

# **Conduct, Discipline & Appeal Rules - MEGA**

## **CONDUCT, DISCIPLINE & APPEAL RULES**

### **1. Title:-**

- These Rules may be called METRO LINK EXPRESS FOR GANDHINGAR AND AHMEDABAD (MEGA) COMPANY LIMITED CONDUCT, DISCIPLINE AND APPEAL RULES, 2017.

### **2. Applicability:-**

- These Rules shall apply to all the Employees of the Company.

### **3. Interpretation and Implementation:-**

- The powers to interpret these rules shall vest with the Managing Director of the Company who may also issue such administrative instructions as may be necessary to give effect to and carry out the purposes of these Rules.
- Provided that in case of any dispute regarding construction, interpretation or implementation of any provisions of these Rules, the Managing Director of the Company shall be competent authority to interpret and decide.
- Further provided that if any employee or the contractual appointee of the Company is aggrieved by the decision of the Managing Director he/she shall have right to appeal against such decision to the appropriate authority as may have been prescribed under Rule-21 of these Rules and the decision of such authority shall be final and binding to all concerned.

### **4. Definitions:-**

In these Rules, unless the context otherwise requires-

- (a) "Board of Directors" means the Board of Directors of MEGA Company Ltd.
- (b) "Company" means the MEGA Company Ltd.
- (c) "Managing Director" means the Managing Director of the Company.
- (d) "H. R. Department" means the Human Resources Department of the MEGA Company Ltd.
- (e) "Prescribed" means prescribed under these Rules
- (f) "State Government" means the Government of Gujarat
- (g) "Employee" means the employees and officers engaged full time or part time and or on contract basis or regular basis for the business and affairs of the Company
- (h) "Inquiry Officer" means officer of the Company or any other officer appointed by the Company for conducting inquiry who shall not be lower in rank to the delinquent.

### **5. All the employees for the business and affairs of the Company must:**

- I. Act honestly and perform their duties diligently and responsibly. They should dedicate sufficient time, energy and attention to perform with competence and devotion. They should be loyal to Company and act with integrity and in good faith and act in the best interest of the Company.

- II. Comply with the standards of Discipline and Conduct as can be expected from them and comply with the provisions of these and all applicable Rules, Regulations and laws.
- III. Act in a professional, courteous and respectful manner and endeavour to enhance and maintain reputation of the Company.

Every employee shall confirm to abide by these rules and all other rules and regulations of the company and shall observe, comply with and obey all orders scrupulously and directions which may from time to time be given by the Company and or the officer under whose jurisdiction, superintendence or control he/she may be placed to work.

#### **6. Confidentiality**

While working with the Company the Employee/Officer/Consultant/Advisor may acquire or develop information(confidential information) regarding Company's plans, programs, plants, processes, specifications, technology, devices, products, costs, equipment, operations or customers including technical information Company receives from other parties and Govt. or its Boards/ Companys, an employee should not disclose any such information to others during and subsequent to the performance of service without, in each instance, securing prior written consent of the Company and treat and maintain all such information as Company's confidential information. All notes, memoranda, records, print-outs and other documents (including, but not limited to, all drafts, copies, and excerpts thereof) embodying or referring to the confidential information shall be the property of the Company and shall be delivered to the Company upon completion of the service under Company or on request of the Company. It shall be also obligatory on the employees not to disclose with regard to Company's trade secret, or proprietary information including that of third parties disclosed to them in connection with performance of services.

Unauthorized taking or keeping in possession of papers, documents etc. or copies thereof or official papers of the Company shall be treated as serious misconduct.

#### **7. Press, Radio, Media and Publication**

- a) No employee shall contribute to press / media without prior sanction of the Managing Director and make public or publish and make available any information, documents, and papers described in Rule-6 of these rules to press / media without prior approval of the Managing Director.
- b) Publishing or causing to be published any article or other matter relating to the affairs of the Company without written permission.
- c) No employee shall undertake studies without prior permission of the Managing Director.

