CHAPTER - 9

Problems faced by Management as well as by charged employee while conducting disciplinary proceedings, management, Administrative, productive, union and other problem and financial impact.
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The Researcher has attended disciplinary inquiry proceedings, which are going on in National Textile Corporation (MN) Ltd., Mumbai, and in it’s unit mills located in Mumbai and Vidarbha Region and studied the court cases as well as the judgments awarded by the various courts. And the essence in respect of the problems faced by the different agencies as well as charged employees are summed up as follows:

9.1 Problems faced by the management during the process of domestic inquiry proceedings - administrative problems.

Table 9.1

The Question No.9 placed for Employees, Trade Union’s office Bearers Management & trade union’s office bearers and charged employees that:

Does your mill / unit have the expert employee to act as Presenting Officer / Inquiry Officer?

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Particulars</th>
<th>No. of Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yes</td>
<td>7</td>
<td>26</td>
</tr>
<tr>
<td>2</td>
<td>No</td>
<td>20</td>
<td>74</td>
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</table>
It can be seen from the above table 9.1 that according to 26% of Managers, Trade Union's officer bearers and charged employees and disciplinary authority of NTC(MN) Ltd. and it's unit mills agree that they have expert employees to act as Presenting Officer / inquiry Officer whereas 74% are not agree for this.

9.1.1 Due to administrative difficulties many times issuing of the charge sheet based on the documentary / oral evidence available is delayed. In number of cases the Courts, because of delays not based on reasonable grounds, have quashed the proceedings.

9.1.2 Charge Sheet is the most important document. Hence it should be drafted very carefully. Some times the charges are levelled against the employee for which disciplinary authority does not have documentary evidence which can be show to the delinquent employee.

9.1.3 Delay occurs in supplying the documents to the Inquiry Officer. In the absence of which it is just impossible for the Inquiry Officer to prove the charges.

9.1.4 The Presenting Officer is not appointed simultaneously with the appointment of inquiry Officer which result in delayed inquiry proceedings.

9.1.5 Delay in supplying copy of report of the Inquiry Officer to the charged employee by the disciplinary authority.
9.1.6 Inquiry officer fails to fix up preliminary hearing within 10 days of the receipt of his appointment letter.

9.1.7 The Inquiry Officer takes lot of time in writing to the departments, i.e. the custodian of documents for producing the documents asked for by the charged employee.

9.1.8 Custodian Departments of documents fail to send additional information in time on priority basis causes delay.

9.1.9 In unavoidable circumstances the Inquiry / Presenting officer is changed. When a new Inquiry Officer is appointed, he has an option to start the inquiry denovo or from the stage it is left.

9.1.10 Presenting Officer remains absent without prior intimation to the Inquiry Officer.

9.1.11 The Presenting Officer and the Charged Officer in submitting their written brief take a lot of time.

9.1.12 A lot of delay occurs in the submission of report by the Inquiry Officer.

**9.2 Problems faced by the charged employee**

Most of the organizations including National Textile Corporation (MN) Ltd. generally have hard working class i.e. unskilled, unqualified, illiterate employees and they are not aware of the consequences for act of commission and omission, code of conduct applicable to them nor they are aware of it under which they are working. Most of the workmen
belong to rural area and their routes are from the non-developed villages. Being farmer’s family their family and children are at native place. The workmen have to stay alone in unhygienic conditions and working conditions are also generally unhygienic. As such they are habitual of going to their native place time and again. This is a main cause that compels to workmen to remain absent from work place again and again, some times they behave abnormal, lose their temper. Because of these reasons the workmen commit the mistakes knowingly / unknowingly which become the misconduct.

9.2.1 Majority of employees working in National Textile Corporation (MN) Ltd. are of working class and their education is up to only primary level. Thus they are only aware of working hours of the factory and job to be carried out. Moreover, they are not interested at all to know about the organization and its functioning, rules and regulations applicable to them, merit/demerit of the services, and code of conduct under which they have to perform their duties. Even they are not bothered about their rights at all.

9.2.2 While working in the mills, some times they knowingly/ unknowingly commits the errors which are against the rules of the company and as such they face the consequences. E.g. if a workman proceeds on leave, sanctioned for a period of 1 month, and remains absent more than ten days than that of sanctioned leave, management can remove him from the services. But
actually he is not aware that he should intimate to the mill management that his leave may be extended by way of communications way. Most of the cases against workmen are relating to overstay at their native place. For which management issues them charges sheet and all disciplinary procedures are faced by the concerned erring employees accordingly.

9.2.3 Being not-well versed with the procedures of the disciplinary proceedings, it becomes easy for management to prove the charges and removes the employee from the services. Thus he loses the service without any malafide intention and because of his unawareness of the rules his whole family has to suffer thereby.

