

THE PLANTATION CORPORATION OF KERALA LIMITED
SERVICE RULES FOR OFFICERS

1. These Rules shall be called the Service Rules for officers.

These Rules shall come into force from 17-1-1973.

2. DEFINITIONS

In these Rules, unless there is anything repugnant in the subject or context.

- (i) 'Corporation' means the Plantation Corporation of Kerala Ltd,
- (ii) 'Management' means the Management of the Plantation Corporation of Kerala Limited and includes the Managing Director.
- (iii) 'Estate' means an Estate belonging to the Plantation Corporation of Kerala Limited or for which they have got responsibility for management under the terms of any agreement.
- (iv) 'Office' means the Head office of the Corporation, any branch office, establishment, factory and includes an estate.
- (v) 'Officer' means any person employed in a supervisory, technical, non-technical, executive, managerial or administrative capacity who is not a 'workman' as defined in the Industrial Disputes Act, 1947, and includes any other employee who is declared by the Management of the Plantation Corporation of Kerala Limited to be an officer for the purpose of these Service Rules for Officers.
- (vi) 'Family' means dependant spouse, children and parents.

3. WHOM TO APPLY

These orders shall apply to all officers of the Plantation Corporation of Kerala Ltd except those who are on deputation.

4. CLASSIFICATION

- (a) officers shall be classified as:-
 - (1) Permanent
 - (2) Probationers
 - (3) Temporary and
 - (4) Trainees
- (b) A permanent officer is one who is appointed on probation and confirmed in a permanent vacancy by an order in writing.
- (c) A Probationer is one who is appointed on probation against a permanent or temporary vacancy. The Corporation may at its discretion extend the period of probation from time to time.
- (d) A trainee is a learner appointed as such by the Corporation to whom facility for learning is given and who has no right of appointment as an employee of the Corporation after satisfactory completion of the period of training. He

may be appointed on probation if there are vacancies after satisfactory completion of the period of training.

5. HOURS OF WORK

Hours of work of an officer shall not be limited but, he shall observe office timings if he is working in any of the offices of the Corporation. The officer shall be liable to be called for duty at any time of the day beyond the normal hours of his duty. He shall take permission in writing of his superior before leaving headquarters.

6. ADDITIONAL CHARGE

If an officer is in additional charge of the duties of any other officer for a period of not less than 30 days at a time, he shall be entitled to a charge allowance equal to 20% of the minimum of the scale of pay of each of the posts he is holding additional charge of.

7. INDEPENDENT CHARGE

If an officer is put in independent charge of a higher post in writing he shall be entitled to the salary of the higher post.

8. PAYMENT OF SALARY

Salary of an officer shall be disbursed on the last working day of the month. If he is on leave, the salary shall be remitted to his leave address either by money order/cheque/demand draft at the expense of the Corporation.

9. LEAVE

(a) General

An officer desirous of availing leave shall apply in writing to his immediate superior sufficiently in advance. He shall avail of the leave only on sanction in writing. If due to unavoidable reason, such prior sanction could not be taken, he shall inform his immediate superior of the absence and in the leave application, state the circumstances under which prior permission could not be taken.

(b) Sick leave

An officer shall be entitled to sick leave upto 30 days with full pay. Sick leave in excess of 30 days and any portion of the pay of the period shall be at the discretion of the Managing Director. Unavailed portion of sick leave upto a maximum of 7 days a year will be allowed to be carried forward to be availed in subsequent years provided that such accumulation will not be permitted exceeding 60 days.

(c) Privilege leave

An officer shall be entitled to privilege leave at the rate of one day with full salary for every 11 days of service. This leave can be availed depending upon the exigencies of work. Accumulation of privilege leave will be allowed

upto 45 days. Privilege leave can be encashed before lapsing after reserving a minimum of 15 days at credit for availing in emergencies.

10. RETIREMENT

Retirement age shall be 58. An officer may also be allowed to retire voluntarily on attaining the age of 55 or on completion of 25 years of service whichever is earlier, provided that he shall inform the Corporation in writing atleast three months in advance.

An officer of the Corporation attaining superannuation on any day of a month will have the option to remain in service till the last day of that month and will be paid salary accordingly.

- (a) Notwithstanding anything contained in these Rules or in any contract or document, the Managing Director may in the interest of the Corporation terminate the services of an officer at any time after he has attained the age of 48 years by compulsorily retiring him without any notice or pay in lieu of notice.

11. TERMINATION

The Corporation may at any time terminate the services of an officer giving three month's notice or by payment of wages in lieu of such notice.

The services of a probationer and a trainee may be terminated without notice and without assigning any reason therefor.

12. RESIGNATION

An officer can resign from the services of the Corporation after giving three months' notice in writing or on payment of three months' salary in lieu of such notice. The Managing Director may at his direction waive the notice period.

