

**COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES**

**(2023-2024)**

**(SEVENTEENTH LOK SABHA)**

**THIRTY FIRST REPORT**

**ON**

**Ministry of Home Affairs**

**“Implementation of reservation Policy in the Ministries/Departments of Government of India with specific reference to the Municipal Corporation of Delhi (MCD).”**

**Presented to Lok Sabha on 06.02.2024**

**Laid in Rajya Sabha on 06.02.2024**



**LOK SABHA SECRETARIAT  
NEW DELHI**

**06 February, 2024/ 17 Magha, 1945 (Saka)**

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (2023-24)**

**Dr. (Prof.) Kirit Premjibhai Solanki - Chairperson**

**MEMBERS - LOK SABHA**

2. Shri Girish Chandra
3. Shri Guman Singh Damor
4. Shri Anil Firojiya
5. Shri Tapir Gao
6. Smt. Goddeti Madhavi
7. Smt. Pratima Mondal
8. Shri Ashok Mahadeorao Nete
9. Shri Vincent H. Pala
10. Shri Chhedi Paswan
11. Shri Prince Raj
12. Shri A. Raja
13. Shri Upendra Singh Rawat
14. Smt. Sandhya Ray
15. Shri Mohammad Sadique
16. Shri Jagannath Sarkar
17. Shri Ajay Tamta
18. Shri Rebati Tripura
19. Shri Krupal BalajiTumane
20. Shri Kamlesh Paswan

**MEMBERS - RAJYA SABHA**

21. Shri Abir Ranjan Biswas
22. Shri Anthiyur P. Selvarasu
23. Dr. V. Sivadasan
24. Smt. Phulo Devi Netam
25. Smt. Kanta Kardam
26. Dr. Sumer Singh Solanki
27. Shri Nabam Rebia
28. Shri Kamakhya Prasad Tasa
29. Shri Samir Oraon
30. Shri Niranjana Bishi

**SECRETARIAT**

- |    |                      |   |                     |
|----|----------------------|---|---------------------|
| 1. | Shri D.R. Shekhar    | - | Joint Secretary     |
| 2. | Shri R.L. Yadav      | - | Director            |
| 3. | Shri Rakesh Bhardwaj | - | Additional Director |
| 4. | Ms. Pooja Kirthwal   | - | Committee Officer   |

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## **INTRODUCTION**

I, the Chairperson, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the Report on their behalf, present this Thirty First Report (Seventeenth Lok Sabha) on the subject "Implementation of Reservation Policy in the Ministries/Departments of Government of India with specific reference to the Municipal Corporation of Delhi (MCD)." pertaining to the Ministry of Home Affairs.

2. The Committee took evidence of the representatives of the Ministry of Home Affairs and Municipal Corporation of Delhi (MCD) on 17.10.2023 and 29.11.2023. The Committee wish to express their gratitude to the officers of the Ministry of Home Affairs for placing before the Committee the material and information the Committee required in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee on 05.02.2024.

4. For facility of reference and convenience, the observations/recommendations of the Committee have been printed in bold letters in chapter II of the Report.

**New Delhi;  
06 February, 2024  
17 Magha, 1945(Saka)**

**DR.(Prof.) KIRIT P. SOLANKI  
Chairperson,  
Committee on the Welfare of  
Scheduled Castes and  
Scheduled Tribes.**

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## REPORT

### CHAPTER I

#### INTRODUCTORY

Municipal Corporation of Delhi came into existence on 7 April 1958 under an Act of Parliament. Prior to that DMC (Delhi Municipal Committee) was the principal civic body of Delhi. Delhi Municipal Corporation Act, 1957 has been amended many times. However, major amendments were made by the Parliament vide the DMC (Amendment Act, 1993 in year 1993 vide the DMC (Amendment) Act, 2011 in year 2011 by the Legislative Assembly of Delhi (when erstwhile MCD was trifurcated and three Municipal Corporations had been established namely, North Delhi Municipal Corporation, South Delhi Municipal Corporation and East Delhi Municipal Corporation) and by the Parliament vide the DMC (Amendment Act, 2022) in 2022 when the present Municipal Corporation of Delhi has been established w.e.f. 22.05.2022.

2. The Committee during the year 2023-24, selected the subject **“Implementation of reservation Policy in the Ministries/Departments of Government of India” for consideration and examination.** In pursuance thereto, the Committee called upon the representatives of Ministry of Home Affairs and Municipal Corporation of Delhi to depose on 17.10.2023 and 29.11.2023. During these sittings of the Committee, some of the important issue which came to fore *inter-alia* were primarily non availability of suitable candidates as the main reason for backlog and non regularization of daily wager safai karamcharis in MCD. The Committee note that more than 21000 daily wager safai karamcharis are working in MCD. The Committee took cognizance that the directions of Supreme Court and DOPT were not being upheld in the matter of regularization of daily wager safai karamcharis by MCD. The Committee, therefore decided to study the matter in detail and prepare report thereon.

3. In light of the documents submitted, deposition made by the Ministry of Home Affairs and Municipal Corporation of Delhi and the representations received on the subject, the inputs and queries raised by the members of the Committee report has been prepared and given in the subsequent paras.

4. Upon enquiring whether there are any officials from the SC/ST community who have ever been appointed as Director/Member/Head in MCD and various zones under it. The Ministry in their written stated that Section 3 of the DMC Act, 1957 provides the Establishment of the Corporation. As per Section 3 of the DMC Act, the Municipal Corporation of Delhi is a body corporate charged with the Municipal Government of Delhi. Clause subsection (3) of Section 3 of the DMC Act provides composition of Corporation which says the Corporation shall be composed of the councillors; and the persons mentioned in sub clause (i) to (iv) of clause (b) of sub-section (3) of Section 3 of the DMC Act.

5. Further, Subsection (4) of the DMC Act, provides that Councillors shall; be chosen by direct election on the basis of adult suffrage from various wards into which Delhi shall be divided in accordance with the provisions of the DMC Act. Also, Sub-section (5) to (8) Section 3 of the DMC Act provides the reservation for the members of the Scheduled Castes in the Corporation and reservation of the seats for the women belonging to the Scheduled Castes.

#### **RESERVATION IN SERVICES**

6. The Committee have been informed that MCD provides reservation for both technical and non-technical posts as per the guidelines/instructions issued by the DoP&T in this regard time-to-time. A brief of the reservation provided by the MCD are as under:

##### **(a) Direct Recruitment:**

Reservation is provided to the members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes @ 15%, 7.5% and 27%, respectively, in the matter of appointment by direct recruitment to the posts of Corporation.

##### **(b) Promotion:**

Reservation is provided in MCD at 15% and 7.5% to Scheduled Castes and the Scheduled Tribes, respectively, (i) in promotions through Limited Departmental Competitive Examination in Group B, C & D (ii) in promotion by selection in Group B, C & D and from Group B to the lowest rung of Group A and (iii) in promotion on the basis of Seniority subject to fitness in all Groups i.e. Group A, B, C & D (in all these cases). Reservation in posts by promotion, as indicated above, is applicable to all grades or

services, in which the element of direct recruitment, if any, does not exceed 75% in MCD also.

(Group D posts have been re-categorized and placed in Category C posts after 6<sup>th</sup> CPC).

Further, to monitor the implementation of these procedures a Liaison Officer Cell is functional in MCD and either Liaison Officer or a representative of the SC/ST is inducted in every DPC conducted by the MCD.