9.2.4 After losing the job for a minor mistake of overstay without intimation to the management he remain absent from duties his spend lots of money. To get justice he engages advocate and appeals to the court and in this process he spends lots of money and time. The court takes 4/5 years to give a decision. On getting the decision in favour of the employee the management has to reinstate the employee with full backwages.

An another example is in RBBA Mills, Hinganghat where two workers had quarreled over a small reason in the mill premises. The friends of both the workers tried to settle the matter but instead of settling the matter quarrel took place between their friends and resulted in fighting between them. In the
circumstances the management suspended under pending enquiry to all the workers those who were involved in the fighting. In this case, few workmen who were not involved in the quarrel or fighting but simply wanted to settle the matter had to face the consequences for helping the co-workers and they were suspended pending enquiry for their no fault. After concluding the inquiry except two others were exonerated from the charges and management was compelled to take them on job while paying full payment but during the suspension workmen along with their family had to suffer hardship. This is a sheer example of ignorance of code of conduct by the workmen.

9.2.5 Each organization is having multiple trade unions that wanted to establish their control on majority employees. Different unions instigate the workmen in different manners for their own benefit. Poor, illiterate workers not having the knowledge of rules and regulations applicable to them blindly follow their instructions for which individually they have to suffer.

E.g. Such instigated workers stopped the machinery during working hours without having sufficient cause or reason to do so and had to face the consequences.

9.2.6 Few workmen having gundaism nature, not interested to work sincerely but well aware of code of conduct, rules & regulation of the organization create the nuisance in the mills with the help of
workers and keep themselves away from the incident and the poor workmen had to face consequences because management do not get evidence against these gundas who instigated other workers to create nuisance. Even if the management issues them charge sheet but for lack of evidence they are acquitted from the charges. However, by hook or crook the management some times throws out such workers from the services, but subsequently through court order they come back on duty with backwages and again with force they create the problems for management.

9.3 Problems faced by the Management

The aim of any organization is to earn the profit to increase its growth and productivity, expansion of the business, and to minimize the expenses while earning more profit. To achieve this goal certain code of conduct or rules are framed by every organization based on the Model Standing Order as well as rules framed by State/Central Government under which all the workers/employees have to work. And it is also necessary for the organization to control and supervise the large number of workers in any organization to maintain discipline and smooth working to achieve the target fixed by the organization. The employees, not aware of the code of conduct and with ignorance violate the rules applicable to them. The management faces following problems for initiating the disciplinary proceedings against employees.
9.3.1 The employees are unionized with different unions. Even one organization has different unions which are motivated by their leaders, who are politicians and holding the political power whether in the State or Central Government and they interfere in the working of the organization.

9.3.2 In case management wants to initiate the disciplinary proceedings against the erring employee union and their political masters do not allow management to do so.

9.3.3 In case, disciplinary proceedings are started against any employee, the union representatives, those who are well versed with the rules come as defence assistant and create obstacle for conducting day-to-day enquiry.

9.3.4 They (Defence assistant) ask the several documents which are not relevant for reply the charge sheet and this takes time.

9.3.5 For appointment of defence assistant charge employee demands unreasonable time on the plea that he is locating a proper defence assistant.

9.3.6 Some times charged employee submits the fake medical certificate for delaying the disciplinary proceedings and management do not have any other alternative but to accept it even though they know that the medical certificate is fake but can not challenge the medical certificate as such the charged employee adopt delaying tactics.
9.3.7 On many occasions charged employee requests for postponement of disciplinary proceedings on flimsy ground.

9.3.8 Some times the charged employee obtains stay order from court against the continuation of the enquiry.

9.3.9 The defense assistants of the charged employee ask the irrelevant questions in the enquiry proceedings.

9.3.11 Lot of time taken by the charged employee to submit written reply before the enquiry authority.

9.4 Productive Problems

Once the employee is charge sheeted he loses his concentration on the job, which adversely affects production. Some times co-workers stop the whole department to support him and it becomes very difficult for management to keep track of the production target. Because all the departments are depends on each other for raw material. In the circumstances, production of the organization as a whole is disturbed. Even socially also, the charged employee feels insulted and is demoralized. It ultimately affects his production activities.

9.5 Problems faced by the Trade Unions

Most of the organizations have out side leaders who lead the trade unions are politically motivated. These leaders are not aware of practical difficulties faced by the employees. To protect their own interest they
instigate the workers for unlawful act viz. gherao, strike, agitation, abusing, manhandling which ultimately lead to disciplinary proceedings causing loss to the organization. In such circumstances some times it becomes the prestige issue of the leader and though employees are aware that they are wrong still they are forced to act in wrong direction.