#### **8. Ban on taking part in politics and election**

No employee shall take part in politics and or join political organization and participate in any political activity or aid and contribute to it and shall keep them away from any kind of political campaign and collecting contribution for the same.



## **9. Private trade or business**

No employee shall accept or seek any outside employment or office without previous sanction of the Company. He/she shall not engage in any commercial business nor shall be connected with the formation of a joint stock company or a firm, society or organization.

No employee shall engage in trade or business including collection of pay tickets given to employees or the sale or canvassing of tickets, coupons or other tokens of any commodity or article and perform any personal or private work during duty hours on the premises of the Company without the previous sanction of the Managing Director.

Also shall not work elsewhere during the period of employment or leave period, and shall not indulge in lending money to or borrowing money from a subordinate or any other employee or doing money-lending business on the premises of the Company

## **10. Demonstrations and Strike**

No employee shall participate or provide assistance in demonstration and strike against the Company and shall not participate in:-

- a) Carrying on demonstration or union activities on the Company's premises. Striking work or abatement or instigation either singly or with other employees without notice according to relevant rules and law.
- b) Striking illegally either singly or with other employees or abetting inciting instigation or acting in furtherance of an illegal strike.
- c) Intimidating, assaulting, abusing, coercing, misbehaving, manhandling, any person employed by the Company or with whom the Company has business connection either on Company premises or outside.
- d) Preaching or inciting others to resort to violence
- e) Shouting slogans so as to disturb the work place and / or shouting abusives and insulting slogans.
- f) Slowing down in performance of work or abatement or instigation thereof.
- g) Collection without the permission of the Managing Director of any money including subscription of the union of employees within the premises of the Company.
- h) Organizing or holding meeting on the premises of the Company or property of the Company without the previous permission of the Managing Director
- i) Distribution or exhibition of abusive handbills, pamphlets, leaflets or posters etc. without permission of the Managing Director.

## **11. Absence from duty without permission**

- No employee shall remain absent from duty without prior permission of superior authority. However, in special circumstances like sickness or accident he/she may remain absent without prior permission. But in that case, he/she shall inform the concerned authority within 24 hours.
- In case of absence or overstay without leave sanctioned or prior permission the employee shall not be entitled for any pay or salary for the period of such absence. In absence of any satisfactory explanation, such unauthorized absence shall be treated as misconduct and

employee shall be liable for penalty as may be decided by the Company and such period of absence shall be treated as may be decided by the Company.

#### **12. Continuous unauthorized absences**

- Any employee who remains absent without permission and such unauthorized absence is for more than Seven days and HR will issue note on his absenteeism letter to him/ her three times in the interval period of 10 to 15 days accordingly. If there is no response from employee, Management will order for a domestic inquiry as per law. The employee who does not participate in domestic inquiry; Management at its discretion may send a termination letter to him/her.
- He or she shall be deemed to have resigned from the service of the Company.
- Provided, that he or she shall be given notice to that effect.

#### **13. Enlisting support**

No employee shall use his office or influence to engage or appoint or for allocating agencies or assignment / contract of the work or business of the Company to any of his / her family members or near relatives.

#### **14. Gift**

- No employee shall accept or give bribes or any illegal gratification.
- No employee shall give or accept any gift from the persons dealing with the Company.
- No employee shall accept any contributions or favour for him/her or his/her family's benefit.

#### **15. Criminal or Civil Proceedings**

- Where any criminal proceedings are instituted or are in progress against an employee of the Company concerning an offence which is alleged to have been committed by him/her while acting or purporting to act in the discharge of his /her official duty or which involves moral turpitude or which is punishable with imprisonment for term of one year or more or
- Where any civil proceedings are instituted or are in progress against an employee of the company for recovery of an amount exceeding ten times his monthly emoluments or for damages arising out of any breach of trust or misappropriation of money or fraud alleged to have been committed by such employee the employee shall inform the Company about such proceedings by submitting a report in writing stating briefly the facts leading to such proceedings.

