

THIRTY SECOND REPORT  
COMMITTEE ON PETITIONS  
(FOURTEENTH LOK SABHA)

MINISTRY OF SCIENCE & TECHNOLOGY

(DEPARTMENT OF SCIENTIFIC & INDUSTRIAL RESEARCH)

(Presented to Lok Sabha on 30.11.2007)



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COMPOSITION OF THE COMMITTEE ON PETITIONS

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6. Smt. Jagruti Tewatia — *Committee Officer*

THIRTY SECOND REPORT OF THE COMMITTEE ON PETITIONS  
(FOURTEENTH LOK SABHA)

**INTRODUCTION**

I, the Chairman, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Thirty Second Report of the Committee to the House on the Petition requesting for grant of temporary status to the daily wagers working in Central Mining Research Institute, Dhanbad to get the wages and other facilities at par with the other casual workers.

2. The Committee considered and adopted the draft Thirty Second Report at their sitting held on 27th November, 2007.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;  
27 November, 2007  
6 Agrayana, 1929 (Saka)

PRABHUNATH SINGH,  
*Chairman,*  
*Committee on Petitions.*

## **REPORT**

### **PETITION FROM SHRI MANTU KANTA MANDAL, DHANBAD REQUESTING FOR GRANT OF TEMPORARY STATUS TO THE DAILY WAGERS WORKING IN CENTRAL MINING RESEARCH INSTITUTE, DHANBAD TO GET THE WAGES AND OTHER FACILITIES AT PAR WITH THE OTHER CASUAL WORKERS**

Shri Basudeb Acharia, M.P. presented to Lok Sabha on 25th August, 2004 a petition signed by Shri Mantu Kanta Mandal, President, Central Science and Technology Worker's Union, B-T, Randive, Smarak Bhawan, Premchandra Nagar, Police Lines, Hirapur, Dhanbad (Jharkhand) and others requesting for grant of temporary status to the daily wagers working in Central Mining Research Institute (CMRI), Dhanbad to get the wages and other facilities at par with the other casual workers, [Annexure-I].

2. In the petition, the petitioners, *inter-alia* stated that they are 170 persons who have been working as daily wagers in CMRI, Dhanbad, for the last 10—15 years. Some of them have been working there since last 20 years. They are appointed by the Heads of Departments of CMRI and are being engaged to carry out the permanent and regular job of Driver, Computer Operator, Accountant, Clerk, Plumber, Mason, Sweeper, Gardener, Pump Porter (Khalasi), Explosive Carrier and Orderly. Their wages are directly paid from CMRI fund. However, they are not being recognized even as casual workers. Whenever the Central Government asks to submit a report regarding their status, a wrong report is being sent.

3. The petitioners further stated that there has been a tradition to recognize the non-permanent workers as temporary workers (Temporary Status) from time to time. For example, CMRI had recognized 57 workers in that status during the year 1996. In March, 2004, four daily wagers in Nagpur Institute of CSIR were accorded the casual status on the orders of Nagpur Bench of High Court.

4. The petitioners, therefore, requested to help them in getting recognized as casual workers, so that they are able to get wages as well as other facilities at par with the other casual workers.

5. The Ministry of Science and Technology (Department of Scientific and Industrial Research) were requested to furnish their comments on the issues raised in the petition.

6. In their response, the Ministry of Science and Technology (Department of Scientific and Industrial Research) *vide* their communication dated 21st September, 2004 stated that the CMRI, a constituent unit of CSIR at Dhanbad have submitted that, from their (CMRI) record it is found that no such worker (daily rated) namely Shri Mantu Kanta Mandal and Shri Man Bahadur have been engaged at CMRI at any

point of time. The submission made by the petitioners that there are 170 persons working at CMRI on daily rate basis, has been found to be a false statement. CMRI has not engaged any person directly (daily rated) as Driver, Computer Operator, Accounts Clerk etc. CMRI from time to time, as per requirement, invites the registered contractors to supply labourers for which the contractors are being paid the amount for supplying the manpower including contractors' commission to the tune of 10%. The CMRI has further clarified that the work of sanitation, gardening, house keeping etc. and time bound project works is awarded on contract basis.

