

The Uttar Pradesh Co-operative Sugar Mills and Distilleries Employees Service Regulations, 2015

(Co-operative Sugar Mills and Distilleries Employees Service
Regulations, 2015)

[02/2016/117/SC/18-2-2016-77/12TC]

[28th January, 2016]

In exercise of the powers under sub-section (2) Section 122 of Uttar Pradesh Co-operative Societies Act, 1965 (U.P. Act No. XI of 1966), the Governor is pleased to approve the regulations framed by the Authority as required under Government Notification No. 474/XII-G-1-1987-7-(13)76 T.C., dated March 31, 1987 regarding recruitment, emoluments terms and conditions of service including disciplinary control of the employees of Uttar Pradesh Co-operative Sugar Factories and Distilleries Employees.

2. Under the aforesaid sub-section (2), the Governor is further pleased to direct that these regulations shall be published in the Gazette.

PART I

GENERAL

1. Short title, extent and commencement.— (1) These regulation may be called the Uttar Pradesh Co-operative Sugar Mills and Distilleries Employees Service Regulations, 2015.

(2) They shall apply to the employees of Uttar Pradesh Co-operative Sugar Mills and Distilleries.

(3) They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions.— In this regulation, unless the context otherwise requires,—

(a) “Act” means the Uttar Pradesh Co-operative Societies Act, 1965 (U.P. Act No. 11 of 1966).

(b) “Appellate Authority” means Chairman/Administrator of Sugar Mill/Distillery.

(c) “Appointing Authority” means the General Manager/Secretary of Co-operative Sugar Mills and Distilleries.

(d) “Apprentice” means a person who is under training of Apprenticeship in the mill or distillery.

(e) “Authority” means the Principal Secretary/Secretary of Sugar

Industry and Sugar Cane Development, the Uttar Pradesh Government.

- (f) "Bye Laws" means the bye laws of a Co-operative Sugar Mill and Distillery registered by the Registrar.
- (g) "Chairman" means Chairman/Administrator of Sugar Mill/Distillery nominated by the Uttar Pradesh State Government.
- (h) "Continuous Service" means continuous service under Mill/Distillery. That service is also included in it, which is only due to disease or authorized leave or any accident or such strike which may not be illegal or lockout or stoppage of work, not interrupted due to any error of an employee.
- (i) "Employee" means a person appointed as full time employee (temporary, permanent and seasonal) in a co-operative sugar mill and distillery, but the employee of following categories are not included in it—
 - (1) Daily wages employee or person employed on contract basis.
 - (2) Government servant or other person employed on deputation.
 - (3) Apprentices and Trainees, during the period of Apprenticeship or Training.
- (j) "Family" means family of any employee which includes following—
 - (i) In relation to a male employee, his wife, son, unmarried daughter, mother and father, who are dependant on him, whether they reside with him or not.
 - (ii) In relation to a female employee, her husband, son, step son, unmarried daughter or unmarried step daughter, mother in law and father in law, who are dependant on her, whether they reside with her or not.
 - (iii) Any blood related person of the employee who is completely dependent on the employee. But legally divorced wife or husband, or son, step son, unmarried daughter or unmarried step daughter, who is now not dependant on male or female employee or the employee has legally been deprived of having his/her custody are not included in it.
- (k) "Federation" means the Uttar Pradesh Co-operative Sugar Factories Federation Ltd.
- (l) "General Manager/Secretary" means the General Manager/Secretary of Co-operative Sugar Mills and Distilleries.
- (m) "Management Committee" means such Management Committee or Administrator which has been entrusted with the

Management and activities of Co-operative Sugar Mills/Distillery under Section 29 of the Act.

- (n) "Managing Director" means the Managing Director, Uttar Pradesh Co-operative Sugar Factories Federation Ltd.
- (o) "Mill" means a Co-operative Sugar Mill and distillery unit.
- (p) "Pay" means all emoluments earned and paid to him or payable in cash under terms and conditions of this employment in accordance to the work or on leave, and it includes pay, dearness allowance, interim relief, but it does not include house rent allowance, bonus, and other admissible allowances.
- (q) "Registrar" means the Uttar Pradesh Sugar Cane Commissioner.
- (r) "Rules" means Uttar Pradesh Co-operative Societies Rules, 1968.
- (s) "Seasonal Employee" means an employee who is employed only for a crushing season.
- (t) "Section Head" means the Chief Engineer, the Chief Chemist, the Chief Cane Officer, the Chief Accountant and the Distillery Manager in the section thereof in a Distillery Unit.
- (u) "Selection Committee" means Selection Committee constituted under Regulations 13.
- (v) "Service" means the Co-operative Sugar Mills and Distilleries Employees Service.
- (w) "Trainee" means a person, who is employed for a definite period under any training scheme.
- (x) "Year" means a Co-operative year commencing on the 1st day of April of a calendar year and ending with 31st day of March next following.

