

The background features three large, overlapping orange circles of varying sizes, each with a lighter orange inner ring. Two thin orange lines intersect at the top left, forming a large 'V' shape that frames the circles. The overall aesthetic is clean and modern.

Discipline

A key factor for organisation

Discipline – A key factor for organisation

The Aim of every organization is to secure growth – a steady and positive Growth.

It is achieved through major supporting factors – of (i) Principle (ii) Planning, (iii) Policies.

- i) Principle : The direction and course the organization will follow
- ii) Planing : of process – production – permanent profitability
- iii) Policies : of handling – Money – Machine – Materials – Manufacturing – Marketing – Method – Man and Management

The basic ingredient for management functioning are : Rules – System – Guidelines and proper control of these aspect. Men engaged in the organization are to follow these rules and system- which contribute in developing working environment and discipline.

Discipline is a key factor in the organization. (i) Obedience to rule is act of discipline. (ii) It is sheer conformity to rules of the organization – willingness to work adhering the accepted norms of the organization.

On the other hand

Disobedience – violating rules is a mark of indiscipline. Indiscipline causes dislocation in working spirit – system – environment.

Maintaining discipline is important in the organization.

Misconduct:

Act of breaking the discipline is misconduct – any conduct on part of an employee inconsistent with the faithful discharge of his duties towards the organization would constitute misconduct.

Whether it is violated or not is to be decided in reference to ***Rules of Discipline*** – which can be found in :

- i) Standing order
- ii) The customs and usages
- iii) Settlement or Industrial Award
- iv) The contract of employment

Breach of discipline in organization invites disciplinary action. When an employee indulges in indiscipline and thus commits misconduct, the authority responsible for controlling management and maintaining discipline – reviews the position and may choose to initiate process of disciplinary action against the erring employee.

This is done basically –

(1) To maintain discipline, (2) to rectify the attitude of the concerned employee, (3) warned – cautioned or penalized depending on the gravity of the charges so proved. The desired result is achieved only when course of action taken is based on *fair approach* and *just punishment* awarded.

The highest judicial authority in the country has recognized the right of the employers to maintain discipline in the industry and to take proper action in a fair manner against erring employees who indulge in misconduct.

Steps: The starting point is always the receipt of a complain from superior or co-worker on misconduct committed by an employee.

ON RECEIPT OF THE COMPLAINT, SECOND STEP WOULD BE – MANAGEMENT TAKING A DECISION ON VARIOUS ALTERNATIVE –OPEN TO THEM, MANAGEMENT MAY CONDUCT AN INFORMAL ENQUIRY MOSTLY ORAL, PRELIMINARY ENQUIRY OR AN INVESTIGATION OF THE COMPLAINT AND TO DECIDE AS TO WHETHER OR NOT TO PROCEED WITH THE DISCIPLINARY ACTION.

Once it is decided to proceed for disciplinary action, charge sheet is issued against the employee.

Charge Sheet: is a word of law. In framing charge sheet it is necessary to mention ingredient of misconduct and aggravating circumstances relating to misconduct. Employee must be informed *clearly, precisely and accurately* of the charges level against him. As far as possible stick to the words of the standing order of the organization. The certified standing order generally specify as to what act would constitute misconduct. In absence of certified standing order – model standing order to be followed. The purpose of charge sheet is to give timely notice to the concerned employee to explain the charges leveled against him. It should not give the impression that the issue has been prejudge.

In an ideal organization disciplinary action is regarded as a rarity. It must be resorted to when all other positive means like advising, counseling, coaxing etc. are exhausted.

If such action are adopted as regular ritual, they will have adverse effect on the production and Administration. Regular mass scale disciplinary actions create insecurity in the minds of the employees and industrial relation get distributed also.

In brief, disciplinary action must be used as the last weapon and not the first.

While framing charge it should be mentioned:-

- i) Who was committed ? (name of the employee with designation, department)
- ii) When was it committed ? (date and time)
- iii) Where was it committed ? (place and department)
- iv) With what means ? (give description of the means used in committing the misconduct)
- v) Who have been affected ? (property, organization or individual)
- vi) How was it committed ? (Modus operandi)
- vii) With what consequences ? (Injury to individual, damage to property, work disruption etc.)
- viii) Why should he be punished ?
- ix) Within how many days he has to show cause (explain) against the charges ?
- x) What is the consequence of non-submission of reply to show cause letter.

Vague and alternate expressions should be avoided and all necessary particulars should be furnished. For example, where an employee has abused his superior officer, it is advisable to give the actual words spoken by the employee.