### **STAFF STRENGTH**

7. The Ministry in their written replies have furnished category-wise total sanctioned strength in MCD as under:

<b>Category</b>	<b>Sanctioned Strength</b>
<b>A</b>	3182
<b>B</b>	34568
<b>C</b>	88582 + 18569 (seasonal post of DW Safai Karamchari) = 107151
<b>Total</b>	144991

8. In response to a pointed query regarding the information relating to staff strength, Grade A, B & C or D posts in MCD with regard to technical and non-technical staff, Ministry in their written replies furnished the following details:

As on 01.04.2023

Category of posts	Total Sanctioned post	Total No. of employees in position*	Number of SC/ST appointed against reserved post		Number of SC/ST appointed on their own merit		Percentage of total (employee in position)		Shortfalls	
			SCs	STs	SCs	STs	SCs	STs	SCs	STs
1		2	3	4	5	6	7	8	9	10
A	3182	2010	284	118	N.A	N.A	14.13%	5.87%	18 (0.87%)	33 (1.63%)
B	34568	23758	4011	1825	N.A	N.A	16.88%	7.68%	Nil	Nil
C	107151	95433	71586	352	N.A	N.A	75.01%	0.37%	Nil	6805 (7.13%)

## **RECRUITMENT**

9. The Ministry, in their written replies, stated that as per Section 90A of the DMC Act on the date of establishment of the Corporation, the officers and employees of the erstwhile North Delhi Municipal Corporation, South Delhi Municipal Corporation and East Delhi Municipal Corporation, became the officers and employee of the Corporation i.e. the Municipal Corporation of Delhi w.e.f. 22.05.2022 as after unification of erstwhile Corporations i.e. North Delhi Municipal Corporation, South Delhi Municipal Corporation and East Delhi Municipal Corporation,, the Municipal Corporation of Delhi has been established w.e.f. 22.05.2022 as per provisions of Section 3 of the DMC Act.

10. Prior to 22.05.20022, promotions/recruitments were made by the erstwhile Corporations at their own level. The category-wise break up of officials recruited by direct recruitment after 22.05.2022 are as under:

Category	Total	UR*	EWS	OBC	SC	ST	PH	EXM	SPORTS	Total
A	240	93	19	80	26	14	8	0	0	240
B	1121	430	47	346	167	93	38	0	0	1121
C	320	92	23	77	43	24	24	24	13	320

*\*Including SC/ST selected on merit basis.*

11. The Committee further enquired about the reasons for the shortfall, if any, in the employment of SCs/STs against their reserved quota and the remedial measures taken or proposed to be taken to wipe out the shortfall. In response, the Ministry submitted that there is adequate representation of SC employee in MCD. With regard to ST, adequate number of employees in feeder cadre post is not available where promotion exists as one of the method of recruitment, hence, these posts remain vacant. With regard to direct recruitment quota posts, the departments are regularly sending the requisition of direct recruitment posts of SC/ST as per DOPT guidelines to the concerned recruitment agencies viz. DSSSB and UPSC as per the provisions of the DMC Act, 1957.

12. During the evidence, the Committee pointed out the following:

*“Out of 1.5 lakh staff in the municipality, especially in the ST category, there is a shortfall of almost two per cent in group A and there is almost seven per cent shortfall in group C. Overall, there is almost 5.6 per cent shortfall in STs.*



*What are the reasons? Are there no STs in Delhi? What is your plan? These 6-7 per cent is huge in terms of absolute number. What is your plan to fill these seats be it in terms of appointments which you will make or how will you proceed on this issue?"*

13. Further, the Committee made the following suggestion in this regard:

*"The backlog in the posts reserved for the Scheduled Tribes should be filled up by conducting Special Recruitment Drive for Scheduled Tribe candidates."*

14. In this regard, the Ministry in their reply stated that as per Census 2011 of India, there is no notified Schedule Tribe population in Delhi. Further, as per Schedule of Posts, total number of 107241 Category „C“ Posts exists (including 18659 seasonal post of DW Safai Karamchari), out of which 65430 posts belong to Safai Karamcharies (now re-designated as Multi Tasking Staff (DEMS) (Including seasonal post of DWSK).

Earlier most of the erstwhile Group „D“ posts [now re-designated Multi Tasking Staffs (Category „C“)] were appointed by the erstwhile Corporations at local level as per the recruitment rules. Therefore, the unavailability of suitable ST at local level i.e. in Delhi was one of the reason for shortfall of 7.13% among ST category of Category „C“ posts.

15. It was also informed that the MCD has processed the amendment/framing of recruitment regulations of posts of Multi Tasking Staffs including the post of MTS (DEMS) and accordingly these vacancies will be filled up as per provisions of the DMC Act, 1957 and as per DOPT guidelines issued in this regard including special recruitment drive.

16. The Committee were further informed that the MCD has taken up appropriate steps for filling these vacancies of promotion quota. Further, the vacancies of Direct recruitment quota of Category „A“ Posts of MCD have already been sent to the UPSC for CMSE-2023 (for 384 posts of GDMO) and for (40 Posts of MO (Aurveda).

### **PROMOTION**

17. The Committee have been informed that reservation in promotions are provided in MCD at 15% and 7.5% to Scheduled Castes and the Scheduled Tribes, respectively, (i) in promotions through Limited Departmental Competitive Examination in Group B, C & D (ii) in promotion by selection in Group B, C & D and from Group B to the lowest

rung of Group A and (iii) in promotion on the basis of Seniority subject to fitness in all Groups i.e. Group A, B, C & D (in all these cases). Reservation in posts by promotion, as indicated above, is applicable to all grades or services, in which the element of direct recruitment, if any, does not exceed 75% in MCD also.

18. It was also informed that relaxation in criteria to the SC/ST candidates in promotion viz zone of consideration (5 times of total number of vacancies); relaxation in benchmark of APAR grading etc. are being given to the SC/ST candidates as per DoPT guidelines.

19. In promotion to posts/services in all Groups upto the lowest rung in Group „A“, selection against vacancies reserved for SCs and STs are made only from those SC/ST officers, who are within normal zone of consideration. Where adequate number of SC/ST candidates is not available within the normal zone of consideration, it is extended to five times the total number of vacancies for which select panel is prepared and the SC/ST candidates coming within the extended field of choice should also be considered against the vacancies reserved for them. If candidates from SC/ST obtain on the basis of merit (normal bench mark score applicable for the grade) with due regard to seniority, on the same basis as others, lesser number of vacancies than the number reserved for them, the difference is made up by selecting candidates of these communities, who are in the zone of consideration/extended zone of consideration, irrespective of merit and „bench mark“ but who are considered fit for promotion.

20. The Committee also sought details w.r.t the total number of employees promoted (Technical and Non-Technical) during the years 2020, 2021, 2022 and 2023 (till date) in various categories of posts and the number and percentage of SC/ST employees out of them. In this regard, the Ministry furnished the details as follows:

As on 01.04.2023

Category	Total No. of person promoted w.e.f. 22.05. 2022	General	SC	ST	Own merit	Against Reserved Post	Own merit	Against Reserved Post
					SC	SC	ST	ST
A	140	108	23	9	12	11	6	3
B	838	616	160	67	73	87	41	26
C	37	30	7	0	7	0	0	0

## **ROSTER**

21. The Committee have been informed that MCD follows the rules and guidelines issued by the DoPT from time-to-time regarding reservation in recruitments. As the MCD has been established w.e.f. 22.05.2022 after unification of erstwhile Corporations and after unification considerable number of posts have been abolished/reduced/merged, therefore, new roster for the posts of MCD are under preparation. Further, to protect the interest of SC/ST candidates, Liaison Officers/Representative of SC/ST has been included in every DPC conducted by the MCD.

## **FOREING TRAINING**

22. Upon enquiring as to how many technical and non-technical staff including SC/ST amongst them were sent on foreign training and also to attend seminars/symposia/ conferences etc during the last 05 years. It was informed that no officer has been sent on foreign training by MCD since its establishment i.e. 22.05.2022.

## **SC/ST CELL/LIASION OFFICER**

23. The Ministry in their written replies informed that a SC/ST Cell been set up in the Corporation to look after the interest of SC/ST Employees. Also, Sh. Devi Dass, Director (CSD) has been assigned the work of Liaison Officer. It was also informed that the Liaison Officer in MCD belongs to the SC/ST Categories. Liaison Officer has the responsibility to check the reservation roster, to watch the progress of complaint relating of SC/ST Officials in different departments. Further, the Liaison Officer is also included in the DPC for promotion to the various Category „A“ „B and C posts.

24. In response to specific query regarding the details of the recommendations/ suggestions made by SC/ST Cell/Liaison Officer during last 05 years along with action taken by MCD on the said suggestions/recommendations, it was informed that no such recommendations/suggestions have been made by the Liaison Officer.