PART II

CADRE

3. Classification of Posts of Service.— (1) For the purpose of appointment/recruitment, the classification of posts under Co-operative Sugar Mills and Distilleries shall be made in accordance with Schedule 1 appended to these regulations.

(2) The authority shall determine from time to time, number of posts in Sugar Mills/Distilleries and may modify from time to time in accordance with thereafter Schedule 1.

4. Qualifications.— The qualifications of candidate for appointment to each categories of Post shall be such as mentioned in Schedule 1 appended to these rules.

5. Age.— (1) For direct recruitment to the posts having eligibility of Intermediate/I.T.I. qualification and for the higher posts, a candidate

must not be less than 18 years and 21 years and not more than 40 years of age, respectively on first day of the year of recruitment.

(2) The appointing authority may relax the maximum age limit in the case of the application made by an otherwise eligible employee for the post filled through direct recruitment after approval of the authority.

(3) A candidate shall submit his age certificate at the time of his first appointment, before Appointing Authority.

(4) Under sub-regulation (3) the age shall be such as mentioned in the high school certificate or is equivalent certificate of the candidates. Where a person did not pass any such examination, then he has to submit such certificate as is considered necessary by the Appointing Authority.

6. Character.— For direct recruitment to a post in the service. The conduct of candidate shall be by all means suitable for employment. For this, verification of his conduct shall be carried out by the Appointing Authority.

Note.— Person dismissal from the post by State Government or Central Government or Corporation under ownership or control of Central Government or State Government or any local Authority or any regular body, Co-operative Society, Co-operative mill/distillery or Apex Co-operative establishment, shall not be eligible.

7. Physical Fitness.— A candidate shall be appointed to a post in the service of Mill only when he is physically and mentally fit and free from all such physical infirmities which may possibly create obstruction in efficiently performing his duties. Before giving final approval for the appointment of a candidate, he has to submit fitness certificate of a Medical Authority specified by the Appointing Authority.

8. Marital Status.— A male candidate, who has more than one wife living or a female candidate, who has more than one husband living shall not be eligible for appointment to a post in the service.

9. Reservation of Vacancies.— (1) Reservation of vacancies for the candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes and other categories, shall be made according to the law and orders issued from time to time by State Government.

(2) Need based Recruitment is Sugar Mills, according to staffing pattern shall be made by the Appointing Authority through publication in prevalent language in the widely circulated newspapers.

(3) If Selection process for any post lying vacant is pending by the Selection Committee, then the Appointing Authority may appoint a person having required eligibility according to the urgency of need staff gap arrangement purely on temporary basis as and selection process is over.

10. Nationality.— It is necessary for direct appointment on any post in Sugar Mill/distillery service that the candidate shall be an Indian national.

PART III
RECRUITMENT

11. Source of Recruitment.— Recruitment on different posts of Sugar Mills/Distilleries under staffing pattern to Co-operative Sugar Mills and Distilleries issued by the Uttar Pradesh Co-operative Sugar Factories Federation Ltd., shall be made according to the description, given in Schedule 1 from the following sources—

- (a) through direct recruitments;
- (b) through promotion;
- (c) through deputation or contract;
- (d) through any other source approved by the authority.

12. Determination of Vacancies.— The Appointing Authority shall determine, the number of vacancies to be filled during the course of the year of recruitment, the Appointing Authority must also determine the vacancies to be reserved for the candidates belonging to the Scheduled Caste, Scheduled Tribe and other categories under Regulation 9.

13. Selection Committee.— There shall be a Selection Committee for appointment of candidates to the posts in the service—

- (a) Secretary/General Manager —President
- (b) Concerned Section Head —Member
- (c) Representative nominated by by Managing Director —Member
- (d) Representative nominated by by Chairman/Administrator —Member
- (e) Scheduled Caste representative —Member
- (f) Other backward Caste representative —Member

14. Procedure of Direct Recruitment.— Procedure for direct recruitment shall be determined for selection of candidates for appointment to the posts in the service under the provisions of these Regulations. The Selection Committee duly constituted under Regulations 13 shall select the candidates according to the Procedure determined by the authority as mentioned in Schedule 1. The name of selected candidates is kept in serial numbers according to their eligibility and a panel prepared, is submitted with their recommendations before Appointing Authority. Its approval is to be made by the Chairman/Administrator. The panel prepared in this manner, shall be valid for one year from the date of approval.

15. Procedure for recruitment by Promotion.— The Recruitment by Promotion for appointment in the service, a Promotion Committee shall be constituted consisting of the following members—

- (a) Secretary/General Manager —President
- (b) Concerned Section Head —Member
- (c) Representative nominated by by Managing Director —Member
- (d) Representative nominated by by Chairman/Administrator — Member

List/description of vacancies is send to Managing Director, U.P. Co-operative Sugar Factories Federation Ltd. by the Appointing Authority. After getting permission the promotion action through afore mentioned constituted committee shall be taken according to the provisions mentioned in Schedule 1. The final approval of the Chairman/Administrator shall be obtained by the appointing authority before the promotion of the candidates mentioned in the list.