#### **16. Conviction or imprisonment**

Any employee who is convicted for any offence under law and committed to imprisonment shall be liable to be dismissed from the services of the Company from the date of his/her committal or conviction without any inquiry

- (i) However, If the conviction or the committal to prison of any employee who is dismissed under this rule is set aside by a higher court, and the employee is acquitted honorably and clearly from all charges against him he /she may be considered for reinstatement by the company and if decided to reinstate him/her, shall not be entitled to claim the pay and allowances for the period from the date of dismissal to the date of reinstatement.



## **17. GENDER DISCRIMINATION**

No officer or the employee of the Company shall indulge in any act of gender discrimination, sexual harassment of any woman working at her workplace. Every Company officer who is in charge of a workplace shall take appropriate steps to prevent such action to any woman at work place

### **EXPLANATION**

For the purpose of these Rules gender discrimination and sexual harassment include such unwelcome sexually determined behavior, whether directly or otherwise, such as:-

- (a) Physical contact and advances;
- (b) Demand or request for sexual favors;
- (c) Sexually colored remarks;
- (d) Showing any pornography or
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

## **18. ACTS OF MISCONDUCT:**

Any of the acts, commissions or omissions mentioned in previous rules and the following sub rules on the part of any employee shall amount to misconduct:-

### **1) BEHAVIOURAL MISCONDUCT**

- a. Insubordination or disobedience whether alone or in combination with another or others of any superior.
- b. Insulting or rude behavior, loud speaking, shouting towards any superior and colleagues.
- c. Use of insulting language against any superior officers or colleagues. (d) Drunkenness or riotous or disorderly or indecent behavior on the Company's property or premises.
- d. Failing to show proper courtesy or attention towards superior, or visitors of the Company whether on duty or otherwise.
- e. Sleeping or wasting time in any other way while on duty.
- f. Use of disrespectful language in correspondence with the Company.
- g. Commission of any act subversive of discipline or good behavior:-
  - (i) On the Company's property or premises, housing colony or any property which is under the custody of the Company.
  - (ii) In the course of duty:
  - (iii) Outside the Company's premises if it affects the discipline or administration of the Company or if it is linked with the general relationship of employer and employees or has a connection with the contentment on the smooth and efficient working of the Company.

### **2) MORAL MISCONDUCT**

- a. Theft, fraud or dishonesty in connection with the Company's property business or that of any other person on the Company's premises, housing colony or any property which is under the custody of the Company.
- b. Causing loss or damage to work in progress or any other property of the Company.
- c. Unauthorized use of or causing damage to or loss of any tools, goods, equipments, instruments or any property of the Company.

- d. Misuse of the materials, goods, tools, equipment or any other property or facilities provided by the Company.

3) ATTENDANCE

- a. Frequent absence without leave or absence without leave for 3 consecutive days or more without explanation to the satisfaction of the Company.
- b. Late attendance for more than 3 times in a month.
- c. Punching or signing the attendance for another person
- d. Malingering, loitering or leaving earlier the place of work in an unauthorized way or being on the premises of the Company, after authorized hours without permission.

4) REFUSAL AND NON COOPERATION IN PERFORMANCE AND RULES

- a. Refusal to perform the duties entrusted to him/her, who as a person in his / her position could be reasonably expected to perform in the circumstances.
- b. Negligence or neglect of work.
- c. Refusal to accept and give receipt and or signature for receiving any charge sheet or order or notice or any other communication in writing from the Company
- d. Failure or refusal to observe safety rules or instructions or interference with the safety device or instruments.
- e. Failure or refusal to wear or use any protective equipment/clothing or uniform given by the Company.
- f. Failure or refusal to submit himself for medical examination / tests, vaccination as and when so required.
- g. Refusing to co-operate in any investigation as regards safety or accident or incidents in the Company's premises or property.
- h. Refusing to submit to a search by the security staff
- i. Refusal to go on transfer from one shift or section or ward or department or place to another.
- j. Failure or refusal to work on a weekly day or rest or holiday or on overtime when so required to do in consonance with law.

5) Conviction in a court of law for any offence involving moral turpitude.