## **COMPLAINTS/GRIEVANCES**

25. When asked to furnish the details of the mechanism adopted by the Corporation for the redressal of grievances of their SC/ST employees, it was stated that Senior Officers of the departments and Liaison Officer look into the grievances of SC/ST. It was also informed that whenever, any such complaint is received, the grievances of SC/ST are redressed as soon as possible.

26. After establishment of Corporation w.e.f. 22.05.2022, following complaints have been received which has been examined on merit, the details are as under:

- (i) One complaints/grievances is regarding promotion & harassment.
- (ii) The other three complaints/grievances are related to promotion matters and the proposals have been submitted to the concerned departments/UPSC for redressal as per rules which are under process.
- (iii) One complaint pertaining to promotion to the post of AE(Civil) and withdrawal of VRS has been disposed of in favour of the applicant.
- (iv) The other complaint for grant of higher/upgraded pay Scale of GP Rs.8700/- was examined by the Screening Committee and the committee recommended to file the representation.
- (v) One representation regarding grant of Pay Scale in Level 15 in the Pay Matrix has already been forwarded to the DOPT for further suggestion *vide* letter dated 20.03.2023.

#### **VERIFICATION OF CASTE CERTIFICATE**

27. When asked about the time frame for verification of caste certificate, the Ministry in their written replies stated that no such specific time frame is available for verification of caste certificates. However, the MCD process the verification of caste certificate within a reasonable time. Upon enquiring as to how many cases of securing Employment on the basis of false caste certificates have come to the notice of the Corporation during the last 3 year and action taken thereon, it was stated that at present no such specific data is available.

28. The Ministry in their post evidence replies elaborated that MCD is adhering to the DOPT guidelines regarding timely verification of caste certificates. The MCD does not withholds the appointment letter of SC/ST Candidates merely for caste verification. The MCD also issues the provisional appointment letter to the eligible candidates belong to SC/ST Candidates immediately after receipt of Medical Certificate subject to verification of caste certificate from the concerned authorities.

29. It was further stated that the MCD does not verify the caste certificate itself because the verification of the caste certificate is being made by the concerned District authorities who issued the caste certificate. Being the appointing authority, the MCD is

forwarding the Caste Certificates to the concerned authorities/District authorities for its verification as per DOPT as soon as the offer of appointment/appointment letter issued to the candidates by the MCD.

30. It was also informed that as per DOPT No. 36011/1/2012-Estt.(Res.) in the situation where a candidate belonging to a Scheduled Caste, Scheduled Tribe and Other Backward Classes is unable to produce a certificate from any of the prescribed authorities, he/she is being appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim subject to verification of certificate within a reasonable time. Further, to avoid further any difficulties to these candidates the MCD itself sent the verification of their certificate to the concerned authority/District Magistrate concerned.

### **CONTRACTUAL EMPLOYEES**

31. The Committee were informed that the MCD regularizes the casual labour/DW workers as per its own policy approved by the erstwhile MCD and keeping in view of the judgment of Hon"ble Supreme Court in *State of Karnataka Vs Uma Devi*. There is no provision to regularize the outsourced casual labourers engaged in the MCD because the outsourced labourers are hired through the agencies (contractor) to carry out the specific work for a limited period as executed in the contract documents.

32. The Committee note that DOPT OM no. 49014/7/2020-Estt (C) dated 07.10.2020 provides clarifications regarding Uma Devi judgment of 10.04.2006. The said OM also enunciates that *vide* judgment of *State of Karnataka VS M. L. Kesari* dated 03.08.2010, the Hon"ble Supreme Court had clarified some of the aspects of Uma Devi judgment which are pertinent for proper understanding of the said judgment. One of the aspects brought out in the M. L. Kesari judgment **provides for regularization of all daily wage/adhoc/those employees who had put in 10 years of continuous service as on 10.04.2006.**

33. The Committee further queried regarding the prescribed period after which casual labourers are made regular. In response thereto, the Ministry in their written replies stated that there is no such prescribed period for regularization of Casual labours. The MCD regularizes the casual labour/DW workers as per its own policy approved by the erstwhile MCD and keeping in view of the availability of vacant post

and judgment of Hon'ble Supreme Court in the matter of *State of Karnataka Vs Uma Devi*.

34. It was also informed that after 22.05.2022 following Daily Wager Safai Karamcharies & MTS (Engg.) have been regularized:

Post	Total No. of DW regularized	UR	SC	ST
Safai Karamchari/ MTS (DEMS)	964	48	916	0
MTS (Engg.)	270	164	105	1
<b>Total</b>	<b>1234</b>	<b>212</b>	<b>1021</b>	<b>1</b>

35. The Ministry in their written replies informed that at present total 21595 DW SKs are working in DEMS against the 18569 posts of seasonal safai karamcharies and other regular posts of safai Karamcharies sanctioned in DEMS out of which 20902 belongs to SC Category and 20 belongs to ST Category posts (more than 95% DW SKs belongs to SC/ST Category).

36. The Committee categorically posed query regarding the policy being followed by MCD w.r.t. for regularization of safai karamcharis and contractual labourers and whether there are any plans to regularize the existing safai karamcharis and contractual labourers in the organisations. In response, the Ministry in their post evidence replies informed that as per phase manner policy of Corporation Resolution No. 273 dated 27.06.1988, DEMS (HQ) is in process to regularize the SKs from retrospective dates with benefits of difference of pay of the arrears and as per DoPT guidelines issued in this regard keeping in view of judgement of Hon'ble Supreme court in *State of Karnataka Vs Uma Devi*. (Copy of Resolution No. 273 dated 27.06.1988 is enclosed herewith as **Annexure ,A"**. The Ministry also furnished the list of regularized qualified workers appointed against sanctioned posts- Uma Devi judgment-facts/clarification – reg. Issued *vide* DOPT OM No. 49014/7/2020 -Estt.(C) dated 07.10.2020 is enclosed herewith as **Annexure ,B"**. The Committee further note that M. L. Kesari judgment provides clarification regarding Uma Devi judgment in the matter of one-time exercise

for regularization stating that all daily wage/adhoc/those employees who had put in 10 years of continuous service as on 10.04.2006 be considered for regularization.

37. The Committee further enquired about the workers/officers who have been working in MCD for more than 20 years on contract basis. In this regard, the Ministry made the following submission:

- (1) Policy of Normal Subs/DWSKs: Substitute/Daily Wager Safai Karamchari who were engaged from 01.04.1998 to 31.03.2000 are being regularized w.e.f. 01.04.2006 as per seniority list and policy issued vide office letter No. 330/ADC/DEMS/HQ/2023 dated 03.02.2023. Details are as under:

Sl. No.	Total SKs as per seniority	Already regularized	To be regularized
1.	7721	1010	6711

- (2) Policy of CG Subs/DWSKs: Substitute/Daily Wagers Safai Karamchari who were engaged on Compassionate Ground w.e.f. 01.04.2003 to 10.04.2006 are being regularized w.e.f. 01.04.2012 and 11.04.2006 to 31.03.2010 are being regularized w.e.f. 01.04.2016 as per seniority list and policy issued vide office letter NO. 330/ADC/DEMS/HQ/2023 dated 03.02.2023. Details are as under:

Sl. No.	Total SKs as per seniority	Already regularized	To be regularized
1.	2069	214	1855

38. During the evidence, the Committee made the following observation:

*“The MCD has its own policy to regularize the Safai Karamcharis and the contractual labour. What is the policy of MCD in this regard, and in the light of SC’s judgment? यह आपका जवाब है।*

*मैं समझता हूँ कि एमसीडी की अपनी कोई पॉलिसी नहीं होती है, बल्कि पॉलिसी भारत सरकार की होती है। वह संविधान के हिसाब से होती है। इस प्रकार से आपने जो जवाब दिया है, मैं आपका ध्यान आकर्षित करना चाहता हूँ कि ऐसे लूज जवाब कमेटी के समक्ष नहीं दिया जाना चाहिए। एमसीडी जैसे किसी भी संस्था की कोई अलग से पॉलिसी नहीं होती है, बल्कि उनकी पॉलिसी डीओपीटी के तहत आती है। उसमें रेगुलरिजेशन का काम बहुत ही पारदर्शी तरीके से होता है। आपको इस प्रकार का जवाब नहीं देना चाहिए। इसका हमने संज्ञान लिया है।”*

