





GUIDELINES FOR THE PREPARATION OF CHARGE-SHEET

The object of the Charge - Sheet is to tell the delinquent what he is supposed or alleged misconduct during his employment. Under the Industrial law, there is no form prescribed for a Charge-Sheet hence it becomes more important to draft it more carefully with precision and clarify. *The framing of a Charge-Sheet being the first necessity for disciplinary action and it is the main pillar for record purpose.*

The Charge-Sheet should also take care to mention the particulars of time, place, occurrence and the manner in which the incident alleged to have taken places so as to remove vagueness and make the charge definite by mentioning these essential factors.(Just like a provisions in the vegetable soup) :

ESSENTIAL INGREDIENTS :

-  A Charge Sheet being root of the disciplinary action. When vague, will vitiate the whole proceeding hence the penalty imposed on delinquent will be quashed.
-  The object of a charge sheet is that the delinquent must know what he is charged with and have the adequate opportunity to mete the charges and to defend himself by giving a proper explanation.
-  A delinquent employee must be provided with the copies of the documents as relied upon by the Disciplinary Authority and the burden, to show that non-supply of documents required by the delinquent did not cause any prejudice to him, lies upon the Disciplinary Authority.
-  Failure to enclose the list of witnesses along with the charge memo will violate the Conduct Regulations, hence the entire disciplinary proceedings will be vitiated when it is so stipulated.



GUIDENCES:

- ✓ The Charge-Sheet must be specific and must set out all the necessary particulars. It will serve no useful purpose at all to presume that the employee is fully informed of the charges because of any previous proceeding against him.
- ✓ Any warnings that might have been given to a workman previously or from time to time or that his attention had been drawn to any fault, lapses on his part previously can, by no means, take the places of a regular enquiry.
- ✓ Vague accusation, which the workman could not possibly follow, should not be made in the charge sheet.
- ✓ The Charge Sheet must accurately and precisely state whether the act of commission or omission constituting misconduct is in violation of any Standing Order or not. The test is whether the charge conveys to the employee concerned, the exact nature of misconduct in a way that would enable him to mete the charge.
- ✓ Where, for instance, the charge is for unauthorized collection of subscription on the work premises, the purpose for which such a subscription was collected need not be stated. But the time, date and place i.e. when and where the collection was made must be clearly mentioned.
- ✓ When, under the Standing Orders or service rules, and act such as absence without leave, late attendance, negligence or disobedience is misconduct, when it is committed habitually then in such a case the word, habitual forms and essential constituent of the charge and must be expressly mentioned in the charge sheet.
- ✓ If the charge is for arrogant conduct towards a superior, then it must be so stated in the charge sheet given in the occasion on which the misconduct was committed and in respect of which particulars.

- ✓ When an employee is charged for habitually disobeying the instructions, then each set of disobedience on his part must be separately mentioned in details in the charge sheet.
- ✓ When an employee is charged for using objectionable and offending language, then the actual words used must be stated in the charge sheet.
- ✓ While verbiage is to be avoided, use of any abbreviations such as etc., must be equally shunned. Phrases such as any other document is vague and ineffective and so, only reference should be made to a specific thing or a particular person.
- ✓ It is important to remember that the language of a charge sheet while being precise, must be give the impression that the employer has taken the question of the employee's guilt as a foregone conclusion.
- ✓ The delinquent employee be furnished with the documents and reports as referred to in the charge sheet otherwise his termination will be quashed.
- ✓ As far as practicable the language of a charge sheet must be simple and be one that is commonly understood or in common usage.
- ✓ When the previous record of the employee is relied upon, then sufficient particulars of the previous bad record should be specified in the charge sheet.
- ✓ Another thing is , pm which caution is necessary, is to make use of the term about in relation to the date and time of a particular incident of misconduct.
- ✓ A valid charge sheet must be in precise terms as there is no room for using loose or vague term which fails to convey, in the correct sense, a charge brought against an employee.

- ✓ It is the duty of the employer to indicate to a delinquent employee served with the charge sheet not only the precise nature of charges, but also the documents, if any, upon which the charges are based.
- ✓ The charge sheet must be signed by the competent authority.
- ✓ A Charge sheet, issued after long delay of the misconduct, will vitiate the enquiry.
- ✓ Another important, on request of the delinquent the employer may serve the charge sheet in his mother tongue (along with English version).
- ✓ One of the fundamental rules of natural justice is that the person affected should have full and true disclosure of the facts sought to be used against him. He must know the nature of the misconduct alleged against him and must be acquainted with it in the first instance, it means that the charge sheet is the *sine qua non* of the domestic enquiry. The heart of the matter is that no disciplinary action can be initiated against the employee or a workman unless he is first served with a charge sheet containing all charges and their essential particulars. So while drafting a charge sheet the attempt should be to ensure that the charge mentioned in the charge sheet is specific as well as complete in all essential constituents.
- ✓ Principles of natural justice require that the person charged should know precisely the nature of the offence so that he may be able to explain what he has to say about it and prove innocence in the matter. Vague allegations should be avoided while drafting a charge sheet.



MODEL PRO-FORM FOR GENERAL CHARGE-SHEET

To

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It is reported against you that on _____(date) at _____(time) you_____ (mention clearly the act or acts of misconduct alleged).

The acts, as alleged above to have been committed by you, amount to misconduct which, if proved, would warrant serious disciplinary action against you.

Accordingly, you are hereby required to show cause within _____ days of the receipt hereof as to why you should not be dismissed or other wise punished.

Should you fail to submit your explanation as required, It will be presumed that you admit the charges and have no explanation to offer and the matter will be disposed of without any further reference to you.

Since the charges, leveled against you, are of grave and serious nature, you are hereby suspended pending further proceedings and final orders in the matter.

The receipt of this letter should be acknowledged.

AHTOHRISED SIGNATORY