7. The Ministry in their subsequent written reply dated 19.10.2004, further submitted as follows:—

“Council of Scientific and Industrial Research, a premier autonomous Research and Development (R&D) organization with its 38 Laboratories and 47 Regional Centres undertakes Research and Development activities in different fields. For meeting its manpower requirement for project related activities, CSIR had permitted Labs./Instts. to engage contingent paid staff for works of casual nature.”

However, in pursuance of the decision of the Hon'ble Supreme Court in case No.WP(Civil) No. 631 of 1988 of INSDOC, a regular scheme entitled “Casual Workers Absorption Scheme, 1990” was formulated as a one time measure applicable to workers engaged on the casual basis and paid either on daily wage or monthly basis at CSIR and its national Labs./Instts. as on 01.01.1990.

The above scheme was modified *vide* another scheme with the approval of the Governing Body of CSIR namely “Casual Workers Absorption Scheme of CSIR, 1995” framed in pursuance of the direction given by the Hon'ble Supreme Court in another case filed by some casual workers of a national laboratory of CSIR. This scheme superseded all the earlier schemes on the subject. The scheme being a one time measure was applicable to workers engaged on casual basis and paid either on daily wage or monthly basis at CSIR and its national Labs./Instts. and also included casual workers engaged in a sponsored project/any bilateral time bound project scheme. Casual workers included contract workers directly engaged by the CSIR Labs./Instts. and being paid daily wages on monthly basis. This scheme was applicable to casual workers initially engaged through employment exchange or otherwise prior to 05.12.1988 but had not been regularized for want of regular vacancies or whose services had been dispensed with for want of regular vacancies and who had worked for 240/206 days including Sunday and Holidays (in the case of six days/five days a week respectively) in a year prior to 05.12.1988 are given priority over others in regard to absorption. Those who had worked for lesser period, were to be considered for absorption in accordance with length of service put in by them.

CSIR had also permitted Labs./Instts. to award job contracts to contractors registered under Contract Labour (Regulation and Abolition) Act for works relating to security housekeeping etc. in view of the large laboratory campuses, infrastructure security risk, etc. For, such activities the staff deployed by the contractor is directly paid by the contractor and CSIR/Labs. pays lump-sum

amount to the contractor as per the terms and conditions of the agreement.”

8. The Ministry in their written reply dated 19.10.2004 further submitted that:—

“As informed by CMRI, the list of persons as enclosed with the petition has no identity by name because contractors are supplying labourers on CMRI’s requisition from time to time. Number of persons deployed through contractors and paid by contractors varies from time to time as per CMRI’s requirement in the form of mandays.

As per the requirement of the different disciplines/HOD’s, the manpower are requisitioned from the contractors and the contractors prefer their bill against which payments are made to respective contractors.

CMRI has confirmed that as per instructions of CSIR issued on the basis of the direction of the Hon’ble Supreme Court *vide* CSIR letter No. 2(28)/91-EII dated 06.12.1995, 57 contract/casual workers working in CMRI prior to 05.12.1988 were empanelled for absorption as per “Casual Workers Absorption Scheme of CSIR, 1995.” Out of the above 57 workers, 01 has expired and 38 have already been absorbed and 18 workers are waiting for absorption against the available vacancies in the Labs./Institutes of CSIR subject to their fulfilment of the required criteria.”

9. The Committee, thereafter, took oral evidence of the representatives of the Ministry of Science and Technology (Department of Scientific and Industrial Research) on 31st January, 2007.

10. During the course of oral evidence, the Secretary, Department of Scientific and Industrial Research and D.G., CSIR submitted that:—

“There are several projects in science institutes, which are for two to five years duration. CSIR is a project based organization when we approached Planning Commission then they tell us to prepare project separately and the budget is allocated accordingly. Other science agencies does not have this system but CSIR has a project system. Every year new projects are launched. Hence core scientists, technical staff are permanent. But more staff is required for adhoc schemes. These projects are entirely different in nature that is why we cannot predict as to what kind of people are required. The two schemes regarding casual workers of CSIR was formulated in 1990 and 1995 and 169 people were not found fit under this scheme. These people were deployed by some contractors for different schemes on short-term basis and as they were deployed through contractor and due to lack of record we do not have the individual link. 95 per cent people among them are like that only.”