37. During the evidence, MCD Commissioner on being asked to provide clarification on the issue of regularization of safai karamcharis in MCD made the following submission:

“सर, जैसा मैंने शुरू में ही बताया कि रेगुलराइजेशन की हमारी जो एक्साइटिंग पॉलिसी है, वह दो तरह की है। एक पॉमलसी कॉम्पेन्सेट ग्राउण्ड की है। वर्ष 2010 तक जितने भी लोग कॉम्पेन्सेट ग्राउण्ड पर लगे हैं, उन सबको हम रेगुलर करेंगे। इस लिस्ट को हमने आपके साथ शेयर कर किया है। यह लिस्ट करीब 1800 लोगों की है। जो डेली वेजर पर लगे हुए हैं, उसमें हमारी एक्साइटिंग पॉलिसी है की वर्ष 2006 के बाद हमने किसी को भी डेली वेजर पर नहीं लगाया है। उमा देवी जर्जेंट के पहले जितने भी लोग लगे थे, उनको हम लगा रहे थे। वर्ष 2006 तक जितने भी लोग डेली वेजर पर लगे हुए हैं, उनकी लिस्ट हमारे पास है। इसको भी हमने अभी आपके साथ शेयर किया है। जो डेली वेजर और दो-दो साल के स्पेल पर लगे हुए हैं, उनको हम रेगुलर कर रहे हैं। वर्ष 1996-1998 के बीच जितने भी लगे हुए थे, उन सबको हमने रेगुलर कर दिया है। अब वर्ष 1998 से 2000 के बीच जो लगे हुए हैं, उनकी लिस्ट अभी हमने कमेटी के साथ शेयर किया है। इस लिस्ट में करीब 6711 लोग हैं। इसके बाद वर्ष 2000 से 2002, फिर वर्ष 2002 से 2004, फिर 2004 से 2006 के बीच लगे हुए लोगों को रेगुलर किया जाएगा।”



## CHAPTER II

### OBSERVATIONS/RECOMMENDATIONS

#### Filling up of shortfall of vacancies

1. The Committee note that there is a shortfall of 1.63% in Group A posts and 7.13% in group C posts amongst the posts reserved for ST category. They have been informed that absence of any notified ST population in Delhi is the primary reason for shortfall in ST category posts. The Committee have been given to understand that MCD has processed the amendment/framing of recruitment rules for the posts of Multi Tasking Staffs including the post of MTS (DEMS) and accordingly these vacancies will be filled. The Committee desire to be apprised of the amendments made in recruitment rules w.r.t to MTS. The Committee recommend that the vacant ST posts may be notified at the earliest and filled by special recruitment drive within 3 months of presentation of report in both Houses of Parliament. It has also been informed that the position regarding vacant Group A posts (384+40=424) has already been conveyed to UPSC. The Committee feel that 424 posts lying vacant in group A is a matter of grave concern and recommend that MCD should rigorously pursue with UPSC for filling up of these posts immediately.

#### Roster preparation

2. The Committee would like to stress that roster being a vital document which plays an instrumental role for providing reservation and safeguarding the interests of SCs and STs be suitably maintained. It is the only mechanism to keep a vigil on the proper placement of SC/ST employees in their respective cadres against the vacancies reserved for them. In fact, the whole system of implementation of reservation orders rest on maintenance of rosters. The Committee therefore, recommend that the work related to preparation of rosters post unification of erstwhile Corporations be completed at the earliest and the same may be uploaded on MCD's website.

### **Participation of SCs/STs in foreign training**

3. The Committee are dismayed to note that no officer of the Corporation has been sent on foreign training by MCD post its establishment in 22.05.2022. The Committee feel that foreign training is very important for strengthening employees' confidence and also of great value not only for advancement of their career but also for betterment of the organisation. It is also instrumental in sharpening their skills for effective discharge of their duties in the Corporation. The Committee, therefore, urge MCD to ensure that the nomination of candidates be done for foreign training and that too in a very transparent and fair manner so that eligible SC and ST candidates get equal opportunity for getting nominated to these trainings.

### **Need to impart training to Liaison Officer**

4. The Committee note with concern that despite having a considerable workforce belonging to SC/ST community, the SC/ST Cell and Liaison Officers have not made any recommendations worth mentioning during the last 5 years. The Committee feel that SC/ST cell is mere ornamental in nature rather than serving as a formidable tool for alleviating the grievances/issues of SC/ST employees of the Corporation. The Committee would like to impress upon the fact that the Liaison Officer acts as a watchdog to ensure the implementation of reservation rules and orders in any organization. The Liaison Officer plays a very important role in ensuring the welfare and safeguarding the interest of the SCs and STs. He/She serves as a link between the Management and the SC/ST employees of the organisation whose main function is to ensure that Presidential Directives on reservation of SCs and STs are implemented in letter and spirit. The Committee, therefore recommend that SC/ST Cell and Liaison Officers should work in a proactive manner. They also recommend that Liaison Officers should hold regular meetings with the SC/ST employees of the Corporation. During these meetings, SC/ST Cell and Liaison Officers should invite suggestions from SC/ST employees for welfare/betterment of SCs/STs in the Corporation and also attend

to the grievances raised by them and escalate them before the authorities for timely and speedy redressal. For the purpose, before or after posting of liaison officer, he/she must be imparted training regarding the DOPT reservation rules/order, roster maintenance etc at ISTM, Delhi in order to make them aware of effective working of liaison officer.

**Need to set up effective SC/ST Cell and mechanism to address grievances of SC/ST employees.**

5. The Committee note with concern that despite SC/ST cell being in place, the complaints/grievances of the Corporation are being handled by senior officers of the department and Liaison Officer. The Committee recommend that the Liaison Officer should function in an independent manner without being influenced by the Management of the Corporation to elevate any bias towards the aggrieved SC/ST employees. The Committee also recommend that a Complaint Register be maintained in the SC/ST cell wherein the complaints/grievances of the SC/ST employees of the Corporation can be lodged and these need to be recorded properly, clearly indicating the date of receipt of the complaint, nature of each case and its disposal within a fixed time frame and it should not be more than three months from the receipt of the complaint.

**To bring a bill to make preparation and use of false caste certificate a punishable offence**

6. The Committee have been informed that no specific time frame is available regarding the verification of caste certificates. In this regard, the Committee would like to invite the attention of Ministry and MCD to the DOPT OM No. No.41034/1/2022-Estt.(Res-I) dated 19.03.2021 whereby the process of caste verification is to be completed within a reasonable time, and the concerned appointing authorities be informed about the veracity of the Caste Certificate of the candidates/employees within one month of the receipt of such request from the concerned appointing authority. The Committee would like to stress upon the importance of completing the verification of castes certificate in a time bound

manner since the timely execution of this exercise would not only bring the individuals securing job on the basis of false/fake caste certificate but would also provide protection to genuine SC/ST candidates from unnecessary hassle at the time of their retirement in receiving pensionary benefits. The Committee recommend that MCD should carry out the verification of caste certificate in an enterprising and vigilant manner. Further, if any case of securing job on the basis of false caste certificate is established, the same may be dealt with a heavy hand. For this purpose the Committee recommend that Ministry of Home Affairs to bring a bill/enact a legislation to declare preparation and use of false caste certificate a punishable offence.

**Regularization of daily wagers/casual/contractual labour/safaikaramcharis serving for more than 10 years as per Supreme Court Order**

7. The Committee are distressed to note that MCD has set no prescribed period for regularization of contractual employees albeit MCD is regularizing them as per its own policy approved by the erstwhile Corporations which gives them ample discretionary powers to use it as per their whims and fancies. The Committee note that post *Uma Devi judgment*, MCD has stopped daily wager/contractual appointment and are regularizing the existing daily wager safai karamcharis in a phased manner. It has already regularized daily wager safai karamcharis appointed between 1996-98 reportedly and is in the process of regularizing daily wager safai karamcharis appointed between 1998-2000. The Committee note that by regularizing the daily wager safai karamcharis in a haphazard manner, MCD has further aggrieved their predicament. It is pertinent to note that daily wager safai karamcharis appointed in 1998 are yet to be regularized despite the said enforcement of *Uma Devi judgment* in year 2006 which provides for regularization of daily wager employees who have rendered services of 10 years or more in duly sanctioned posts. The Committee are perturbed to note that despite passing of the said judgment almost 18 years ago, the daily wager safai karamcharis of MCD are still struggling to be made as permanent employees. The Committee are dismayed to note that this inordinate

delay is not only making them loose out on the benefits of regular appointment but also has serious implications on their pensionary benefits in case they retire before being made permanent employees. The Committee also observe that daily wager safai karamcharis who have been working since 1996-98 have been confirmed. However, in some cases break in service have been given deliberately so as to avoid their regular reckoning of service and to deprive them from becoming eligible for regularization as per Supreme Court orders. The Committee therefore, strongly recommend that as per Supreme Court order at the first instance all the daily wager safai karamcharis who have completed 10 years of service with or without break in service must be regularized and then the process of framing uniform and transparent policy for regularization be made by Ministry of Home Affairs in consultation with DOPT.

