

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

STARRED QUESTION NO:320
ANSWERED ON:23.12.2003
REGULARISATION OF CASUAL LABOUR
AMAR ROY PRADHAN

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) Whether Ministry of Personnel has issued an O.M. regarding grant of temporary status and regularization of casual labour under a scheme formulated in pursuance of judgement of Central Administrative Tribunal, New Delhi delivered on 16.02. 1990;
- (b) if so, the details thereof;
- (c) whether the Government is aware that this judgement is not being implemented in any of the government offices/Ministries/Departments; and
- (d) if so, facts thereof and the remedial steps the Government propose to take in the matter?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS.(SHRI HARIN PATHAK)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO THE LOK SABHA STARRED QUESTION NO. 320 BY SHRI AMAR ROY PRADHAN, MEMBER OF PARLIAMENT FOR 23.12.2003

(a) & (b): A Scheme entitled 'Casual Labourers (Grant of Temporary Status & Regularisation) Scheme of Government of India, 1993' for grant of temporary status to casual employees was formulated in pursuance of the Judgement dated 16th February, 1990 of the CAT, Principal Bench, New Delhi in the case of Raj Kamal & Others Vs Union of India. A Copy of the O.M. No. 51016/2/90-Estt. (C) dated 10th September, 1993 regarding the Scheme is annexed.

(c) & (d): Since the Scheme was a one-time measure applicable to the casual labourers who were in employment as on the date of notification of the Scheme (i.e. 10.9.1993), the question of the Judgement not being implemented in any of the Government/Offices/Ministries/Departments does not arise.

COPY OF THE O.M. REFERRED TO IN THE STATEMENT IN ANSWER TO LOK SABHA STARRED QUESTION NO.320 L
23.12.2003

No. 51016/2/90-Estt(C)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel and Training

New Delhi, the 10th Sep. 1993.

OFFICE MEMORANDUM

Subject: Grant of temporary status and regularization of Casual workers-formulation of a scheme in pursuance of the CAT, Principal Bench, New Delhi, judgement dated 16th February 1990 in the case of Shri Raj Kamal & Others Vs. UOI.

The guidelines in the matter of recruitment of persons on daily wage basis in Central Government offices were issued vide this Department's O.M. No.49014/2/86-Estt.(C) dated 7.6.88. The policy has further been reviewed in the light of the judgement of the CAT, Principal Bench, New Delhi

delivered on 16.2.90 in the writ petition filed by Shri Raj Kamal and others Vs Union of India and it has been decided that while the existing guidelines contained in O.M. dated 7.6.88 may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the Scheme as appended.

2. Ministry of finance etc. are requested to bring the scheme to the notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in O.M. dated 7.6.88. Cases of negligence should be viewed seriously and brought to the notice of appropriate authorities for taking prompt and suitable action.

Sd/-
(Y.G. Parande)
Director

To
All Ministries/Departments/Offices of the Government of India as per the standard list.

APPENDIX

Department of Personnel and Training, Casual Labourers (Grant of Temporary Status and Regularisation) Scheme

1. This Scheme shall be called 'Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993.'

2. This scheme will come into force w.e.f. 1.9.1993.

3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and department of Posts who already have their own schemes.

4. Temporary status

i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O. M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week)

ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.

iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/ territorial circle on the basis of availability of work.

iv) Such casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts.

5. Temporary status would entitle the casual labourers to the following benefits:-

i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA.

ii) Benefits of increments at the same rate as applicable to a Group D employees would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for atleast 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.

iii) Leave entitlement will be on a Pro-rata basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave, will not be admissible They will also be allowed to carry forward the leave at their credit on their regularization. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.

iv) Maternity leave to lady casual labourers as admissible to regular Group D employees will be allowed.

v) 50% of the service rendered under Temporary Status would be counted for the purpose of retirement benefits after their regularisation.

vi) After rendering three years` continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group D employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group D employees, provided they furnish two sureties from permanent Govt. Servants of their Department.

vii) Until they are regularized, they would be entitled to productivity Linked Bonus/Ad-hoc bonus only at the rates as applicable to casual labourers.

6. No benefits other than those specified above will be admissible to casual labourers with temporary status. However, if any additional benefits are admissible to casual workers working in Industrial establishments in view of provisions of Industrial Dispute Act, they shall continue to be admissible to such casual labourers.

7. Despite conferment of temporary status, the services of a casual labourers may be dispensed with by giving a notice of one month in writing. A casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.

8. Procedure for filling up of Group D posts

i) Two out of every three vacancies in Group `D` cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status. However, regular Group `D` staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularization will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

9. On regularization of casual worker with temporary status, no substitute in his place will be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions.

10. In future, the guidelines as contained in this Department`s O.M. dated 7.6.88 should be followed strictly in the matter of engagement of casual employees in Central Government Offices.

11. Department of Personnel & Training will have the power to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time.