11. When asked if the workers or their trade Unions have ever represented their case through the Labour Commissioner or Labour Department, the witness replied:—

“Two developments took place. A discussion for conciliation mechanism was held but they could not reach on any agreement. I have gone through all the record that was with me. The problem in regard to absorbing these people is that



they cannot be absorbed without the prior approval of the Ministry of Finance and if the Ministry of Finance asks about the record pertaining to identification of these people, total period they worked there then unfortunately there is no such record available with the institute. ....we provide funds for three years for specific projects and they hire 5-10 people for that. Now they are hiring through contractor. In such case it is difficult to identify”.

12. During the course of oral evidence of the officials of the Ministry of Science and Technology and the representatives of CSIR, the Committee directed to depute a senior officer to personally verify the available records of CMRI and see if the petitioners were continuously employed for 10-15 years.

13. In response, the DG, CSIR and Secretary, Department of Scientific and Industrial Research *vide* his communication dated 25th April, 2007 submitted that:—

“Shri Rameshwar Dass, Controller of Administration, National Metallurgical Laboratory, Jamshedpur (a constituent Unit of CSIR was sent to CMRI, Dhanbad for on the spot examination of the issues involved. Based on the inputs received from Director, CMRI and after verifying the various records relating to deployment of petitioners, mode of their engagement, manpower requirements of different Divisions, mode of payment and wages to these petitioners, award letters and agreements with Contractors, payment vouchers and other records available at CMRI by Shri Rameshwar Dass, COA NML, Jamshedpur, it could not be established that these petitioners were continuously engaged by CMRI for the last 10-15 years. There was also no record available in CMRI to show that these 170 petitioners were directly engaged by them, as these petitioners were provided/ deployed through contractors. Even in the case of one or two petitioners, who were put on driving duty, they were engaged through contractors and no payment was made to them directly by CMRI and there is no record with CMRI to show that they were engaged continuously for the past 10-15 years. The petitioners were engaged through different contractors on mandays basis and on verification of payment vouchers of various contractors during the period from Jan. 1994 to July 2003, it was seen that only in seven months, more than 1000 mandays were paid to the contractors, that too in different periods *i.e.* 1533 mandays in April 1994, 1144 mandays in April 1996, 1086 mandays in Sept. 1999, 1315 mandays in June 2000, 3872 mandays in April 2002, 2076 mandays in January 2003, and 1512 mandays in March 2003. Had these petitioners were continuously engaged for the last 10-15 years, the total minimum mandays for 26 days in a month (after weekly rest) would have been 4420 per month for 170 persons. Thus, the contention of the petitioners that they have been continuously engaged in CMRI for the last 10-15 years is not correct. These 170 petitioners are not known to CMRI management as no records about their identity are available with the institute as they were engaged through contractors on mandays basis and payments were made through the contractors”.

Council of Scientific and Industrial Research is a Society registered under the Societies Registration Act, XXI, 1860 and an autonomous body under the Department of Scientific and Industrial Research, Ministry of Science &

Technology. It is a premier R&D organization with 38 National Labs./Instts. and 47 Regional/Field Centres in different parts of the country engaged in research & development activities in different areas. CMRI is one of the constituent unit of CSIR at Dhanbad.

It is pertinent to mention that 170 petitioners (*i.e.* Shri Bishwanath Bhowmik and 169 others, including Shri Mantu Kanta Mandal) had filed a complaint before the Assistant Labour Commissioner (Central), Dhanbad requesting for direction to CMRI for their regularization and payment of wages at par with their regular employees. The conciliation proceedings before the Asstt. Labour Commissioner (Central) have failed and the matter was referred to the Govt. (Ministry of Labour, New Delhi). The Govt. of India, Ministry of Labour, *vide* their Order No. L-42012/152/2005-IR(CM-II) dated 6.9.2006 has referred the dispute for adjudication of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 1 with the following directions – “Whether the demand of Shri Bishwanath Bhowmik and 168 others for regularization in the establishment of Central Mining Research Institute, Dhanbad is legal and justified? If so, to what relief they are entitled?” The matter is still pending before Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 1 and thus, sub-judice.

The broad guidelines issued by CSIR from time to time relating to engagement of daily wage/casual workers by CSIR Labs./Instts. and formulation of Casual Workers Absorption Scheme 1990 and Casual Workers Absorption Scheme 1995 are as follows:

Instructions were issued by CSIR from time to time, permitting CSIR Labs./Instts. for engagement of daily wage/casual/contract workers, for meeting the additional manpower requirement for work of casual nature and project related activities. The engagement of such contingent paid staff was to be restricted for the work of casual nature only. As per CSIR instructions dated 19.4.1984 daily-wage workers have to be engaged for a specific duration only in cases where the work is of occasional or seasonal nature and cannot be awarded to a contractor.