**Need to frame transparent, guided and controlled policy for regularization of daily wager safai karamcharis**

8. The Committee are of the considered opinion that MCD should uphold the directions of Hon<sup>ble</sup> Supreme Court in case of *Uma Devi judgment* and DOPT order dated 07.10.2020 in the matter of regularization of qualified workers engaged on daily wages. The Committee therefore, recommend that Ministry should direct MCD to formulate a uniform transparent, guided and controlled policy for regularization of daily wager safai karamcharis of the Corporation which should be ratified by the Ministry of Home Affairs before implementation to avoid any future irregularities. The Committee hope that new and transparent policy will curb the discretionary powers of MCD to regularize daily wager safai karamcharis and pave way to make it guided and controlled. It is also recommended that the new policy of MCD be implemented within 3 months of presentation of report in both Houses of Parliament. Even the MCD Commissioner deposed that the regularisation of all the daily wager safai karamcharis has massive financial implication in terms of payout of arrears. Therefore, the Committee recommend that MCD should regularize all the daily

wager safai karamcharis from their date of appointment at the earliest. The arrears may be paid in due course as and when the financial requirements are met by the department. They also recommend that MCD should scrupulously/rigorously pursue with Department of Finance and Delhi Government for release of funds to meet the financial burden resultant to long pending regularization exercise.

New Delhi;  
06 February, 2024  
17 Magha, 1945(Saka)

DR.(Prof.) KIRIT P. SOLANKI  
Chairperson,  
Committee on the Welfare of  
Scheduled Castes and  
Scheduled Tribes.

MUNICIPAL CORPORATION DELHI  
LABOUR WELFARE DEPARTMENT (H.Q.)  
NIGAM BHAWAN, KASHMERE C DELHI

NO 91/LWD/HQ/06/

Dated:- 2-3-2006

CIRCULAR

Commissioner vide his orders dated 25.2.06 has approved the regularization of persons engaged on daily wages/muster roll for maintenance work/work of regular nature engaged during the period from 1.4.2000 to 31.3.2003 w.e.f 1.4.2006 in pursuance of Corporation Resolution No. 273 dated 27.6.1988 subject to the following conditions:-

1. Regularization should only be against a sanctioned post. For this, Departments must indicate sanctioned posts, mention position and vacant posts.
2. Vacancies for over a year would need to be sanctioned again by the competent authority.
3. Departments should mention posts surrendered on account of privatization/public private participation/cadre review/abolition because of Vth Pay Commission.

The expenditure will be changed from the Establishment Head of Account of the concerned department.

(O.P Balwani)

Chief Labour Welfare Officer

Distribution:-

1. All Addl. Commissioners
2. All Dy. Commissioners
3. All Head of Departments (DP)
4. All ADCs/ACs of the Departments/Zones
5. All ALWOs/LWSs

(O.P Balwani)

Chief Labour Welfare Officer

Copy for information to:-

Secy. to Commissioner

6714

**MUNICIPAL CORPORATION OF DELHI**  
**LABOUR WELFARE DEPARTMENT (H.Q.)**  
**NIGAM BHAWAN, KASHMERE GATE,**  
**DELHI-110006**

No. LWD/HQ/05/ 537

Date 22/8/05

CIRCULAR

Commissioner vide his orders dated 09-08-2005 has approved the regularisation of persons engaged on daily wages/muster roll for maintenance work/work of regular nature engaged during the period from 01-04-98 to 31-03-2000 w.e.f. 01-04-2005 in pursuance of Corporation Resolution No. 273 dated 27-06-1988 subject to the following conditions:-

1. Only those daily wagers be regularised against whom regular vacancies of the post held by them exist in the department.
  2. Those daily wagers against whom no regular vacancy exist in the department, their regularisation be kept pending till the post is got converted into regular one by conducting O&M study as well as financial concurrence.
  3. It should be strictly enforced that once a daily wager is regularised the resultant daily wager post should be got abolished immediately.
- The expenditure will be charged from the Establishment Head of Account of the concerned department.

*Aturo (LWD)*

Chief Labour Welfare Officer

Distribution:

1. All Addl. Commissioners.
2. All Dy. Commissioners.
3. All Heads of Departments.
4. All ADCs/ACs of the Department/Zones.
5. All ALWos/LWS.

Copy for information to: Secy. to Commissioner.

*[Signature]*  
Chief Labour Welfare Officer



MUNICIPAL CORPORATION OF DELHI  
NIGAM BHAWAN, KASHMERE GATE,  
LABOUR WELFARE DEPARTMENT (HQ)  
DELHI-110066.

No. LWD/HQ/61/090

Date: 7.12.2004

C I R C U L A R

Commissioner vide his orders dated 2.12.2004 has approved the regularisation of persons engaged on daily wages/Master roll for maintenance work/work of regular nature engaged during the period from 1.4.96 to 31.3.98 w.e.f. 1.4.2004 in pursuance of Corporation Resolution No. 273 dated 27.6.1988. The expenditure will be charged from Establishment Head of Account of the concerned Deptt.

Necessary preamble may be placed by the concerned departments before the standing Committee immediately.

*[Signature]*  
Chief Labour Welfare Officer

Distribution:

1. All Addl. Commissioner's .
2. All Dy. Commissioner's of the Zone.
3. All Heads of the Departments.
4. All A.O's of the Zones/Departments.

Copy for kind information to:- Secy. to Commissioner.

*[Signature]*  
Chief Labour Welfare Officer

Municipal Corporation of Delhi  
Labour Welfare Department (HQ)  
Nigam Bhawan, Kashmere Gate,  
Delhi-110006.

NO. LND/HQ/04/1027

Dated. 21.03.2004

C I R C U L A R

Commissioner vide his orders dated 27.2.2004 has approved the regularisation of persons engaged on daily wages/Muster roll for maintenance work/work of regular nature engaged during the period from 1.4.94 to 31.3.96 w.e.f. 1.4.2003 in pursuance of Corporation Resolution No. 273 dated 27.6.1988. The expenditure will be charged from Establishment Head of Account of the concerned department.

Necessary preamble may be placed by the concerned departments before the Standing Committee immediately.

( ASHOK VERMA )

Chief Labour Welfare Officer.

Distributions

1. All Addl. Commissioner's
2. All Dy. Commissioner's of the Zones.
3. All Heads of the Departments.
4. All Assistant Commissioner's of the zones/Departments.
5. All A.L.W.O's/L.W.S's.

Copy for kind information to Secy. to Commissioner.

( Ashok Verma )

Chief Labour Welfare Officer.



108/C

MUNICIPAL CORPORATION OF DELHI  
LABOUR WELFARE DEPARTMENT  
E-1, Connaught Place, New Delhi

M. L. N. D. / HQ / 2001 / 300

Dated 19.05.2001

REGULAR

The Commissioner during his meeting with Delhi Municipal Worker's Union agreed to regularise persons engaged on daily wages/master roll for maintenance work/ work of regular nature engaged during the period from 1.4.93 to 31.3.94 with effect from 1.4.2000 in pursuance of Corporation Resolution No. 273 dt. 27.6.1988. The expenditure will be charged from Establishment Head of Account of the concerned department.

Necessary preamble may be placed by the concerned departments before the standing committee immediately.