16. Appointment/Commencement of Service.— Under these regulations, the service of an employee shall be treated as commenced from the day, he/she has assumed the charge of the post, on which he/she has been appointed. In case, the charge of work is assumed by the candidate in the afternoon, commencement of his/her service shall be treated from the next day.

17. Probation.— (1) A person appointed to a post or service in or against a permanent vacancy, shall be placed on probation for a period of two years.

(2) The appointing authority may, for reasons to be recorded, extend the period of probation in individual cases specifying the date up to which the extension is granted:

Provided that, save in exceptional circumstances, the period of probation shall not be extended beyond one year and in no circumstances beyond two years.

(3) If it appears to the appointing authority at any time during or at the end of the period of probation or extended period of probation that a probationer has not made sufficient use of his/her opportunities or has otherwise failed to give satisfaction, he may be reverted to his substantive post, if any, and if he does not hold a lien on any post, his services may be dispensed with.

(4) A probationer who is reverted or whose services are dispensed with under sub-rule (3) shall not be entitled to any compensation.

(5) The appointing authority may allow continuous service, rendered in an officiating or temporary capacity in a post included in the cadre or any other equivalent or higher post, to be taken into account for the purpose of computing the period of probation.

18. Confirmation.— A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation if—

- (a) he has passed the prescribed departmental examination, if

- any;
- (b) he has successfully undergone the prescribed training, if any;
- (c) his work and conduct is reported to be satisfactory;
- (d) his integrity is certified, and
- (e) the appointing authority is satisfied that he is otherwise fit for confirmation.

[Omit (a) and/or (b) if is applicable]

19. Seniority.— (1) Except as hereinafter provided, the seniority of persons in any category of post shall be determined from the date of the orders of substantive appointment and if two or more persons are appointed together, by such order in which their names are arranged in the appointment order:

Provided that if the appointment order specifies a particular back date with effect from which a person substantively appointed, that date, will be deemed to be the date of order of substantive appointment and, in other case, it will mean the date of issue of the order:

Provided further that, if more than one order of appointment are issued in respect of any one-selection the seniority shall be as mentioned in the combined order of appointment issued under sub-rule (c) of Rule 18.

The seniority inter se of person appointment directly on the result of any one selection, shall be the same as determined by the Commission or, as the case may be, by Selection Committee:

Provided that a candidate recruited directly may lose his seniority if he fails to join without valid reasons when vacancy is offered to him the decision of the appointing authority as to the validity of reason shall be final.

(3) The seniority inter se of person appointed by promotion shall be the same as it was in the cadre from which they were promoted.

(4) Where appointments are made both by promotion and direct recruitment or from more than one source and the respective quota of the sources is prescribed, the inter se seniority shall be determined by arranging the names in a cyclic order in a combined list, prepared in accordance with Rule 17, in such manner that the prescribed percentage is maintained.

20. Termination of Employment.— (1) An employee shall not leave his services during the period of agreement in the bond executed by him. In cases where the agreement period has been completed or where the agreement has not been executed in the bond, the employee has to give one month notice in writing for leaving or stopping his service. Notice shall be given to the Appointing Authority. If the employee fails to give notice, he shall be liable to pay the amount equal

to his one month pay to compensate the period of notice. But the Appointing Authority may exempt any employee from the payment of the said compensation.

(2)(a) The Appointing Authority may terminate the services of permanent employee with one month notice and the services of seasonal employee with 15 days notice or after making payment in lieu thereof.

(b) The services of a temporary/daily wage earner employee may be determined at any time.

(3) The service of an employee shall not be determined, if it is certified by the Chief Medical Officer that the concerned employee is permanently suffering from debility or disability.

(4) (a) If disciplinary proceedings is pending against an employee than he can neither leave his services, nor stop his services, without approval of Appointing Authority in writing, and a notice or resignation letter submitted by an employee shall not be effective, till it is accepted by Appointing Authority.

(b) For the purpose of this regulation, the disciplinary proceedings shall be treated pending against an employee, if that employee has been placed under suspension under Regulation 53(3) or show cause notice has been issued to him, as to why not disciplinary proceedings be instituted against him or a charge sheet issued against him and be treated pending till the Appointing Authority passes final order.

Explanation 1.— The word “month” used in this regulation shall be calculated according to English calendar and it commences next day from that day, on which the notice was given by the employee or Appointing Authority, as the case may be.

Explanation 2.— Under sub-regulation (1), the notice issued by the employee be treated effective, when he is on duty during the period of notice and he is not entitled to deduct his un-availed earned leave from the period of the notice.

(5) The Appointing Authority is at liberty to release that employee, who tenders his resignation without any notice or served notice of less period.

