

Employee Warning Letter & Disciplinary Action Pack

Eight formats covering counselling through to a decision, written around the procedure rather than the wording. Read from the Industrial Relations Code 2020 as published.

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Letter formats

Counselling to final decision

50%

Subsistence allowance

From day one of suspension

300

Workers

Before standing orders bind you

Before you write a word

Three questions that decide everything after

A disciplinary letter is only as good as the process behind it. These three answers change which letter you send, what you have to pay, and whether the outcome survives a challenge.

Question	Why it decides things	Where it says so
Do you employ 300 or more workers?	Only then does the standing orders chapter bind you, and that chapter is where suspension, subsistence allowance and the ninety-day inquiry limit all live	IR Code s.28(1), s.38
Is this person a worker?	Managerial and administrative roles are outside it, as are supervisors paid over ₹18,000 a month	IR Code s.2(zr)
Is the alleged act defined as misconduct?	Standing orders must set out the acts that constitute misconduct. You cannot punish for something never defined	IR Code, First Schedule, item 9

A deadline that has already passed

Section 30(1) gave employers six months from the Code commencing to prepare draft standing orders based on the model. The Code commenced on 21 November 2025, so that ran out around 21 May 2026. If you are at 300 or more workers and have not done it, that is worth raising before you start disciplining anyone under them.

None of this means a smaller employer cannot discipline anybody. It means the authority comes from the contract and the policy rather than from certified standing orders, and the letters should say so rather than citing something that does not apply. Every format here works either way; the notes say which basis each one rests on.

02

Which letter, and when

Eight documents, in the order they usually come

The commonest failure is jumping straight to a final warning or a termination without the steps in between, which is what makes an outcome look decided before it was heard.

Letter	Use it when	Watch for	Format
Counselling record	A first, minor lapse	Not a punishment. Do not call it a warning	01
First written warning	It has happened again, or is serious	State the act, the date and what must change	02
Final written warning	It continues after a warning	Say plainly what happens next if it recurs	03
Show cause notice	Alleged misconduct needs an explanation	Ask a question. Do not announce a finding	04
Charge sheet	The explanation does not resolve it	Specific charges, dates, and the rule breached	05
Suspension pending inquiry	The person cannot stay at work	Subsistence allowance starts immediately	06
Notice of inquiry	An inquiry is being held	Name the officer, date, and the right to assistance	07
Findings and decision	The inquiry has concluded	Findings first, punishment second, in that order	08

Warnings are not a countdown

Three warnings do not automatically produce a dismissal, and one serious act does not need three warnings first. What matters is that the person knew the standard, knew they had fallen short, and had a real chance to answer.

03 Format 01 • Counselling record

A conversation, written down

For a first, minor lapse. It is a record that the conversation happened, not a punishment, and it should not read like one.

[YOUR COMPANY LETTERHEAD]

Ref: [HR/DISC/2026-27/000]

Date: [DD-MMM-YYYY]

[Employee Name]

[Designation], [Department]

Employee Code: [Employee Code]

Subject: Record of counselling discussion held on [Date]

Dear [First Name],

This letter records our discussion on [Date] regarding [describe the specific matter, with the date it occurred].

We discussed [what was expected] and agreed that [what will change, and by when]. [Name of manager] will review this with you again on [Review Date].

This is a record of that conversation. It is not a warning and no disciplinary action is being taken. A copy is being placed on your file so that both of us have the same record of what was agreed.

Yours sincerely,

For [Company Name]

[Authorised Signatory]

[Name] · [Designation] · [Company Seal]

Note Say it is not a warning, in terms. A counselling note that reads like a warning gets treated as one later, usually by the person arguing that a warning was issued without any process.

04

Format 02 · First written warning

The standard is stated and the lapse is named

Use this once counselling has not worked, or where the matter is serious enough to skip it. Three things have to be in it: what happened, when, and what must change.

[YOUR COMPANY LETTERHEAD]

Ref: [HR/DISC/2026-27/000]

Date: [DD-MMM-YYYY]

[Employee Name]

[Designation], [Department]

Employee Code: [Employee Code]

Subject: Written warning

Dear [First Name],

On [Date of incident] you [describe the act or omission specifically, with times, places and any people involved].

This falls short of [name the standard: the specific rule, policy clause, or standing order relied on]. [If counselling took place, name the date.]

You are required to [state exactly what must change] with immediate effect. Your conduct will be reviewed on [Review Date]. A repetition of this or similar conduct may lead to further disciplinary action.

You may respond to this letter in writing within [Number] days if you wish to place anything on record.