*Note: Conviction shall mean conviction by the lowest court which disposes the case irrespective of the appeals pending in the appellate courts.*

- 6) Commission of any act, which amounts to a criminal offence under Indian Penal Code or other similar Acts and Legislations.
- 7) Taking to the place of work articles, goods or things not permitted by the Company.
- 8) Giving false information regarding his/her personal details such as name, date of birth, educational or other qualifications, marital status, nationality, domicile etc. at the time of employment or at any other time.
- 9) Making a false statement in any investigation or at the inquiry conducted under rules and regulations.
- 10) Forgery, falsification, tampering, manipulation, defacement or destruction of Company's documents or records.
- 11) Making false or vicious or malicious statement or propaganda against the Company or its officers and Directors of the Company. Any conduct endangering the life or safety of others.
- 12) Unauthorized possession of any lethal weapons on the Company's property or premises.
- 13) Breach of any rules or instructions for the maintenance or running of any department or ward or maintaining of the cleanliness of any portion of the Company.
- 14) Entering or remaining on Company's premises except on duty without permission.



- 15) Repetition of any act or omission for which a fine may be imposed under the Payment of Wages Act, 1936.
- 16) Refusal to vacate Company's quarter or quarters or Guesthouse when called upon to do so in writing by the competent officer.
- 17) Unauthorized use and or occupation of Company's premises/quarters or any other property owned by the Company or under its custody.
- 18) Habitual or frequent breach of any rule for the time being in force or any law applicable to the Company or any rule made thereafter.
- 19) Wilful interference with or misuse of any appliance, convenience or other thing provided in the Company for the purposes of securing health, safety or welfare of employees therein.
- 20) Doing anything wilful and without any reasonable cause which is likely to endanger himself/herself or others.
- 21) Wilful neglect to make use of any appliance, or other things provided in the Company for the purpose of securing the health or safety of the employees working in the Company.
- 22) Abetment or attempt of abetment of any of the above acts or omissions constituting misconduct.
- 23) Knowingly and wrongly interfering with the record of attendance or means of recording attendance himself/herself or any other employee.
- 24) Willful falsification, defacement or destruction of personal records or any records of the Company.
- 25) Smoking in the premises and plant site and vehicle of the Company or spitting on the premises and plant site and vehicle of the Company.
- 26) Wearing a badge, ribbon, token or symbol not provided by the Company on the uniform supplied by the Company.
- 27) Entering or leaving or attempting to enter or leave the premises of the Company except by the gate or entrance provided for the purpose.
- 28) Threatening or intimidating or using criminal force against superiors or co-employees or visitors or guests of the Company, whether inside or outside the Company's premises.
- 29) The facilities and instruments like personal computer, printer, scanner, internet, email, cell phone, laptop, etc., if given, should be used for the work relating to the company and in no way it should be misused and taken for personal use.
- 30) The above list shall not be considered as exhaustive and any other Act of omission or behavior of employee which amounts to misconduct as per the ordinary meaning of the term shall also be considered as misconduct for the purposes of these Rules.

#### **19. PROCEDURE FOR DISCIPLINARY ACTION:**

##### **1) SUSPENSION**

- a. Where a disciplinary proceeding against an employee is contemplated or is pending or where a case in respect of any criminal offence involving moral turpitude or serious charges is under investigations, inquiry or trial against him/her in respect of such offence is pending and the Managing Director is satisfied that it is necessary or desirable to place the employee under suspension, he may by order in writing, suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the employee within a week from the date of suspension.
- b. If an employee of the Company is arrested and detained in custody on a criminal charge or otherwise for a period of more than 48 hours he shall be deemed to have been placed under suspension from the date of detention.
- c. If an employee of the Company is convicted for an offence and imprisoned for a period of more than 48 hours and is not forthwith dismissed or removed or compulsorily retired



consequent upon such conviction shall be deemed to have been placed under suspension.  
Explanation

- d. The period of 48 hours referred to in sub rule-(b) and (c) shall be computed from the commencement of the imprisonment after the conviction and for this purpose intermittent periods of imprisonment, if any, shall be taken into account.