13. GRATUITY

Gratuity shall be paid to an officer at the following rates.

- I. In the case of death, the amount of gratuity shall be calculated as shown below:

- (a) During the first year of service - Two months' salary.
- (b) After completion of one year, but before three years of service - Four months' salary.
- (c) After completion of three years service, but less than five years - Six months' salary.
- (d) After completion of five years but less than ten years - Eight months' salary.
- (e) After completion of ten years or more service - One months' salary for every completed year of service subject to a maximum of 20 months' salary.

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| II. In the case of an officer with continuous and completed service of three years or more becoming at any time physically disabled | - | One months' salary for every completed year of service subject to a maximum of twenty months' salary. |
| III. In the case of resignation of an officer after five years continuous service | - | Half months' salary for every completed year of service subject to a maximum of twenty months' salary. |
| IV. In the case of termination of an officer by the Corporation | - | Half months' salary for every completed year of service subject to a maximum of twenty months' salary. |
| V. In the case of retirement by superannuation, voluntary retirement or compulsory retirement | - | One months' salary for every completed year of service subject to a maximum of 20 months' salary. |
| VI. If an officer is found guilty of any misconduct involving moral turpitude or causing pecuniary loss to the corporation, the corporation may in its direction, order that the whole or any part of the gratuity due to him may be forfeited. | | |

14. HOME TRAVEL CONCESSION

An officer and his family shall be entitled to car mileage for going home and return once in a year at the rate admissible under T.A. Rules of officers. On retirement or on termination of services of officers, free transport of personal effects and for officer and his family to his home town shall be allowed.

15. TRAVELLING ALLOWANCE

Travelling allowance shall be allowed at the rates prescribed by the Corporation from time to time.

16. TRANSFER

Every officer shall be liable to be transferred at the discretion of the management from one office, factory, establishment, works, department, section, estate or job to another, provided that in effecting the transfer, the officer's suitability for the particular work shall be decided by the management and that the pay and seniority of the officer concerned shall be protected. Every officer shall be liable to be transferred to any place in or outside Kerala.

17. GENERAL

- (a) An officer shall be at all times maintain absolute integrity devotion to duty and do nothing which is unbecoming of an officer, shall serve the Corporation honestly and faithfully and shall use utmost endeavour to promote the interests

of the Corporation and shall conduct himself in a manner conducive to the best interests, credit and prestige of the Corporation. The officer shall take all possible steps to ensure the integrity and devotion to duty of all employees under his control and authority. No officer shall in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except he is acting under the direction of his official superior and shall, when he is acting under such direction, obtain the direction in writing wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

- (b) An officer shall not even while on leave, directly or indirectly engage in any other profession or business or enter the service of or be employed in any other capacity or for any purpose whatsoever or for any part of his time, by any other person, firm, company or employer and shall not have any private financial dealings with persons or friends having business relations with the Corporation for the sale or purchase of any materials, equipment or supply of labour, if any or for any other purpose.
- (c) An officer shall at all times conduct himself soberly and temperately and devote his whole time and energy exclusively for the work and interest of the Corporation while in the Corporation's office, factory, works or establishment and show proper respect and civility to all concerned and shall use best endeavour to promote the interests of the Corporation and to maintain and promote the reputation thereof.
- (d) (i.) An officer shall not be a member of or be otherwise associated with any political party or any organisation which takes part in politics, nor shall be taken part in or subscribe in aid of or assist in any other manner any political movement or activity.
(ii.) An officer shall not associate with or indulge in any activities of or relating to any Trade Union of the staff or workers of the Corporation or hold any position as an office bearer or otherwise of any such Trade Union of staff or workers.
- (e) Criticism of Government
No officer shall in any radio broadcast or in any document published in his own name, or anonymously, pseudonymously or in the name of any other person, or in any communication to the press or in any public utterance make any statement of fact or opinion which has the effect of any adverse criticism of any policy of the State, Central Government or which is capable of embarrassing the relations between the Central and State Government or the Government of any foreign state. Provided however that nothing in these Service Rules shall apply to any statement made or views expressed by an officer in his official capacity or in due performance of the duties assigned to him.

by the officer in the enquiry so conducted into the charges of misconduct.] *Added vide Govt. letter No. 16258/PU1/98/AD*

20. PROCEDURE FOR IMPOSING PUNISHMENTS

No order imposing any punishment in Clause 19 above, shall be made except after an enquiry is held and the officer concerned given an opportunity to explain the charges brought against him. Whenever the Managing Director is of the opinion that there are grounds for enquiring into the truth of any imputation of misconducts against an officer, he may himself enquire into or appoint an enquiry officer to enquire the truth thereof. The charge-sheeted officer shall be given an opportunity to explain the charges brought against him and to adduce whatever evidence he might wish to tender in support of his defence. The charge-sheeted officer may take the assistance of any other officer to present the case on his behalf but shall not engage a legal practitioner for that purpose. The Managing Director, after taking into consideration the findings of the enquiry officer where an enquiry officer has been appointed will pass such orders and punishments as he deems fit in the circumstances of the case.