In the light of orders contained in DOPT OM dated 7.6.88 regarding fixation of remuneration of daily wage/casual/contract workers, and based on the recommendation of a committee constituted for the purpose, DG, CSIR accorded approval to the following which was circulated to Labs./Instts. *vide* CSIR letter dated 30th March 1990 .

1. That all daily wage/casual/contract workers who are doing the same type to Job as performed by regular employees of the Labs./Instts. of comparable grade, as may be determined by the committee (to be constituted in each Labs./Instts.), may be paid remuneration as prescribed by Govt. of India OM dated 7.6.88 referred to above *w.e.f.* 1.4.1990.
2. The committee to be constituted in each Labs./Instts. will screen the cases of daily wage/casual/contract workers and examine and make recommendations – (a) number of persons actually doing the same type of job as performed by regular employees of Lab./Instt. of comparable grade;(b) no. of such workers who could be absorbed against the existing

vacancies without dilution of qualification, experience etc.; (c) number of persons who cannot be adjusted for want of requisite vacancies in the relevant grades; (d) number of persons required to be continued to work on daily wage/casual/contract basis for a specified period but their services cannot be required on regular footing; (e) number of persons whose services could be dispensed forthwith.

Instructions were also issued to Labs. not to engage any daily wage/casual/contract workers in future.

In pursuance of the decision of the Supreme Court in case No. WP(Civil) 631 of 1988 filed by Kamlesh Kapoor & others working as casual workers at INSDOC, CSIR formulated a Scheme entitled "Casual Workers Absorption Scheme 1990" to consider regularization/absorption of casual workers/wage workers engaged in CSIR Labs./Instts. which was circulated *vide* CSIR letter No. 1(20)/86-E.II dated 4.10.90. The scheme was applicable to—

- (i) Casual workers engaged initially through Employment Exchange;
- (ii) Casual workers engaged otherwise than through employment exchange; and
- (iii) Casual workers in employment on the date of issue of instructions but have been engaged for the last one year on 1.1.1990 or having completed 240 days (206 days in case of five days week) in the immediately preceding calendar year.

Under the scheme absorption was to be done against the available vacancies and/or those arising in future in Group-D or C category of posts. The scheme was not applicable to any person engaged on contract through any outside agency. The scheme was also not applicable to casual workers/contract workers engaged in sponsored project/bilateral or any time bound projects/scheme through any source.

Thereafter, another scheme in 1995 was formulated in pursuance of the Supreme Court order dated 10.8.1994 passed in the Civil Appeal Nos. 5299-5300/93, CSIR vs. S.P. Thankur & others. In order to solve the problem of casual labourers engaged in CSIR and its constituent units, the Hon'ble Court directed CSIR to modify the scheme to cover all casual labourers including casual workers in sponsored projects engaged prior to 5.12.1988 (*i.e.* the date of judgement of Supreme Court in Kamlesh Kapoor's case) but not regularized for want of regular vacancies or where services have been dispensed with for want of regular vacancies. Those who have worked for 240/206 days in the case of six days/five days a week respectively, in a year prior to 5.12.1988 will have priority over the others in regard to absorption. Workers with lesser period should also be considered for absorption in accordance with the length of

service put in by them. The scheme being a one time measure was applicable to the workers engaged on casual basis and paid either of daily wage or monthly basis at CSIR Hq. and its National Labs./Instts. and included casual workers engaged in sponsored projects/bilateral or any time-bound project scheme. Casual workers will include contract workers directly engaged by CSIR Labs./Instts. and being paid wages on monthly basis.

The scheme was applicable to casual workers initially engaged through Employment Exchange or otherwise prior to 5.12.1988, but had not been regularized for want of regular vacancies; or whose service have been dispensed with for want of regular vacancies and who had worked for 240/206 days including Sundays/Holidays (in the case of six days/five days a week respectively) in a year prior to 5.12.1988 will have priority over the others in regard of absorption. Absorption under the scheme was to be made against the available vacancies and/or those arising in future in Group-D or C category of posts subject to their qualifying the trade test and/or interview for empanelment.