  
(Ashok Kumar)  
Chief Labour Welfare Officer

Distribution:

1. All Additional Commissioners
2. All Head of the Departments
3. All Deputy Commissioner of the Zones
4. All Assistant Commissioners of Zones/Departments
5. All ALWOs/LWSS



29/c

MUNICIPAL CORPORATION OF DELHI  
CENTRAL ESTABLISHMENT DEPARTMENT  
TOWN HALL, DELHI-6

No.RPA-V/CED(C-I)/2001/RK/51

Dated : 5-11-01

C I R C U L A R

The Corporation vide its Resolution No.273 dated 27.6.1988 has approved the policy for regularisation of Daily Wage employees. In compliance of the said order, daily wage employees engaged w.e.f. 1.4.90 to 31.3.92 are being regularised w.e.f. 1.4.99 in a phased manner as per guidelines circulated by the Labour Welfare Department vide Circular dated 17.2.2000. In pursuance of the said Resolution of the Corporation, the Labour Welfare Department has issued a fresh circular No.L.W.D/HQ/2001/308 dated 9.5.2001 for regularisation of employees/workers engaged on daily wages/muster roll from 1.4.92 to 31.3.94 are to be regularised w.e.f. 1.4.2000.

All Heads of the Departments are hereby requested to send the cases of D/W employees engaged during the period 1.4.92 to 31.3.94 belonging to centralised categories (Drivers, Peons and Chowkidars) latest by 22.11.2001, so that the process of regularisation can be initiated.

  
05/11/2001  
( S.C. Kohli )  
Director(Personnel)  
js

Copy to :-

1. All Addl. Commissioners/Dy. Commissioners
2. All Head of the Departments
3. All ACAs/Accountants
4. RK/CED
5. Office copy

## Urgent Business No. 212

**Subject :—Regularised of persons engaged on daily wages/  
Muster Roll on maintenance work/work of permanent nature.**

- (i) Commissioner's letter No. F 33/LWD/2877/C & C dated 13-5-88.

The Municipal Corporation vide Resolution No. 709 dated 20-11-1978 laid down a policy to regularise persons engaged on daily wages/muster roll on maintenance work/work of regular nature in a phased manner. Under this Resolution, it was decided to regularise all such persons engaged upto 31-12-1970 in the year 1978-79 and those engaged subsequently, were to be regularised in a block of two years in each financial year. The date of effect of regularisation was to be the first date of the financial year. Since all such persons engaged upto 1978 was regularised during 1982-83, the matter was referred again to the Corporation for a decision about regularisation policy in respect of such persons engaged after 1978. The Corporation vide Resolution No. 936 dated 16-2-84 decided to continue the existing policy subject to actual need to be verified by the O&MO and regularisation of these persons is being done in pursuance of this resolution.

2. The pace of regularisation of persons engaged after 31-12-78 has been erratic/slow as the O&M study of the requirement of permanent work force in various departments had revealed that some of the departments were already over staffed and in some departments, there was no permanent nature of work which called for regularisation persons engaged on daily wage basis/muster roll.

3. This has resulted in regularisation of persons engaged on daily wages/muster roll in different years in different departments which in turn has led to heart burning in daily wages muster roll workers engaged in a particular year in some departments who were not regularised while their counterparts in other departments were regularised. Persons engaged on daily wage muster roll and their unions have, therefore, been agitating for

- (i) Parity in regularisation; and  
(ii) Regularisation in terms of Corporation Resolution No. 936 dated 16-2-84.



4. The position of requirement of permanent work force for maintenance/regular nature of work has substantially changed over the years with the extension of civic amenities provided by MCD to a large area while a number of unauthorised regularised colonies have been handed over to the Corporation for maintenance work, the services of a number of approved colonies have also been handed over to the Corporation for maintenance and more and more persons are required for maintenance and regular nature of work. Thus, O&M study for regularisation of persons engaged on daily wages/muster roll is no more required as has enough justification for having a work force for permanent nature of work and they can now justifiably work out the requirement for regular nature of work.

5. The Municipal Corporation have provided a sum of Rs. 2.00 crores in the current financial year for regularisation of persons engaged on daily wages/muster roll. Over the years, as has already been pointed out earlier, regularisation of persons engaged on daily wages/muster roll in different years in different department has been done. For instance while in the Engg. Department on civil side, all the persons engaged on daily wages/muster roll upto 31-12-79 have been regularised, in the CSE and Central Establishment Departments persons engaged in various categories on daily wages/muster roll have been regularised upto 31-12-80 and 31-12-82 respectively. This situation is not conducive from administrative angle and it is necessary that persons engaged on daily wages/muster roll upto a particular year are regularised in all the departments of the Corp. Since in the Central Establishment Deptt., persons engaged on daily wages/muster roll in various categories upto 31-12-82 have been regularised, it is necessary that all the persons engaged on daily wages/muster roll in different departments upto 31-12-82 are regularised first.

6. Regularisation of one person results in an increased expenditure of about Rs. 7,000/- per annum and about 3,000/- persons engaged on daily wages/muster roll can be regularised within Rs. 2.00 crores which have been provided for the purpose in the current financial year. A table showing approximate number of persons engaged on daily wages/muster roll in various years from 1979 and onwards in different departments who have yet to be regularised, is given an Annexure 'A'. Taking this statement into consideration, all the persons engaged on daily wages/muster roll upto 1981 and about 1/4 of such persons engaged in 1982 in different departments of the Corporation can be regularised within the current year's budget provision. However, only about 800 persons engaged on daily/muster roll will be regularised if regularisation of such persons is done as earlier.



## ANNEXURE—A

Statement of Workers engaged on Daily Wages/Muster Roll in different Department of MCD (General Wing) for the period ending 31-12-79.

(Collection on hurried basis)

S. No.	Name of the Deptt.	Upto 31-12-79	1980	1981	1982	1983	1984	1985	1986	1987
1	Community Services	3	4	5	6	7	8	9	10	11
2	Lands & Estate	—	—	—	1	2	2	2	1	6
3	Central Establishment Sec.	—	—	—	—	—	—	3	—	—
4	CSE	—	436	1276	988	1211	1638	914	563	987
5	Compost Plant	3	1	—	2	—	42	—	—	—
6	Education Department	68	230	236	591	733	615	444	183	91
7	Horticulture	—	—	—	—	4	4	8	2	—
8	Advertisement	—	110	83	68	120	144	105	36	22
9	Engg. Deptt.—Civil	60	25	4	2	2	4	25	29	21
10	—Electrical	—	—	—	—	1	—	—	—	—
11	R.P. Cell	—	—	—	—	—	—	—	—	—
12	Town Planning	24	62	7	12	45	58	87	49	12
13	Health Deptt.	—	—	—	—	—	—	—	—	—
14	Malaria	—	6	2	3	6	6	1	1	8
15	Slaughter House	—	—	5	3	13	23	6	1	8
16	Hackney Carriage Veterinary	—	—	—	—	—	—	—	—	—
17	Vigilance	—	—	—	—	—	—	—	2	—
18	House Tax	—	1	1	—	2	1	3	8	—
18	Care Taker	Awaited	—	—	—	—	—	—	—	—
<b>Total</b>		155	871	1614	1670	2174	2537	1598	875	1155



(ii) Resolution No. 702 of the Standing Committee dated 19-5-88.

Resolved that it be recommended to the Corporation that the proposals of the Commissioner as contained in para 7 of his letter No. F 33/LWD/2877/C&C dated 13-5-88, be approved.

Further resolved that it be also recommended to the Corporation that regularisation of all workers engaged on daily wages/muster roll upto 31-12-84 be also approved and the Commissioner be asked to bring up proposals for additional budget/grant required, if any.

Shri Deep Chand Bandhu moved and Shri Harcharan Singh Josh seconded the following motion :—

Resolution No. 273 'Resolved that as recommended by the Standing Committee vide its resolution no. 702 dated 19-5-88, the proposals of the Commissioner as contained in para 7 of his letter No. F 33/LWD/2877/C&C dated 13-5-1988 be approved.

Further resolved that as recommended by the Standing Committee vide its resolution no. 702 dated 19-5-1988, regularisation of all workers engaged on daily wages/muster roll upto 31-12-1984 be also approved and the Commissioner be asked to bring up proposals for additional budget/grant required, if any.

The motion was carried.