21. Acceptance of Resignation Letter.— Resignation letter or an employee shall not take effect, till the Appointing Authority accepts it. The Appointing Authority may not accept the resignation letter if—

(a) the employee is under binding to render service for a specific period which is pending completion, or

(b) the employee is liable to any amount of Mill Society or to fulfil any other liability, till that time he pays the said amount, or discharge that liability, or

(c) any other reason to be brought in writing.

22. Superannuation and Retirement for Service.— The employee shall retire from service after attaining 60 years of age. But the employee shall retire on the last day of that month if he attains the age of superannuation on the date other than the first date of that calendar month.

PART IV

SERVICE RECORD AND REVERSION

23. Service Record.— The record of service shall be kept in such form and containing such information as may be specified by the Appointing Authority.

24. Reversion.— (1) An employee promoted from one post to another, may be reverted at any time within a year after serving notice.

(2) An employee appointed to officiate on a higher post for a specific period, may be reverted at any time without any notice.

PART V

PAY, ALLOWANCE AND OTHER SERVICE CONDITIONS

25. Pay at the Time of Recruitment.— An employee appointed through direct recruitment shall get pay and allowance admissible for the post, but in case of having special technical efficiency, higher preliminary pay may be granted by the Appointing Authority.

26. Determination of an Employee appointed on Deputation or on contract.— (1) In the matter of an employee appointed on deputation in government services or in any other service, the terms and conditions of deputation be determined between Mill Society and employer of his original department.

(2) In the matter of an employee appointed on contract, the determination of Pay and Service conditions shall be according to the conditions of the contract between Mill Society and the employee.

27. Allowance.— (1) *Dearness Allowance*—(1) Dearness allowance shall be paid to the employees under the direction issued by the Managing Director on the basis of the report submitted by the committee consisting of the General Manager (Finance), the Sugarcane Development Advisor, the General Manager (Technical), the General Manager (Sugar Technology) and the General Manager (Alcohol Technology) after considering the rates issued by the government and the financial position of concerned mills and distilleries constituted under the chairmanship of the Finance Controller/Advisor Finance.

(2) *House Rent Allowance*—House rent allowance is not payable. Housing convenience shall be given on the basis of availability of house in Mill premises and in transparent manner to an employee residing at a distance of more than 7 kilometres from the Mill, according to his category, in view of need to work of the employee, on the basis of recommendations of the Committee of all heads of sections organized

under the chairmanship of the Appointing Authority. Its monthly rent shall be recovered at the rate prescribed by the Managing Director.

(3) *Medical Reimbursement*— (a) Medical reimbursement is payable to the employees on the basis of medical Rules issued from time to time by Uttar Pradesh Co-operative Sugar Factories Federation Limited.

(b) During duty in the Mill, payment of actual medical expenses in relation to accident of an employee, be made by the General Manager through Mill Society.

28. *Provident Fund*.— Employee's Provident Fund is applicable according to the Employee's Provident Fund and Miscellaneous Provisions Act, 1952 and amendments issued from time to time and where Provident Fund Trust is established in the Mill Societies the Rules of Registered Trusts shall apply.

29. *Gratuity (Production)*.— Payment of Gratuity to the employees shall be made according to Gratuity (Production) Act, 1972 as amended from time to time. Where gratuity trust is established, the rules of registered gratuity trusts shall apply.

30. *Bonus*.— The payment of Bonus Act, 1965 as amended from time to time shall apply.

31. *Group Life Insurance Scheme*.— Group life insurance Scheme as amended from time to time by U.P. Co-operative Sugar Factories Federation Limited shall apply.

32. *Livery and Electricity Free of charge*.— Livery and electricity shall be payable to employees in accordance with the directions of U.P. Co-operative Sugar Factories Federation Limited.

33. *Travelling Allowance*.— Travelling Allowance shall be payable to the employees in accordance to the directions of U.P. Co-operative Sugar Factories Federation Limited.

34. *Information of commencement of Season*.— (1) Each seasonal workman shall be personally informed at least 10 days in advance by registered post by Management Board as to on which date he/she has to join the duty on the work place. This information may be sent through messenger to workmen available locally, and signatures of workmen be obtained as acknowledgement in the peon book. If workman does not report for duty within ten days from the notified date, he/she loses his lien in the employment. Despite that provided what, if the workman submits application with reasons of delay in reporting for duty, before the manager, the factory manager may retain the workman in employment:

Provided further that, if the manager is unable to give information 10 days in advance from commencement of the season, then the workmen shall not lose his 10 days pay, even through the workman shall report for duty within reasonable time on getting information.

(2) If a seasonal employee is asked to report for duty at any time in off season by the Appointing Authority and he does not report for duty without a reasonable explanation, then under such circumstances he, being treated absent from duty, shall lose his lien. Though satisfactory reason was given by the said employee, yet, treating him absent, the retaining allowance is not payable to him.