As per the instructions issued by the Govt. of India *vide* DOPT OM dated 19.9.93, CSIR with the approval of Governing Body *w.e.f.* 12.1.94 (Annexure VI) decided to confer the benefit to temporary status to the daily wage/casual workers identified for absorption under Casual Workers Absorption Scheme 1990. This benefit was, however, not extended to casual workers identified for absorption under “Casual Workers Absorption Scheme of CSIR 1995” as the scheme was also applicable in respect of casual workers engaged in sponsored/bilateral or any time bound scheme.

It may be mentioned that both the Casual Workers Absorption Schemes were not applicable to workers engaged through contractors.

In pursuance of the aforesaid “Casual Workers Absorption Scheme of CSIR – 1990 and 1995”, a large number of daily wage/casual/contract workers who have been identified for absorption in different Labs/Instt., have been absorbed depending upon the availability of vacancies. All the daily wage/casual contract workers who have been identified for absorption have not yet been absorbed for want of vacancies and due to surrender of posts due to economic cut imposed by the Govt. for reduction of expenditure on manpower in the years 1995 and 2002. In CMRI also 58 workers were identified for absorption under the aforesaid scheme out of which 38 workers have already been absorbed, one has died and 19 are awaiting absorption. The petitioners are not covered under any of the Casual Worker Absorption Scheme as they have been engaged through contractor.”

14. As regards the total number of persons engaged during the last 20 years *i.e.* *w.e.f.* 01.01.1985, the Ministry in their written reply dated 25.04.2007 submitted as follows:—

“Workers engaged prior to 01.01.1985	:	39
From 01.01.1985 to 31.12.1985	:05 Nos. } :	
From 01.01.1986 to 31.12.1986	:10 Nos. } :	
From 01.01.1987 to 31.12.1987	:02 Nos. } :	19
From 01.01.1988 to 31.12.1988	:02 Nos. :	
Total	:	58*

\* All the above 58 persons were engaged directly by CMRI under various project work (consultancy project/sponsored projects etc).

Thereafter from 01.01.1989 onwards, workers were engaged through different contractors on man-days basis. Thus, the details of workers deployed at a given time is not available with CMRI.”

15. When asked if any contract was signed by CMRI with the contractors for giving employment to workers by the contractors, the Ministry in their written reply dated 25.04.2007 submitted as under:

“No record is available in CMRI relating to execution of agreement prior to 2004 in respect of self employed contractors/contractors, however, after 2004, CMRI has executed job contract agreements with some of the contractors’ for various jobs.”

16. In response to a query, about the difference between a contract labour or casual labour, the Ministry *vide* their written reply dated 25.04.2007 submitted that:—

“No distinction under the CSIR casual workers absorption scheme, is made in respect of contingent/contract/casual workers who are directly engaged by CSIR Labs./Instts. However, the scheme does not cover workers engaged through contractor and not paid directly”.

17. As regards the contentions of the petitioners for grant of temporary status and/or regular absorption, the Ministry in their written reply dated 25.04.2007 submitted as follows :—

“The contention of petitioners for grant of temporary status and/or regular absorption under the provisions of CSIR Casual Workers Absorption Schemes of 1990 and 1995, is not tenable, as these schemes were made based on Court directions to cover workers engaged directly by the Labs./Instts. and were on the roll on the date of issue of the scheme *i.e.* 04.10.1990 and had completed 240/206 days as on 01.01.1990 and instructions were issued to Labs./Instts. in 1990 not to engage any casual worker directly. Since the petitioners were engaged on mandays basis through contractors and payment were also made through

contractors, as per the agreed terms and conditions, they have no claim for either grant of temporary status or regular absorption in CMRI being not covered under the CSIR scheme”.

18. Responding to a question about the administrative/financial implications if the petitioners are accorded casual status as requested by them, the Ministry in their written reply dated 25.04.2007 stated as under:—

“In case the petitioners are granted temporary status, in spite of the fact that they were engaged through the contractors on mandays basis and not directly engaged by CMRI, it will have wider repercussions in all the 38 CSIR Labs./Instts. CSIR, being one of the largest publicly funded organization, involved in Research and Development activities, Labs./Instts. have to engage temporary manpower through contractors for undertaking various sponsored/consultancy/grant-in-aid projects of national interest, as with the existing regular staff strength it is difficult to undertake such activities. With the implementation of Govt. of India’s economy instructions relating to 10% reduction in posts in the year 1995 and again in the year 2002, the overall S&T staff strength of CSIR has been reduced twice *i.e.* 10% in the year 1995 and 15.7% in the year 2002. Secondly, a large number of casual workers, who were identified for absorption under CSIR Casual Workers Absorption Schemes of 1990 and 1995, based on Court directions, are still awaiting absorption for want of availability of posts. In case, the petitioners, who are deployed through contractors, have to be given temporary status/absorption, there will be large financial implication, as large number of temporary manpower deployed through contractors in all the CSIR Labs./Instts. for execution of on-going projects of national importance, may claim similar benefits”.