## 2) PENALTIES

If any employee is found guilty for any of the misconduct, any one or more of the following penalties may be awarded to her/him.

- (a) Censure or warning
- (b) Imposition of fine in accordance with the payment of wages Act, 1936.
- (c) Withholding of increments, with or without cumulative effect or postponing of any increment to any other future date with or without cumulative effect
- (d) Recovery from his pay of the whole or part of any pecuniary loss caused to the Company by such misconduct
- (e) Reversion or demotion to lower grade of pay scale or to a lower stage in the same time scale either permanently or for a specified duration.
- (f) Barring of promotion
- (g) Discharge from service without compensation or notice
- (h) Dismissal

Provided that no punishment as prescribed in sub rule (c) to (h) shall be awarded to any employee without following procedure laid down in Rule-19(3) of these rules. The Company reserves right to suspend any employee who is made accused in any criminal proceedings initiated in the court of law against him/her.

## 3) PROCEDURE FOR IMPOSING PENALTIES

- (i) Where it is proposed to impose any of the penalties specified in sub rule-(c) to (h) of the Rule-19(2) a charge sheet may be prepared with specific mention of misconduct or misbehavior or of any culpable act or omission into definite and distinct articles of charge/charges. It should also include a statement of relevant facts along with admission or confession, if any, made by the employee. It should also contain a list of documents by which and a list of witness, if any, by whom the articles of charges are proposed to be sustained. The employee shall be served with such charge sheet.
- (ii) Where an employee refuses to receive the charge sheet or any other communication, the same shall be sent to the employee by registered post at the last known address of the employee or a copy shall be exhibited on the notice board and such sending by registered post or by affixing the same on the notice board or at the place of work shall be deemed to be sufficient as legal service of the charge sheet or notice.
- (iii) The employee shall give his explanation in writing within the time specified in the charge sheet which shall not exceed 7 (seven) working days.
- (iv) When the employee submits his explanation and the explanation is found satisfactory & charges not proved by the disciplinary committee or authorised officer, by the company, suspension pending inquiry, if any, shall be withdrawn.



- (v) If no reply is received of the charge sheet / communication within the stipulated or extended time; the management or the authorized person may proceed on the basis that the employee has no explanation to offer and take further steps as it deems proper and necessary.
- (vi) Where the explanation given by the employee is not found satisfactory and is considered necessary to take further proceedings under the rules, the Company or the authorized person may order an inquiry into the charges to hold an inquiry into the charges. The inquiry should be held by an inquiry officer nominated by the Company or the authorized officer.
- (vii) Except where the officer holding the inquiry for reasons to be recorded in writing considers it frivolous or likely to cause undue delay not commensurate with the utility of examining such witnesses, such employee shall be permitted to produce witness to substantiate his explanation as would disprove the charge. He shall be given copies of all statements or evidence on which the charges rest. No outsider will be permitted to help the person charged in the inquiry. However, if the employee charged for misconduct desires and makes a request to the enquiry officer, he can at his discretion, permit the assistance of any other employee or retired government employee may be permitted to assist, if he is so willing. The Company or the authorized person may, if desired, engage a prosecuting officer for prosecuting the charges against the delinquent employee, in the inquiry.
- (viii) The enquiry officer shall make a brief and faithful record of the statement made or the evidence led before him both in support of and against the charge and shall forward to the concerned authorities his findings, stating reasons thereof.
- (ix) The charge sheet, explanation and record of enquiry along with the findings of the Enquiry Officer shall be submitted to the Disciplinary Committee of the Company or any officer authorized in this behalf for the purpose of taking appropriate decision, In case the delinquent employee is held guilty of the charges, show cause notice as regards quantum of punishment shall be given to delinquent calling upon him to give reply to the said notice. Delinquent employee shall reply the said second show cause notice latest within 7 (seven) working days from the receipt of such notice. Thereafter the Disciplinary authority shall consider the reply and other relevant papers and shall take appropriate decision as regards punishment. The decision and the punishment, if any shall be communicated in writing to the delinquent employee as early as possible.
- (x) Where after such examination of the record, the charge against the employee is found unsustainable or not proved, any suspension or extension of suspension shall be withdrawn and the period of suspension shall be treated as if the employee was on duty and the employee shall be entitled to basic salary and dearness allowances for the period.
- (xi) In awarding the penalty under the Rules, the Company and / or the authorized officer shall take into account the gravity of the misconduct, the previous records, if any, of the employee and any other aggravating circumstances that may exist.
- (xii) An employee under suspension shall be entitled to subsistence allowance equal to 40% of basic wage for the period of suspension. If however, the period of suspension exceeds 60