35. Retaining Allowance.— (1) Retaining allowance for off season shall be paid under following conditions—

- (a) Contribution of work has been made by the employee within 7 days of the commencement of crushing season.
- (b) The employee has worked during the entire previous crushing season.
- (c) Due to any reasons, if seasonal employee retires from service before commencement of next crushing season or he dies, then the retaining allowance is admissible at the prescribed rate till the date of retirement from service or death.
- (d) If any seasonal employee tenders his resignation against these regulations, then he/she shall not be entitled for this benefit.
- (e) Retaining allowance shall be payable in following manner—
 - (i) Fourth class (unskilled) employee—20 per cent of the pay.
 - (ii) Fourth class (semi-skilled) employee —30 per cent of the pay.
 - (iii) Third class (skilled/clerical/supervising) —50 per cent of the pay.

(2) Retaining allowance is not payable to daily wage earner/temporary employee against seasonal posts.

36. Additional Pay for overtime.— In case, the employee has been retained by the Management for doing necessary work more than the prescribed period, such as after 8 working hours, then the payment at general rate per hour of the pay shall be payable.

37. Volunteer family welfare incentive.— Volunteer family welfare incentive shall be payable according to the directions issued from time to time by the State Government.

38. Officiating Allowance.— If any workman of lower category, works in place of workman of higher category of work, then that workman, being on his original post, shall be entitled to get the amount equivalent to the difference of higher pay and pay of original post, on the condition that he shall not deny to perform the duties vested in the lower class.

39. Leave.— (1)(a) The following leave may be sanctioned to an employee—

- (i) Casual leave

- (ii) Earned leave
 - (iii) Medical leave
 - (iv) Study leave
 - (v) Maternity leave
- (b) Generally, the leave shall be sanctioned on a written application in advance—
1. *Casual Leave*.— Maximum 10 days Casual leave is admissible to a full time employee in one Calendar year, one time maximum period of availing casual leave is limited to 3 days maximum 5 days casual leave once in a crushing season shall be given to a seasonal employee, and its one time maximum period is limited to 2 days. Casual leave shall not be added with other leave. Unavailed casual leave will exhaust in the end of calendar year/crushing season.
 2. *Earned Leave*.— (i) One earned leave in 20 working days shall be admissible for full time/seasonal employee.
 - (ii) Earned leave for a full time employee shall be accumulated to maximum limit of 180 days, and earned leave of a seasonal employee accumulated to maximum limit of 90 days.
 - (iii) Encashment of accumulated earned leave shall be payable immediately in the account of the employee in case of retirement from Service/death/resignation of full time/seasonal employee.
 3. *Medical Leave*.— (i) Maximum 10 days medical leave in one calendar year shall be admissible to a full time employee. Medical leave for a period of more than three days may be given on the basis of the medical certificate issued by a medical officer.
 - (ii) Maximum 5 days medical leave in one Crushing Season/Calendar year shall be admissible for a seasonal employee.
 - (iii) Maximum 90 days medical leave may be accumulated by a full time employee and maximum 45 days medical leave for a seasonal employee.
 - (iv) Full time employee may avail 90 days medical leave in his/her service period, and seasonal employee may avail 45 days medical leave in his/her service period.
 4. *Study Leave*.— Study leave may be sanctioned to an employee on the condition that the employees shall study technical and other subjects or shall get special education in relation to sugar. Industry or concerned industry, with which the Mill/distillery in which he/she is employed is benefitted

by that Study/syllabus. Study leave may be sanctioned for maximum two years without pay.

5. *Maternity leave*.— 60 days maternity leave one each child is admissible to a female employee which is limited to two children.

6. *Call Back From leave*.— (i) Leave cannot be claimed as a right. It is absolute discretion of the Appointing Authority to sanction/deny the leave or revoke at any time any leave according to the Service of the Mill.

(ii) Except such matter, in which the application of leave is not supported with medical certificate, no appeal may be instituted against any order for cancellation of leave.

(iii) The employee shall mark address of that place in his application where he stays during availing the leave (address and telephone number).

(iv) An employee on leave due to ill health, shall produce medical certificate of medical doctor at the time of his joining duty.

(v) Appointing Authority has discretion to call back an employee to join his duty before sanctioned leave is availed by him, if his service is so needed by the Mill society. In such matters, where the employee is out of his headquarter, then he is treated on duty from that date, when he proceeded for that place, from where he is ordered to report his duty and travelling allowance is admissible to him, as is given on travel.

7. *National and Festival Leave*.— Three National and 15 Festival (maximum) leave with pay in one calendar year are admissible to an employee.

(1) National Leave

(a) Republic Day (26 January)

(b) Independence Day (15 August)

(c) Gandhi Birth Anniversary (2nd October)

(2) *Festival leave*.— Fifteen festival leave shall be decided by management class according to local position. In connection with aforementioned payment of leave pay shall be made according to rules as prevalent in the Mill.