#### Urgent Business No. 213

Subject :—Allotment of space to Delhi Public Library in newly construction office Block in Vardhman Vatika, Tri Nagar C-30, Karol Bagh Zone.

(i) Commissioner's letter No. F 33/L & E/2921/C&C dated 17-5-1988.

An office complex has been constructed in Vardhman Vatika, Tri Nagar, C-20, Karol Bagh Zone by the MCD consisting of the following accommodation has been completed and the Chairman, Standing Committee who is also area Councillor has recommended the following allocation :—

(a) Ground Floor :

(i) One Room and One Store Room

(ii) One Room

(iii) One Room

DESU complaint

Jr. Engineer (Works)

Sanitary Inspector

No.49014/7/2020-Estt.(C)  
Government of India  
Ministry of Personnel, PG & Pensions  
Department of Personnel & Training  
\*\*\*\*\*

North Block, New Delhi  
Dated: 7<sup>th</sup> October, 2020

**OFFICE MEMORANDUM**

Subject: Regularisation of qualified workers appointed against sanctioned posts- Uma Devi judgement- facts/clarification- reg.

The undersigned is directed to say that the instructions for Regularisation of qualified workers appointed against sanctioned posts in the light of Hon'ble Supreme Court's Judgement dated 10.04.2006 in case of Uma Devi were issued vide DoPT's O.M. No. 49019/1/2006-Estt(C) dated 11.12.2006. The above instructions state that:

*"... in the case of Secretary State of Karnataka and Ors. Vs. Uma Devi it was directed that any public appointment has to be in terms of the Constitutional scheme. However, the Supreme Court in **para 44** of the aforesaid judgement directed that the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one time measure the services of such irregularly appointed, who are duly qualified persons in terms of the statutory recruitment rules for the post and who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or tribunals.*

*Accordingly a copy of the above judgement is forwarded to all Ministries/Departments for implementation of the aforesaid direction of the Supreme Court."*

2. In this regard, various cases have been received in this department seeking clarifications regarding implementation of the above judgement. Therefore, it has been decided that further important aspects of the judgement dated 10.04.2006 may be enunciated for the purpose of clarity of the judgement. These important points as quoted from the judgement are reproduced below:

- i. Equality of opportunity is the hallmark for public employment and it is in terms of the Constitutional scheme only (Para 1).*
- ii. The filling of vacancies cannot be done in a haphazard manner or based on patronage or other considerations (Para 2).*
- iii. The State is meant to be a model employer and can make appointments only in accordance with the rules framed under Article 309 of the Constitution (Para 5).*



- iv. Regularization is not and cannot be a mode of recruitment by any State within the meaning of Article 12 of the Constitution of India, or any body or authority governed by a statutory Act or the Rules framed thereunder. Regularization, furthermore, cannot give permanence to an employee whose services are ad hoc in nature. The fact that some persons had been working for a long time would not mean that they had acquired a right for regularization. **(Para 27)**.
- v. Any regular appointment made on a post under the State or Union without issuing advertisement inviting applications from eligible candidates and without holding a proper selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under Article 16 of the Constitution **(Para 30)**.
- vi. If it is a contractual appointment, the appointment comes to an end at the end of the contract **(Para 34)**.
- vii. Regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further by-passing of the Constitutional requirement and regularizing or making permanent, those not duly appointed as per the Constitutional scheme **(Para 44)**.
- viii. In cases relating to service in the commercial taxes department, the High Court has directed that those engaged on daily wages, be paid wages equal to the salary and allowances that are being paid to the regular employees of their cadre in government service, with effect from the dates from which they were respectively appointed. The objection taken was to the direction for payment from the dates of engagement. We find that the High Court had clearly gone wrong in directing that these employees be paid salary equal to the salary and allowances that are being paid to the regular employees of their cadre in government service, with effect from the dates from which they were respectively engaged or appointed. It was not open to the High Court to impose such an obligation on the State when the very question before the High Court in the case was whether these employees were entitled to have equal pay for equal work so called and were entitled to any other benefit. They had also been engaged in the teeth of directions not to do so. We are, therefore, of the view that, at best, the Division Bench of the High Court should have directed that wages equal to the salary that are being paid to regular employees be paid to these daily wage employees with effect from the date of its judgment. Hence, that part of the direction of the Division Bench is modified and it is directed that these daily wage earners be paid wages equal to the salary at the lowest grade of employees of their cadre in the Commercial Taxes Department in government service, from the date of the judgment of the Division Bench of the High Court. Since, they are only daily wage earners, there would be no question of other allowances being paid to them **(Para 46)**.

3. Additionally, it is also stated that vide the judgement of **State of Karnataka Vs. M.L. Kesari dated 03.08.2010**, the Hon'ble Supreme Court had clarified some aspects of the Uma Devi judgement which are pertinent for proper understanding of the said judgement dated 10.04.2006. These aspects brought out in the M.L. Kesari judgement are reproduced as under:

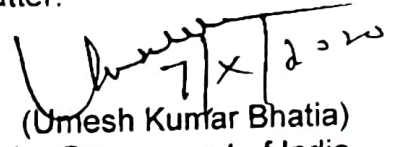
- i. *The employee concerned should have worked for 10 years or more in duly sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.*
- ii. *The appointment of such employee should not be illegal, even if irregular. Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointments will be considered to be illegal. But where the person employed possessed the prescribed qualifications and was working against sanctioned posts, but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular.*
- iii. *The employees who were entitled to be considered in terms of Para 53 of the decision in Umadevi, will not lose their right to be considered for regularization, merely because the one-time exercise was completed without considering their cases, or because the six month period mentioned in para 44 of Umadevi has expired. The one-time exercise should consider all daily-wage/adhoc/those **employees who had put in 10 years of continuous service as on 10.4.2006** without availing the protection of any interim orders of courts or tribunals. If any employer had held the one-time exercise in terms of para 44 of Umadevi, but did not consider the cases of some employees who were entitled to the benefit of para 44 of Umadevi, the employer concerned should consider their cases also, as a continuation of the one-time exercise. **The one time exercise will be concluded only when all the employees who are entitled to be considered in terms of Para 44 of Umadevi, are so considered.***

4. It is also clarified that regularisation under Uma Devi judgement was only a one time exercise.

5. It is also emphasized that all concerned administrative authorities should take steps to effectively defend the Court cases on the basis of principles in the Uma Devi judgement and instructions of DoPT within the limitation period without giving any scope to the Courts



to decide the cases against the Government on grounds of delay in filing its reply/appeal. Any laxity in the matter to comply with these instructions leading to adverse orders of the Courts shall be viewed seriously inviting disciplinary action in the matter.



(Umesh Kumar Bhatia)  
Deputy Secretary to the Government of India  
Telefax: 23094471

To:

All Ministries/Departments of Government of India.  
(As per the Standard List)

## **APPENDIX I**

### **COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (2023-2024)**

#### **(SEVENTEENTH LOK SABHA)**

#### **FIFTH SITTING (17.10.2023)**

#### **MINUTES**

The Committee sat from 1100 hrs. to 1215 hrs. in Main Committee Room, Ground Floor, Parliament House Annexe, New Delhi-110001

#### **PRESENT**

Shri Kirit Premjibhai Solanki - Chairperson

#### **MEMBERS**

#### **LOK SABHA**

2. Shri Girish Chandra
3. Shri Guman Singh Damor
4. Smt. Pratima Mondal
5. Shri Vincent H. Pala
6. Shri Chhedi Paswan
7. Shri Prince Raj
8. Shri Upendra Singh Rawat
9. Smt. Sandhya Ray
10. Shri Jagannath Sarkar
11. Shri Ajay Tamta
12. Shri Rebati Tripura
13. Shri Krupal Balaji Tumane

#### **RAJYA SABHA**

14. Shri Abir Ranjan Biswas
15. Dr. V.Sivadasan
16. Smt. Kanta Kardam
17. Dr. Sumer Singh Solanki
18. Shri Niranjan Bishi

#### **SECRETARIAT**

- 1 Shri D.R. Shekhar, Joint Secretary
- 2 Shri Ram Lal Yadav, Director
- 3 Shri Ajay Kumar Prasad, Deputy Secretary

## LIST OF WITNESSES

### MINISTRY OF HOME AFFAIRS

- a. Shri Rakesh Kumar Singh - Additional Secretary
- b. Shri Praveen Kumar Rai - Director

### MUNICIPAL CORPORATION OF DELHI (MCD)

- 1. Shri Gyanesh Bharti - Commissioner
- 2. Shri Pradeep Kumar - Addl. Commissioner
- 3. Shri Rajeev Kumar - Director (Personnel)

At the outset, the Chairperson welcomed all to the sitting of the Committee to have a discussion with the representatives of the Ministry of Home Affairs and the Municipal Corporation of Delhi (MCD) on the subject "Implementation of reservation Policy in Ministries/Departments of the Govt. of India with specific reference to Municipal Corporation of Delhi (MCD)". The Chairperson then outlined the agenda of the sitting. Thereafter the representatives briefly introduced themselves.