In case of charges for negligence, acts subversive of discipline, disorderly behaviour, intentional neglect of work etc. facts constituting the misconduct should be given. A simple charge that an employee has neglected the work will not be sufficient.

If the employee has done something in relation to a person, for example, either beaten or insulted him, then the same should be mentioned together with other details i.e., all aggravating circumstances relating to misconduct should be mentioned.

If the misconduct is habitual negligence or habitual absence, then it will not be sufficient to mention that an employee has neglected duty for a day or has absented himself on a particular day. The reason is that there are various finer distinctions between the meanings. It is not necessary to mention the sub-para of Standing Orders under which a particular misconduct might fall as the Standing Orders are generally loosely drafted and misconduct mentioned in various sub-paras may be overlapping one another.

As long as the details of charge have been mentioned, not mentioning the sub-clause will not be prejudicial to the charge sheeted employee and also it will not invalidate the charge Sheet.

- i) the employee proceeded against has been informed clearly of the charges leveled against him.
- ii) The witnesses are examined – ordinarily in the presence of the employee in respect of the charges.
- iii) The employee is given a fair opportunity to cross examine witnesses.
- iv) He is given a fair opportunity to examine witnesses including himself in his defence, if he so wishes on any relevant matter and
- v) The enquiry officer records his findings with reasons for the same in his report..

Today's worker

- i) Is more rational, conscious, demanding, ambitions, knowledgeable and vocal
- ii) He plans his career, works in that direction.

It has taken years for labour and management to bid farewell to class conflict and accept each other as partners in industry. Rate of Socio0political, socio-tehnological, socio-economic changes today are much faster than ever before. There has been change in the concept of discipline and the management. The authority vested with power to enforce discipline by dispensing justice has to give due importance to the rate of change and keep abreast with the latest in all aspects of discipline.

- **Due care should be taken while deciding for disciplinary action – no ulterior motive should be allowed.**
- **Punishment out of proportion should not be awarded.**
- **Basic error in the fact should be avoided.**
- **Observance of principle of natural justice is the basic precondition for finding of rights and liabilities.**
- **In short, no man shall be condemned unheard. Impartiality and fairness should be the guiding principles in conducting enquiry.**
- **To act with good faith and honesty – the decision has to be impartial.**
- **Compassionate decision may be taken according to the circumstances.**
- **Industrial relation and productivity should be taken and care and adjustment for good worker to be made.**
- **There should not be any apology or regrets in punishing an erring employee whoever he may be.**

APPELLATE AUTHORITY

The delinquent may approach the Appellate Authority in the organization against the decisions of the Disciplinary Authority. The Appellate Authority should apply its mind not only to the points raised by the appellant but also other related points incidental to or connected with issue.

In regard to duties and functions of Appellate Authority decision of High Court of Karnataka in W.P. Nos. 1863 & 1864/1987, dated November 18, 1994 is cited below.

“Disciplinary proceedings – Appellate Authority – Duties and functions of Appellate Authority – Mechanical Stereo type order – Appellate Authority dealing with removal from service or dismissal cannot pass mechanical orders – Appellate order must be capable of being sustained of its own and it should be a self sustained one – Appellate order is completely independent order – Functions of Appellate authority is totally different from original Authority – Appellate Authority should set out specifically and precisely grounds on which charges are passed and punishment justified.”

**FORM OF CHARGESHEET TO BE ISSUED
IN CASE OF HABITUAL ABSENCE**

Charge Sheet No..... Date.....

Name

Designation.....

Ticket No.....

Department.....

(Through.....)

Following are the charges against you. You habitually remain absent from work without permission. During the last one year (or six months or three months as the case may be) you had remained absent on the following days.

<u>Year</u>	<u>Month</u>	<u>Dates(indicate specific date)</u>
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1.

2.

3.

4.

Now, again on dated.....(or since.....date) you remained absent without permission. Previously you have been warned/suspended from duty (state number and dates of punishment letters) for similar misconduct.

Habitual absence from duty is a misconduct according to the standing orders applicable to our establishment and hence you are liable for disciplinary action.

You are, therefore, hereby asked to explain within 96 hours of receipt of this charge sheet why disciplinary action shall not be taken against you for the

misconduct of habitual absence. Explanation offered by you shall be given due consideration before proceeding further in the matter.

Should you fail to submit your explanation within the stipulated time it shall be construed that you have no explanation to offer and further steps will be taken by the Management accordingly.

Signature with date

Designation