Yours sincerely,

For [Company Name]

[Authorised Signatory]

[Name] · [Designation] · [Company Seal]

Note Name the rule you are relying on. A warning that says conduct was unsatisfactory without saying against what standard is very hard to defend, and easy for the employee to say they never knew.

Only if a warning has already been given for the same or similar conduct, or where the act is serious. It has to say what happens next, plainly.

[YOUR COMPANY LETTERHEAD]

Ref: [HR/DISC/2026-27/000]

Date: [DD-MMM-YYYY]

[Employee Name]

[Designation], [Department]

Employee Code: [Employee Code]

Subject: Final written warning

Dear [First Name],

You were issued a written warning on [Date of earlier warning] regarding [subject of that warning].

On [Date of the new incident] you [describe the new act specifically]. Your explanation dated [Date], where given, has been considered. [Say briefly why it was not accepted.]

This is a final written warning. It will remain on your record for [Period]. Any repetition of this or similar conduct during that period may result in [state the consequence: further disciplinary proceedings, up to and including termination].

You may respond in writing within [Number] days.

Yours sincerely,

For [Company Name]

[Authorised Signatory]

[Name] · [Designation] · [Company Seal]

Note Say what happens next in specific words. 'Strict action will be taken' means nothing and is read as a threat rather than a notice. If dismissal is on the table, say so.

This asks the employee to explain. The single commonest mistake in disciplinary paperwork is writing a show cause notice that has already decided the answer.

[YOUR COMPANY LETTERHEAD]

Ref: [HR/DISC/2026-27/000]

Date: [DD-MMM-YYYY]

[Employee Name]

[Designation], [Department]

Employee Code: [Employee Code]

Subject: Show cause notice

Dear [First Name],

It is alleged that on [Date], at [Place and time], you [set out the alleged act factually, without adjectives].

If established, this would amount to misconduct under [cite the clause of the standing orders, or of the contract or policy where standing orders do not apply to your establishment].

You are required to show cause in writing, within [Number] days of receiving this notice, why disciplinary action should not be taken against you in respect of the above. You may attach any document you wish to be considered.

Please note that no finding has been reached. Your explanation will be considered before any decision is taken.

Yours sincerely,

For [Company Name]

[Authorised Signatory]

[Name] · [Designation] · [Company Seal]

Note Write the allegation as a fact in issue, not as a finding. 'It is alleged that' rather than 'you did'. And keep the last paragraph: it is the sentence that shows the mind was open when the notice went out.

07 Format 05 • Charge sheet

Specific charges, so they can be answered

Where the explanation does not resolve matters. A charge has to be specific enough that somebody can actually defend it.

[YOUR COMPANY LETTERHEAD]

Ref: [HR/DISC/2026-27/000]

Date: [DD-MMM-YYYY]

[Employee Name]

[Designation], [Department]

Employee Code: [Employee Code]

Subject: Statement of charges

Dear [First Name],

Further to the show cause notice dated [Date] and your reply dated [Date], the following charges are framed against you.

You are required to submit a written statement of defence within [Number] days. If you do not, the matter may be decided on the material available.

- Charge 1: That on [Date] at [Place] you [specific act], in breach of [clause and rule].
- Charge 2: [as above]
- Documents relied on: [list them, and attach copies]
- Witnesses, if any: [names]

Yours sincerely,

For [Company Name]

[Authorised Signatory]

[Name] · [Designation] · [Company Seal]

Note Attach the documents you are relying on. A charge sheet that refers to material the employee has not been given is the easiest kind of process to challenge.

Not a punishment. It holds the position while the matter is looked into, and it costs money from day one.

Somebody on ₹40,000 a month, at 300+ workers	You owe
First 90 days of suspension, at 50%	₹20,000 a month
After 90 days, at 75%	₹30,000 a month
Provided the delay is not their fault	IR Code s.38(3)
Inquiry ordinarily completed within	90 days, s.38(1)

[YOUR COMPANY LETTERHEAD]

Ref: [HR/DISC/2026-27/000]

Date: [DD-MMM-YYYY]

[Employee Name]

[Designation], [Department]

Employee Code: [Employee Code]

Subject: Suspension pending inquiry

Dear [First Name],

Pending investigation and inquiry into the charges set out in the statement dated [Date], you are placed under suspension with effect from [Date].

During the period of suspension you will be paid subsistence allowance at 50 per cent of your wages for the first ninety days, and at 75 per cent thereafter where the delay in completing the proceedings is not attributable to your conduct.