9.5.1 Generally the outsiders leads trade unions. Their political bosses interfere in day to day working of the mills for their own benefits. Even they use their financial and muscle power to achieve their own goal or to stand in political field. In this act the organization has to suffer in production. There are many examples where the organizations have been closed due to union activities. When the employee is charge sheeted, unions and their representatives brings obstacle by legal/illegal acts. Even their political bosses do not hesitate to threaten the officers in case the action is taken against their workers. Even then if management proceeds to initiate disciplinary proceedings against erring employees they fail to establish the charges because the union representatives threaten the witnesses and they change their statements before the inquiry authority.

9.5.2 National Textile Corporation being Govt. of India Undertaking and controlled directly by the Central Govt. the elected representative having power to interfere in the working of the corporation. Naturally they also interfere in day to day working of the
Corporation and it becomes very difficult for the management to function properly or as per the rule. Which subsequently effects adversely productivity.

9.5.3 Especially the corporations run by Govt. face such type of problems severely and the production is lowered down because of such type of interferences.

9.5.4 The elected representative holding the portfolio of concerned Ministry appoint though top bosses of the Government. Naturally such officers are working at the instance of politicians.

9.5.5 The problems are faced not only by the management but also by trade unions and workers. It has a cumulative effect on the working of the organisation resulting in huge loses to the organisations.

9.6 Other Problems

Many times at the time of initiation of disciplinary proceedings, the appropriate qualified and experienced inquiry officer as well as presenting officer is not accessible. The presenting officer fails to present the case properly, the charge employee loses interest in the proceedings and go away. Some times charged employee on the plea of illness of self / family prolongs the inquiry and the management becomes unable to complete the inquiry in time. The superior officers have to face lot of political pressure and due to this the punishment commensurate with
the misconduct of the employee is not afforded. Some times if management wants to harass any honest and sincere employee, they initiate the disciplinary proceedings for a small cause.

9.7 Financial Impact

Basically the National Textile Corporation (MN) Ltd., Mumbai through it’s different mills is manufacturing grey cloth of different varieties and yarn. They have the processing facilities in one of their unit mills. The basic aim of National Textile Corporation is to provide the employment to the weaker section of the society those who are illiterate, semi qualified and skilled / unskilled workers. Thus the majority strength of the organisation is of worker and supervisor category.

The Government of India has taken over the private textiles mills from the owners who were exploiting the employees and were not paying them what they were supposed to get. In the circumstances keeping in the view, the social cause, textile mills were taken over by the Govt. of India, being duty of Government of India and for earning the profit for these mills. The Textile mills are taken over by the Govt. of India to provide the employment to thousands of individuals and crores of meters cloth and yarn provided by National Textile Corporation (M.N.) Ltd. in the market at minimum cost compare to private sector.
In the modern era of globalization and modernisation the working culture of the textile industry is changing rapidly. Earlier the machines used to be operated manually; lot of workforce was engaged for this purpose. In the new scenario, machineries are computerized, new spinning and weaving machines installed in the private mills are handled by single worker whereas 10 workers used to require for the old machinery. But National Textile Corporation (MN) Ltd., Mumbai is approaching very slowly towards modernization because in this process of modernization lot of employees are going to become jobless.

After issuing the charge sheet to an employee, many concerned employees get engaged in the process of disciplinary proceedings. The management unnecessarily wastes the manpower in unproductive activities of disciplinary proceedings against the employees. The union also gets the opportunity to create unhealthy atmosphere inside the organization, which directly or indirectly affect the day-to-day production activities. Few officers / employees those who are connected with the production activities have to devote their time for conducting the disciplinary enquiry proceedings in place of doing their regular duties. The management and the concerned employee also get disturbed. Subsequently family of the charge sheeted employee is also affected.

In nut shell, the production is decreased due to initiation of disciplinary proceedings in any organisation including National Textile Corporation (MN) Ltd.. The co-workers of the employee also get disturbed.
when some one working with them is charge sheeted. The quality of production of the organisation is not maintained in this situation because employees lose their concentration on work.

In many cases it is observed the employee does not stop after the decision of the management and they approach to different courts with the help of union. As such the management have to engage the advocate to defend such cases, which again put National Textile Corporation (MN) Ltd. in to more loss as well as to the employee concerned.

The courts generally, ignore the facts of the case and safeguard the interest of employees to save the bread and butter of his dependents. The National Textile Corporation (MN) Ltd. has to pay / paid lacs of rupees on account of back wages. Even some time the dismissed employees are reinstated in the employment as per court order in some case.

As such the process of disciplinary proceedings against the employees of any organization including National Textile Corporation (MN) Ltd. has to bear unproductive expenditures resulting into adverse financial impact.