40. *Annual Increment*.— (1) An employee is entitled to get annual increment in the Pay scale of the Post, on which he has been appointed.

(2) Annual increment shall be payable on 1st July of each year, but 6 month minimum service in that pay scale/grade pay shall be necessary for giving annual increment.

41. Transfer.— The Managing Director, U.P. Co-operative Sugar Factories Federation Limited, is vested with the power to transfer an employee working in any Co-operative sugar mill, distillery unit or any other establishment in Uttar Pradesh from any one Co-operative Sugar Mill or distillery or establishment to the other, on administrative ground in the interest of mill and work.

42. Working Hours and Attendance.— Each employee shall comply with the directions issued from time to time by the Appointing Authority in connection with working hours of employees of different categories working at different places, making attendance, reporting to the office and leaving the office.

43. Attendance Rules.— Management may by order direct the working attendance for employees of different categories to make attendance.

- (1) All employees shall comply the directions issued from time to time by the management in connection with marking attendance, time keeping of all employees.
- (2) Every employee shall mark attendance daily according to the manner directed from time to time by the management.
- (3) Immediately after marking the attendance, every employee has to report for his work at the place notified by the management and prepared for work.
- (4) An employee shall not leave his work place till completion of his work, otherwise the employee of next shift, as the case may be, relieves from his present duty.
- (5) If an employee is found absent from his work place without any reason, then he shall be treated absent from duty and he may be punished, as well as he shall not be entitled to get wage/pay for such period of absence.

PART VI

CONDUCT AND DISCIPLINE

44. Conduct.— (1) Each full time employee/seasonal employee of the concerned Mill/distillery unit, has to render service with such efficiency, during such hours as may be directed from time to time by the Appointing Authority.

(2) Each employee shall comply with the provision of the Act, rules, regulations and bye laws and the orders issued from time to time by the Appointing Authority.

(3) Each employee shall comply with and follow these rules and all orders and directions issued by the Authority, under the jurisdiction Superintendence or control of which he was kept at that time, be treated as issued to him.

(4) An employee shall not make directly or indirectly known,

apparent to any person the secrets of the society business and information of business of confidential nature, which was in his possession or came to his knowledge or collected by him during his employment; but he may consign only information under license of his senior officer such as disposal of disputes or conducting enquiry, inspection, investigation or accounts examination necessary on the part of the Authority or such information which is likely to be filled before a Court of law.

45. Discipline.— (1) Each employee shall render service to enhance the interests of concerned co-operative society and serve Mill, distillery unit and place/establishment of posting.

(2) Under the provisions, of any law, for the time being in force relating to intoxicating drinks and medicines an employee posted in the mill, distillery unit or other place of posting/establishment.

(a) shall not be in the influence of intoxicating drinks and medicines during duty hours, or

(b) shall not go to a public place under the influence of intoxicant, or

(c) shall not habitually bring in use of such drinks or medicines.

An Employee of a Mill/Distillery Unit Establishment

(3)(a) shall not conduct eccentric or indecent behaviour in the premises of the Mill/distillery unit establishment and neither keep himself busy in gambling, nor do any such act which may induce obstacles in the business of the society or it becomes haphazard.

(b) neither shall knowingly cause injury or loss to the property of person working in the Mill/distillery unit establishment nor shall try to occasion injury and loss to their property.

(c) neither discourage nor encourage an employee for floating conduct duties or infringing ethics, or

(d) shall not misuse the loans or advances received from the place of posting/establishment or mill/distillery unit under his charge or supervision.

(4) An employee of a Mill/distillery Unit establishment shall not participate in any political activity, rally, or co-ordinate, or co-operate with it, or support a party in the election of Management Committee or any office of Co-operative society or mill, or exercise his influence.

(5) An employee shall not give any statement to the Press, give any article to press or magazine, and have any discourse on Radio/Television or other modes, in connection with the activities of Mill/distillery unit establishment of which he is an employee, without prior permission of managing director or chief executive of the concerned Mill/distillery.

(6) An employee of the Mill/distillery establishment where he is an

employee shall not sleep or smoke in Mill Premises during his duty.

(7) An employee of the Mill/distillery establishment where he is an employee shall not steal, give loss and injury fraudulently or irregularity to Mill Property, the property of other employees, cane sugar cultivators, Mill contractors.

(8) An employee of the Mill/distillery establishment where he is an employee shall not give threats to any person or employee in the mill and not deny to perform the work of general nature as directed.

(9) An employee of the mill/distillery establishment where he is an employee shall abide by security and security rules in the mill and will not give any type of injury, loss of the equipments established for safety and security of the mill. In addition to this, he shall not conduct any commercial, political and immoral activities in the Mill Premises.