2. The representatives of the Municipal Corporation of Delhi (MCD) then briefed the Committee on the following points through Power Point Presentation:

- a. Details of sanctioned posts.
- b. Category wise working staff strength.
- c. Details of direct recruitment and promotion done after 22.05.2023.
- d. Development of Art parks using different waste/scrap materials.

3. Thereafter, Members of the Committee raised numerous queries. Important issues which were raised by the Committee and responded to by the Witnesses are as under:-

- a. Details of outsourced safai karamcharis working for more than 20 years.
- b. Minimum wages offered to counterfactual/outsourced employees.
- c. The number of contractual and outsourced/ temporary employees of MCD who died while cleaning sewers/septic tanks/drainage system during the last 05 years.
- d. Policy of MCD w.r.t to regularization of safai karamcharis and contractual labourers.
- e. Massive backlog exists in post reserved for STs. The same should be filled by conducting Special Recruitment drive.
- f. Skill development centre or Skill Development Park for the development of SC community.
- g. Whether there is any SC/ST Employee's Welfare Association in MCD.
- h. Whether quarterly meetings of the SC/ST Employee's Welfare Association are attended by Liaison officer.

- i. Provision of housing facilities to safai karamcharis.
  - j. Reservation in allotment of shops/kiosks for SCs and STs.
  - k. When were the posts of safai karamcharis advertised last?
  - l. Considerable number of SCs/STs promoted on „own merit basis.“
  - m. Role of Welfare of Scheduled Castes and implementation of Scheduled Castes Candidates Quota Committee.
  - n. Non availability of suitable candidates as the main reason for backlog not acceptable to the Committee
4. Thereafter, the representatives of the Ministry of Home Affairs and the Municipal Corporation of Delhi (MCD) responded to these queries one by one. On certain points on which the information was not readily available with the witnesses, the Chairperson directed the representatives concerned to submit the replies to the Secretariat within 15 days.

(The witnesses then withdrew)

*The Committee sitting then adjourned.*

A Verbatim record of the proceedings has been kept.



## **APPENDIX II**

### **COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (2023-2024)**

**(SEVENTEENTH LOK SABHA)**

**SEVENTH SITTING  
(29.11.2023)**

#### **MINUTES**

The Committee sat on 29.11.2023 from 1100 hrs. to 1130 hrs. in Committee Room C, Ground Floor, Parliament House Annexe, New Delhi-110001

#### **PRESENT**

Shri Kirit Premjibhai Solanki - Chairperson

#### **MEMBERS**

##### **LOK SABHA**

2. Shri Girish Chandra
3. Shri Guman Singh Damor
4. Shri Chhedi Paswan
5. Smt. Sandhya Ray
6. Shri Krupal Balaji Tumane

##### **RAJYA SABHA**

7. Shri Abir Ranjan Biswas
8. Dr. V.Sivadasan
9. Smt. Kanta Kardam
10. Dr. Sumer Singh Solanki
11. Smt. Phulo Devi Netam

#### **SECRETARIAT**

- 1 Shri D.R. Shekhar, Joint Secretary
- 2 Shri Rakesh Bhardwaj, Additional Director
- 3 Shri Mohan Arumala, Under Secretary

**LIST OF WITNESSES**

**MINISTRY OF HOME AFFAIRS**

- |                            |   |                 |
|----------------------------|---|-----------------|
| c. Shri Ashutosh Agnihotri | - | Joint Secretary |
| d. Shri Praveen Kumar Rai  | - | Director        |

**MUNICIPAL CORPORATION OF DELHI (MCD)**

- |                        |   |                      |
|------------------------|---|----------------------|
| 4. Shri Gyanesh Bharti | - | Commissioner         |
| 5. Shri Pradeep Kumar  | - | Addl. Commissioner   |
| 6. Shri Rajeev Kumar   | - | Director (Personnel) |

At the outset, the Chairperson welcomed all to the sitting of the Committee to hold oral evidence of the representatives of the Ministry of Home Affairs and the Municipal Corporation of Delhi (MCD) on the subject "Implementation of reservation Policy in Ministries/Departments of the Govt. of India with specific reference to Municipal Corporation of Delhi (MCD)". The Chairperson then outlined the agenda of the sitting. Thereafter, the representatives introduced themselves.

2. The representatives briefed about the existing regularization policy in MCD, whereby safai karamcharis appointed on compassionate basis till the year, 2010 were to be regularized. They also apprised that post 2006, no daily wager safai karamchari has been employed and that MCD was in process to regularize them all. It was further informed that daily wager safai karamcharis employed between years 1996-98 have been regularized.

3. The Members sought certain clarifications relating to the subject which included framing of policy for regularization of contractual workers in MCD, provision of housing facilities to the safai karamcharis, number of female safai karamcharis etc.

4. Thereafter, the Chairperson thanked the witnesses for appearing before the Committee and also directed them to furnish written replies to the queries in respect of which information was not readily available with them within 15 days to the Secretariat. The evidence was then concluded.

(The witnesses then withdrew)

*The Committee sitting then adjourned.*

A Verbatim record of the proceedings has been kept.

## **APPENDIX III**

### **COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (2023-2024)**

**(SEVENTEENTH LOK SABHA)**

**ELEVENTH SITTING  
(05.02.2024)**

#### **MINUTES**

The Committee sat from 1000 hrs. to 1130 hrs. in Chairperson Chamber, Room No. 137, Third floor, Parliament House, New Delhi-110001

#### **PRESENT**

Shri Kirit Premjibhai Solanki - Chairperson

#### **MEMBERS**

##### **LOK SABHA**

2. Shri Girish Chandra
3. Shri Anil Firojiya
4. Smt. Pratima Mondal
5. Shri Upendra Singh Rawat
6. Shri Krupal Balaji Tumane
7. Shri Jagannath Sarkar

##### **RAJYA SABHA**

8. Dr. V. Sivadasan
9. Shri Samir Oraon
10. Shri Niranjan Bishi

#### **SECRETARIAT**

- 4 Shri D.R. Shekhar, Joint Secretary
- 5 Shri Rakesh Bhardwaj, Additional Director
- 6 Shri. Mohan Arumala, Under Secretary

At the outset, the Chairperson welcomed the Members of the Committee. The Committee then considered the draft report(s) on the following subjects:-

- (i) Action taken by the Government on the recommendations contained in the Fifteenth Report (17<sup>th</sup> Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Role of autonomous bodies/educational institution Including Central Universities, Engineering Colleges, IIMs, IITs, Medical Institutes,

Navodaya Vidyalayas and Kendriya Vidyalaya etc. in socio-economic development of Scheduled Castes and Scheduled Tribes” with special reference to implementation of reservation policy in the All India Institute of Medical Sciences (AIIMS)”.

- (ii) “Implementation of reservation Policy in the Ministries/Departments of Government of India with specific reference to the Municipal Corporation of Delhi (MCD).”
- (iii) "Implementation of Reservation Policy in the Ministries/Departments of Government of India with specific reference to Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in respect of verifications of caste certificate in a stipulated period of time.”

2. After due consideration, the Committee adopted the draft reports mentioned at Sl. No (i) and (ii) without any modification. The Committee suggested slight modifications in draft report mentioned at Sl. No (iii) and thereafter adopted the same. The Committee also authorized the Chairperson to present the Report to both the Houses of Parliament during the ongoing Session.

The sitting of the Committee then adjourned.