application.

49.i) A workman shall within one month of the taking up of his employment furnish the company with (a) a list of all the patents taken out or applied for by him jointly with any other party or individually in India or Abroad (b) titles and nature of any invention in possession of the workman prior to his taking up the appointment which shall be treated as confidential and regarded as such for the purposes of Patent and particularly section 38 of the existing Indian Patents and Designs Act, 1911.



permission of the Mines Superintendent/Mines Manager or other officer of the company authorised in this behalf.

d) The company shall have the right to transfer a workman from quarters given to him for his use to other quarters and also the right to require him to give up such quarters when so required by the company.

quarters which shall at all times be deemed to be under the control of the company.

51. Acting allowance:

a) When a workman is promoted temporarily to a more responsible post for a period of a month or more acting allowance will be given at the rate of the difference of his present basic pay and the minimum of the higher grade in which he is authorised to act subject to maximum of 3 increments and minimum one increment in his present scale. In case of daily rated monthly paid workers acting allowance will be given even for a day. Link acting allowance will not be allowed in any case.

b) Where there is similar nature of job even though in the higher grade with different designation no acting allowance will be paid.

c) All acting allowance will be paid only when authorised by the Management in writing.

52. a) Unless the employment of a workman is for a specific period or a specific job, the workman will be entitled to the following notice or pay in lieu of notice on termination.

Permanent:

- Monthly rated monthly paid categories : One month's notice
- Daily rated monthly paid categories : One month's notice
- Temporary workmen : One week's notice
- Probationers & casual : No notice.

b) Workmen who wish to resign must give the company the same notice as the company is required to give them provided that when notice is given the company is entitled to accept it at once or any time before the expiry of the notice.

Provided that when a workman gives notices of resignation the management shall be entitled to accept it with immediate effect or from any time before the expiry of the notice period by paying the workman his salary or wages for the ~~remainder~~ remainder of the notice period.

c) A workman who has been declared insolvent may be discharged from service.

53. Retrenchment:

Retrenchment and retrenchment compensation will be in accordance with the provisions of the Industrial Disputes Act, 1947.

54. Payment of unpaid wages:

Any wages due to a deceased workman shall be paid to his legal heir or heirs before expiry of the time



ii) A workman shall not without the previous consent in writing of the company to be communicated within two months from the workmen containing suitable particulars regarding any invention or secret process asking for such permission apply for any patent, exclusive privileges or the like protection in respect of any invention under any enactment or law of India, or any other Government or legislature for the time being in force and applicable thereto. If such invention or secret process has been made or discovered by the workman during any period of service with the company, the company shall be entitled to require the workman, to assign and transfer any such invention or secret process of (as its option) the patent exclusive privileges or the like protection obtained by the workman in respect thereof for its own absolute and exclusive use. Such options as aforesaid shall be exercised at any time between the date of receipt of the application asking for permission as aforesaid shall be exercised at any time between the date of receipt of the application asking for permission as aforesaid referred to in this sub-clause and the expiry of six months after the workman shall intimate to the company the grant of any such patent exclusive privilege or the like protection and in the event of such option being exercised, the workman shall assign to the company the invention or secret process or the patent exclusive privilege or the like protections, as the case may be, and sign all such deeds, assurances, applications, documents and papers as the company shall require to obtain the full benefit of the rights and options vested in the Company under this clause.

iii) The company shall at all times be entitled (whether it shall exercise any option vested in it by sub-clause (ii) or not) to the unqualified right to adopt and use the said invention, or secret process without being obliged to pay any royalty or any other consideration thereafter and further the workman shall not assign, charge or in any way transfer such patent, exclusive privilege or the like protection obtained in respect of such invention or secret process without providing for such unqualified use free of charge to the company and shall on demand execute in favour of the company such licences, deed documents and assurance for the purpose of enabling the company to establish its right to such free use and/or to exercise such free use as it may require. Provided that if the company has not exercised the option vested in it by sub-clause (ii) and if the workman making the invention is of a rank below that of an Assistant Superintendent, sub-clause (iii) shall not apply.

50. HOUSING:

a) Workmen who have been allotted company's quarters shall observe all rules, regulations and conditions made by the company from time to time (including such rules, regulations and conditions set out in the house permit) for the use by workmen of such quarters.

b) Such workman shall observe all instructions and orders issued by the Medical Officer for the maintenance of sanitation cleanliness and public health.

c) Additions, alterations, or erection of any temporary or permanent sheds shall not be made without the written



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day after the day on which a substantial claim is presented by his heir or heirs or on their behalf by their legal representative, provided such claim is submitted within three ~~days~~ years of the death of the workman.

55. Appeal:

(a) A workman aggrieved by an order imposing punishment may within twenty one days from the date of receipt of the order, appeal to the Managing Director.

(b) The Managing Director after giving an opportunity to the workman of being heard, shall pass such order as he thinks proper on the appeal within fifteen days of its receipt and communicate the same to the workman in writing.

56. Certificate of termination of service:

Every permanent workman shall be entitled to a service certificate at the time of his dismissal, discharge or retirement from his service.

57. Display of notice:

a) Copies of all notices required to be given by the company to its workmen shall be posted on the notice board and when so posted shall be deemed to have been served on the workmen for whom they are intended.

b) Notice specifying (a) 'off' days and 'pay' days shall be posted as required by the Mines Act the Payment of Wages Act, respectively.

c) All notices required to be posted under these Standing Orders shall be in English and Hindi and shall be kept in a legible and clean condition.

58. Observance of Rules:

The Mines Supdt./Mines Manager or any other officer authorised by the company will be personally responsible for the proper and faithful observance of the Standing Orders and of the special rules made under the Mines Act and posted in the mines or offices under the Company particularly regarding the employment of personnel under ~~under~~ him.

59. Display of Standing orders:

A copy of these orders in English and Hindi shall be posted on the notice Board and in all departments and in such other places in the Mines premises/or at the office as the management may desire and shall be kept in legible and clean condition.

60. Interpretation of S.Os.

If there is any conflict between the Hindi versions of these Standing Orders and the English version, the English version shall prevail and be followed.

Given under my hand and seal of 27th March, 1977.

(Chyam Krishna) 28/3/77
Regional Labour Commissioner (Central),
Ajmer, and
Certifying Officer for the States of
Rajasthan and Gujrat.