21. SUSPENSION

The Managing Director may place an officer under suspension pending enquiry. The officer under suspension pending enquiry shall be entitled to a subsistence allowance equal to half his salary.

[21A. Procedure when an officer is to retire during disciplinary proceedings.]

Any disciplinary proceedings initiated, while an officer is in service, will not lapse for the reason that his date of retirement falls before the disciplining proceedings can be completed. Such officer who is to retire during the pendency of the disciplinary proceedings shall be deemed to continue in service by an order issued for the purpose for the limited purpose of continuing the disciplinary proceedings until the enquiry into the charges of misconduct against him is completed and final order thereon is passed, but without any entitlement for any salary or other remuneration or benefits during such deemed continuance of service] *Added vide Govt. letter No. 16258/PU1/98/AD*

22. APPEAL

Without prejudice to the right of an officer to challenge the propriety of the punishment given to him in a Court of Law, an appeal against the decision of the Managing Director shall lie with the Board of Directors of the Corporation. The aggrieved officer shall also be given an opportunity to explain the position in person to the Board of Directors and if the Board is satisfied that an injustice had been done, it may quash or reduce the punishment given or order a fresh enquiry or take any other action as it thinks necessary, the appeal shall be filed within a period of one month and the decision of the Board in the appeal shall be final.

18. MISCONDUCT

Without prejudice to the general meaning of the term 'Misconduct' the following acts or omission on the part of an officer shall be treated as misconduct.

- (a) Insubordination or disobedience whether alone or in combination with others to any lawful or reasonable order of the superior.
- (b) Striking work or inciting others to strike work.
- (c) Theft, misuse, fraud or dishonesty in connection with the Corporation's business or property.
- (d) Taking or giving bribes or any illegal gratification whatsoever.
- (e) Habitual absence without leave or continuous absence without leave for more than seven consecutive days.
- (f) Collecting money within the premises of the Corporation except collections authorized by the Corporation.
- (g) Riotous or disorderly behavior on the premises of the Corporation or any other act subversive of discipline whether inside or outside the premises of the Corporation
 - g (1) Sexual harassment of woman at the work place or premises thereof by acts or words or visible representation which includes physical contact and advances or a demand or request for sexual favours or sexually coloured remarks or showing pornography or any other unwelcome physical verbal or non verbal conduct of sexual nature.
- (h) Smoking in prohibited areas
- (i) Any unauthorized divulging of the business and affairs of the Corporation.
- (j) Habitual absence from duty, habitual late attendance and habitual neglect of work.
- (k) Engaging workmen of the estate for domestic or private purpose without the permission in writing of the Managing Director
- (l) Undertaking any additional work for remuneration unless sanctioned in writing by the management.
- (m) Utilising the connections of the Corporation for personal benefits.
- (n) Indebtedness to any member of staff or workmen or customer of the Corporation.
- (o) Any other conduct which will affect adversely the prestige, reputation of affairs of the Corporation.

19. PUNISHMENTS

An officer can be punished either by censure, stoppage of increments, suspension, reduction in rank, discharge or dismissal or by imposition of fine or reduction in re-benefit by the Managing Director for a misconduct proved against him.

(19 A. Any fine which is imposed on any officer may be recovered from any retirement benefits due to him, if the officer retires from service before the recovery can be made or the punishment is imposed after such retirement, pursuant to the enquiry completed after the date of retirement in accordance with rule 21 A of these rules. This shall be in addition to the recovery of any monetary loss caused to the corporation on account of the misconduct proved to have been committed

23. ISSUE OF CERTIFICATE

On his request, every officer shall be furnished with a service certificate at the time of discharge, dismissal, termination of service, resignation or retrenchment.

24. PROVIDENT FUND

An officer shall be entitled to Provident Fund benefits at $8\frac{1}{3}\%$ of basic salary plus dearness allowance. The Corporation shall contribute an equal amount to the Provident Fund.

25. MEDICAL FACILITIES

Wherever the Corporation has not provided medical facilities, the officers and their family are entitled to free medical aid.

26. These Service Rules may be amended or modified from time to time by the Board of Directors of the Corporation and shall take effect in accordance with the orders issued by the Corporation. All amendments or modifications to the Service Rules shall be notified from time to time and shall be binding on the officers.

27. Nothing contained in these Service Rules shall operate in derogation of any law applicable or to the prejudice of any right of an officer under any specific contract of service entered into between the management and the officer.