days for the reasons to be recorded in writing for which the employee is not responsible, the subsistence allowance will be 60% of the wages.

Provide that –

(a) The employee should have completed service of at least one year

And

(b) The employee is suspended due to his/ her act or misconduct related to the affairs of the company.

Explanation: Whenever delinquent employee obtains stay or injunction against continuance of departmental proceedings from any court or Tribunal, for such period during which stay or injunction operates, the delinquent employee shall be deemed to be responsible for causing delay in the departmental proceedings for the purpose of this clause.

(xiii) If after the enquiry, the employee is adjudged guilty of the misconduct alleged against him and the punishment is awarded, the employee shall not be entitled to any remuneration for such period of suspension in addition to the subsistence if already paid to him. If, however, he/she is not found guilty of the misconduct, he shall be paid the difference between the subsistence allowance already paid and the emoluments which he/she would have received if he/she had not been suspended, the period of suspension being treated as on duty

- If any other punishment than dismissal or discharge is awarded to the employee, he shall not be entitled to salary or wages or any other remuneration for the period of suspension.
- Provided that where it is impractical and not possible to conduct departmental inquiry it shall be open to impose any penalty without holding inquiry to the employees after reasons to be recorded in writing

## **20. APPEALS**

### **(1) Right to appeal**

An employee shall have a right of appeal against an order of punishment and or which results in reduction in wages arbitrarily, or affects adversely rights in service passed by his/her immediate superior or other superior authority.

### **(2) Appellate Authority**

- An appeal against the order of an immediate superior or other superior authority of the employee shall lie with the disciplinary committee constituted for the purpose or the other authority to which the powers are delegated by the Managing Director.
- An appeal against the order of the disciplinary committee or other authority shall lie with the Managing Director.

### **(3) Appeal shall be entertained only if it satisfies the following requirements:-**

- i. It should be neatly typed or handwritten with all relevant details
- ii. Impugned order should be attached.
- iii. It should contain all material statement & shall be complete in itself.
- iv. It shall be in polite and respectful language and shall be free from unnecessary details.
- v. It should be submitted through proper channel.

**(4) Time limit**

- Appeal shall be made within –
  - (i) 30 days from the date on which the appellant is informed of the impugned order if the appeal lies with the HR Department or the authority prescribed for the purpose
  - (ii) Appeal shall not be addressed to the Directors of the Company personally. Any such action shall be deemed to be breach of discipline.

**21. Grievance Redressal Procedures**

- In view of the Company's desire to provide fair opportunity and early redressal of grievance of employees, a Grievance Redressal Committee shall be constituted by the Managing Director.
- A detailed procedure, time limit and stages of making representations for any grievance of the employee will be prepared and after approval of the Managing Director, the same shall be brought to the notice of all the employees. The decision of the Grievance Redressal Committee shall be binding to the aggrieved employee and also to all other concerned with the grievance.
- H R Department, if needed shall assist the Committee and also keep track of all such grievance cases.

**22. UNDERTAKING**

All the employees and officers of the company shall be required to submit:-

- 1) Undertaking to abide by all the rules and regulations of the Company in form as may be prescribed by the Company
- 2) Declaration of the Fidelity Certificate in form as may be prescribed by the Company
- 3) Non-Disclosure Agreement in form as may be prescribed by the Company
- 4) Discipline Authority – The appointing authority is also the discipline authority or any authority who gets entrusted with discipline authority.