You are required to be available on [Contact details] and to attend when called, and may not enter the premises or access company systems meanwhile.

Suspension is not a punishment and does not imply that the charges have been established.

Yours sincerely,

For [Company Name]

[Authorised Signatory]

[Name] · [Designation] · [Company Seal]

Note Section 38 sits in Chapter IV, so as a statutory obligation both the allowance and the ninety-day limit follow the 300-worker threshold. Below that, suspending on no pay still needs authority in the contract, so use the same rates and say in the letter that they come from your policy rather than the Code.

The notice that makes the inquiry fair. It has to give enough notice to prepare and say who is hearing it.

[YOUR COMPANY LETTERHEAD]

Ref: [HR/DISC/2026-27/000]

Date: [DD-MMM-YYYY]

[Employee Name]

[Designation], [Department]

Employee Code: [Employee Code]

Subject: Notice of domestic inquiry

Dear [First Name],

A domestic inquiry into the charges dated [Date] will be held as set out below.

You may present your defence, produce documents, call witnesses and cross examine the witnesses produced against you. You may be assisted by [state who, per your standing orders or policy].

If you do not attend without sufficient cause, the inquiry may proceed in your absence.

- Date and time: [Date], [Time]
- Place: [Place]
- Inquiry officer: [Name, Designation]
- Presenting officer, if any: [Name, Designation]

Yours sincerely,

For [Company Name]

[Authorised Signatory]

[Name] · [Designation] · [Company Seal]

Note Give real notice, not a day. An inquiry called at short notice, or heard by the person who framed the charges, is the sort of detail that decides a challenge regardless of what the employee actually did.

The closing letter. The order matters: what was found, then what follows from it, and why that penalty rather than another.

[YOUR COMPANY LETTERHEAD]

Ref: [HR/DISC/2026-27/000]

Date: [DD-MMM-YYYY]

[Employee Name]

[Designation], [Department]

Employee Code: [Employee Code]

Subject: Outcome of disciplinary proceedings

Dear [First Name],

The inquiry into the charges dated [Date] was held on [Dates]. The inquiry officer's report dated [Date] has been considered, together with your statement of defence dated [Date].

Findings: [state which charges are held proved and which are not, and on what material].

Having regard to the findings, to your explanation, to your length of service and record, and to [any other factor weighed], the following action is taken with effect from [Date]: [state the penalty].

[Where charges are not proved, say so plainly and confirm that the suspension period will be treated as [state how].] You may appeal this decision in writing to [Name, Designation] within [Number] days.

Yours sincerely,

For [Company Name]

[Authorised Signatory]

[Name] · [Designation] · [Company Seal]

Note Say why this penalty and not a heavier or lighter one. A decision that records findings and then states a punishment without connecting them reads as predetermined, which is the thing most often held against an employer.

Before you sign

Twelve things to confirm

Most of these cost nothing now and a great deal later. Work down the list before anything is issued.

- ☐ **Headcount checked: standing orders bind at 300 or more workers**
- ☐ **The person confirmed as a worker, or the letter written on the contract instead**
- ☐ **The alleged act matched to a defined item of misconduct, and the clause cited**
- ☐ **The allegation written as an allegation, not as a finding**
- ☐ **A real period given to reply, and stated in days**
- ☐ **Documents relied on attached, not merely referred to**
- ☐ **Inquiry officer is not the person who framed the charges**
- ☐ **Subsistence allowance started from the date of suspension, at 50 per cent then 75 per cent, and the letter cites section 38(3) or your own policy depending on headcount**
- ☐ **Inquiry on course to finish within ninety days of suspension**
- ☐ **Findings recorded before the penalty, and the penalty explained**
- ☐ **Right of appeal stated, with a name and a period**
- ☐ **Nobody punished twice for the same act**

What this file is not

Working drafts and a procedure summary, not legal advice. Disciplinary matters end up in front of tribunals more often than any other kind of employment paperwork, and the facts vary enormously. Where anything is contested or a dismissal is in prospect, take advice before you issue rather than after.

Attendo

Provided by Attendo for general guidance. Read at origin on 06-Aug-2026 from the Industrial Relations Code 2020 as published, which replaced the Industrial Employment (Standing Orders) Act 1946 and the Industrial Disputes Act 1947 when the labour codes commenced on 21 November 2025. Disciplinary matters are fact specific and frequently contested. Take advice before issuing anything contentious, and certainly before a dismissal.

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A record that *holds up later*

Attendo keeps the warning, the date, the reply and the outcome against each employee, so the file tells the whole story instead of living in three inboxes and a drawer.

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