(10) An employee of the mill/distillery establishment where he is an employee shall not conduct any type of irregular strike or such activities which is against the interest of the Mill.

(11) An employee of the mill/distillery establishment or other place of posting/establishment where he is an employee shall comply the orders issued from time to time by the Court and orders issued by the Government and will not perform any work according to his own wish.

(12) An employee of the Mill/distillery establishment shall not adversely effect production work of the factory by his acts and at the time of doing work at the machinery, comply with the rules of safety of clothes and Security provided in the Factory Act.

(13) An employee shall not give nor take bribe from any one.

(14) Shall not be habitual late comer.

(15) An employee shall not violate the orders/directions issued by competent officer.

46. Binding on Employment.— Without prior permission in writing of the Appointing Authority or any other officer authorized for this purpose, an employee shall neither accept any other employment or the post of benefit, nor file petition for it nor search it.

47. Permission for further Studies.— An employee shall not seek admission for study in an educational institution, without any prior permission of the Appointing Authority. Such required permission shall be given in suitable matters and only for a specific period, whereas the Appointing Authority or other officer authorized by him be satisfied that such permission to the employee is not adverse to efficient performance of his duties.

48. Ban on acceptance of Gift or Presentation.— An employee shall neither request for a gift nor did presentation from a Subordinate employee or from any person concerned relate with Mill or Distillery.

49. Prohibition on Acts of Financial Gains.— An employee shall

not in person perform any act of any financial gain anywhere for himself or for others as Agent without permission in writing of the Appointing Authority or other officer authorized for this purpose.

50. Remain absent from Duty.— (1) An employee shall not remain absent from duty without permission of Appointing Authority or other officer appointed by him.

(2) Such employee remains absent without doing duty or overstay after his duty hours, under the circumstances beyond his control, for which he has to submit satisfactory explanation, then for overstay period or such period of absence from duty he shall not be entitled to get pay and allowances and further such disciplinary action shall be taken under the facts and circumstances against him.

51. Permission to leave Headquarter.— An employee shall not remain absent from the headquarter of his place of posting, except on duty, without the permission of the officer under whose supervision and control he is working.

52. Punctuality of time.— Each employee shall attend his duty timely, unless he is not exempted to do so, and sign attendance register, which is to be place before controlling officer habitual late comer employees may be allowed to sign maximum three times the attendance register in a month.

53. Declaration of Assets.— Each employee shall declare in writing his assets before General Manager in the last fortnight of Co-operative year in each alternate year.

54. Prohibition of Bidding for Auction/Contract.— An employee, without prior permission of General Manager, shall not bid directly or indirectly in auction/contract of property or produce of mill, distillery unit or other commercial establishment.

55. Ban on Credit Transaction.— An employee neither participate in any credit transaction nor take any loan from his society or any other society unless permitted under the Act, rules and bye laws of concerned society.

56. Binding on Second Marriage.— An employee shall not perform second marriage, if his wife/her husband be alive, except under the conditions where admissible legally.

57. Involvement in Immoral Activities.— An employee held convicted for committing criminal offence in relation to immoral act by criminal Court, shall be liable with the punishment of dismissal from the post.

58. Application for Employment Elsewhere.— (1) An employee shall not file application for employment elsewhere except through proper channel.

(2) Application for employment elsewhere shall be filled with two

copies.

(3) An employee shall not directly submit application for Scholarship before concerned Authority unless supported by mill/distillery unit as the case be, or permission was not given to him by the authority to receive Scholarship.

The acts committed by an employee against Rules 49 to 63 shall be treated misconduct.

PART VII

PENALTIES AND DISCIPLINARY ACTION

59. Penalties Disciplinary action.— (1) Without any adverse effect of the provisions vested in any regulation, an employee if violates discharge of duty assigned to him or who has been held convict for committing crime under Section 103 of the Act or committed any offence which has been prohibited under these regulations then he may be punished by the Appointing Authority with any of the following penalties.

- (a) Censure
- (b) Withholding of increment with non-cumulative effect
- (c) Recovery from pay or deposited Security to make good the financial loss occasioned to the Mill/distillery unit for the conduct of the employee.
- (d) Withholding of increments permanently.
- (e) Demotion of the employee from Original post or (grade).
- (f) Removal from the service, or
- (g) Dismissal from service.

(2) Copy of the punishment order shall be given free of charge to the concerned employee and the entry of the same shall be made in the service book of the employee.

(3)(a) Show cause Notice shall be given to the employee for punishing the employee under clause (a), (b) and (c) of sub-regulation (1).

(b) Punishment shall be given by the Appointing Authority according to seriousness of the offence of charged employee, but no penalty shall be imposed without taking disciplinary action under clauses (d), (e), (f) and (g) of sub-regulation (1).

(c) One or more punishments mentioned in sub-regulation (1) may be given to the guilty employee according to the discretion of disciplinary authority.

60. Disciplinary Action.— (1) Disciplinary action against any employee shall be conducted by the Inquiry officer duly appointed by the Appointing Authority pursuant to Principles of natural justice and it is necessary for him that;

- (a) The charge sheet shall be served upon the employee, which contains charges and each charge is supported with the evidence. Explanation in connection with charges be called for within applicable time.
 - (b) Each employee shall be given opportunity to produce evidence on his cost or to cross-examine the witness in his defence and if he wants then opportunity of personal hearing shall be given to him.
 - (c) If any explanation in relation to the charge sheet is not received or the given explanation has not been found satisfactory then the Appointing Authority may pass suitable orders.
- (2) The Appointing Authority without initiating disciplinary action in the following matter, may give sufficient punishment—
- (a) An employee has been held guilty by the court against criminal charge on the basis of misconduct, may be dismissed from service or removed from service; or
 - (b) Where an employee is absconding and his address or place of his stay is not known to the Mill/distillery unit for more than three months, or
 - (c) Where an employee without any sufficient reason, denies to appear or becomes unsuccessful to appear when he is called in writing to appear specifically before the inquiry officer, or
 - (d) Where it otherwise be not possible to make correspondence with him.
- (3) An employee may be placed under suspension by the Appointing Authority where,—
- (a) the Appointing Authority is satisfied that there is prima facie case by which it is possibility of withholding the increment, dismissal from service, demotion from post to the employee.
 - (b) the enquiry of the conduct of the employee is under consideration or the enquiry is pending and being posted in continuation on the post, it may be against the interest of the Mill/distillery unit.
 - (c) any criminal charge of immorality or such charge, by which there is possibility of obstacles coming in discharging his duties, against an employee in connection with which the enquiry, investigation is pending.
 - (d)(i) An employee under suspension shall be entitled to get subsistence allowance equivalent to the pay and half dearness allowance on it. Payment of subsistence allowance shall not be made till the employee does not produce certificate to the satisfaction of the Appointing Authority that the employee is

not under any employment, business, trade and during the period of suspension, he did not make his earning.

(ii) If the suspension period of the concerned employee is more than six months and the charged employee co-operates in the enquiry, then increase of dearness allowance on his pay in relation to his subsistence allowance may be considered.

(iii) when an employee is re-instated, then the Appointing Authority shall pass specific order in relation to pay and allowances to be paid for the period of suspension and also pass this order whether the said period be treated as on duty or not. But, if Appointing Authority is satisfied that the employee was completely innocent and his suspension was absolutely unreasonable then full pay and allowances for which he is entitled, shall be paid to him as he had never been placed under suspension.

(iv) In the matters covered under provision of sub-clause (ii) such part of pay and allowances be paid to the employee as ordered by the Appointing Authority.

(4) The employee under suspension shall not be given any leave, and be directed to report daily to the office or officer related to him.

PART VIII

APPEAL

61. Right to Appeal.— (1) An employee has right to prefer appeal before the Chairman/Administrator against the order aggravating his interests passed by the Appointing Authority.

(2) The appeal may be preferred by the employee within 30 days from the date of receipt of the impugned order:

Provided that the appellate authority may admit an appeal after expiry of specified period. If he is satisfied with the reasons given in the appeal that the appellant had sufficient reasons for not preferring the appeal timely.

PART IX

EXTERNAL SERVICE

62. Appointment of the Employee on Deputation in other Service.— Where the service of an employee is transferred from one employer to another, the latter employer has to bear all expenses of the employee, including—

(a) the pay during assuming the charge of work.

(b) Travelling allowance payable to the employee, so that he may go on his duty to assume the charge of work on his appointment under external employer and after completion of his deputation may come back to serve under his original establishment to get his posting.

- (c) Contribution of employer as well as the contribution of external employer go in the Provident Fund Account of Mill employee or contribution be given in any other amount for which the employer be eligible after his retirement as prescribed by the Appointing Authority.

PART X

TIME OF ASSUMING CHARGE OF WORK

63. Assuming the charge of work.— Time is given to the employee to assume charge of work, as follows—

- (a) When there be no charge in the headquarter of the employee, then no time to assume the charge of work shall be given to him.
- (b) If an employee is transferred from one Mill to the other Mill and district of headquarter is being changed, then the period not more than seven days shall be given to assume the charge of work.
- (c) In computing admissible time of assuming the charge of work, that day when the employee was relieved from his previous post in the afternoon, shall be excluded, but the public holiday coming just next to relieving day shall be included in the time of assuming the charge of work.
- (d) An employee who does not assume charge of work of his post within admissible period, then it is treated that he has violated Part VI of regulation.

PART XI

INTERPRETATION OF SERVICE REGULATION

64. Interpretation of Authority Final.— In connection with the interpretation of this regulation, the determination of the Authority is final and binding.

SCHEDULE

(See Regulation 3)

Classification of Posts under Mills/Distilleries

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