19. When asked if the four workers in the Nagpur Institute were accorded casual status as per the orders of the High Court, the Ministry in their written reply dated 25.04.2007 submitted that :—

“In OA No. 625,626 & 627/99 filed by Shri Tarkeshwar Jha, Ms. Anjali Bhisey and Shri Ranjit Kumar Mandal working in CMRI Regional Centre, Nagpur on contract, Central Administrative Tribunal, Bombay Bench, Mumbai had directed the respondents to consider the applicants for grant of temporary status and grant of the minimum of pay scale of the posts in which the applicants are working *i.e.* as Office Assistant, Stenographer and Clerk”.

#### **Observations/Recommendations**

**20. The Committee note that Council of Scientific and Industrial Research (CSIR) which is a Society registered Under the Societies Registration Act, XXI, 1860 is an autonomous body under the Department of Scientific and Industrial Research (DSIR), Ministry of Science and Technology. It is a premier Research and Development (R&D) Organization with 38 National Labs./Instts. and 47 Regional/field centers in different parts of the country engaged in research and development activities in different areas. Central Ministry Research Institute (CMRI) is one of the constituent units of CSIR at Dhanbad.**

21. The Committee note that CSIR had from time to time issued instructions permitting (CSIR) Labs./Instts. for engagement of daily wage/casual/contract workers, for meeting the additional manpower requirement for work of casual nature and project related activities. CSIR has also permitted Labs./Instts. to award job contracts to contractors registered under Contract Labour (Regulation and Abolition) Act for works relating to security, housekeeping etc. in view of the large Laboratory campuses etc. For such activities the staff deployed by the contractor is directly paid by the contractor and CSIR/Lab pays lump-sum amount to the contractor as per the terms and conditions of the agreement.

22. According to the petitioners, there are 170 persons who have been working as daily wages in CMRI, Dhanbad for the last 10—15 years and some of them have been working for the last 20 years. They were appointed by the Heads of Department of CMRI and engaged to carry out the permanent and regular job of Driver, Computer Operator, Accountant, Clerk, Plumber, Mason, Sweeper, Gardener, Pump Porter (Khalasi), Explosive Carrier and Orderly. Their wages are directly paid from CMRI's fund. However, they are not being recognized as even as casual workers. According to the petitioners, there are precedents where non-permanent workers were recognized as temporary workers (temporary status) from time to time. CMRI had recognized 57 workers in that status during the year 1996. In March, 2004, four daily wagers in Nagpur Institute of CSIR were accorded the casual status on the orders of Nagpur Bench of High Court. The petitioners, therefore, requested that they may be recognized as casual workers to enable them to get wages and other facilities at par with casual workers.

23. The Committee note from the reply of the Ministry that CSIR have from time to time issued broad guidelines relating to engagement of daily wages/casual workers by CSIR Labs./Instts. In pursuance of the decision of the Hon'ble Supreme Court in case No. WP(civil) No. 631 of 1988, CSIR formulated a scheme entitled 'Casual Workers Absorption Scheme 1990' to consider regularisation/absorption of casual workers/daily wage workers in CSIR Labs/Institutes. The scheme was applicable to :—

- (i) Casual workers engaged initially through Employment Exchange,
- (ii) Casual workers engaged otherwise than through Employment Exchange,  
and
- (iii) Casual workers in employment on the date of issue of instructions but have been engaged for the last one year on 1.1.1990 or having completed 240 days (206 days in case of five days week) in the immediately preceding calendar year.

Under the scheme absorption was to be done against the available vacancies and/or those arising in future in Group-D or C category of posts. The scheme was not applicable to any person engaged on contract through any outside agency. The scheme was also not applicable to casual workers/contract workers engaged in sponsored project/bilateral or any time bound projects/scheme through any source.”

24. Thereafter, another scheme in 1995 was formulated in pursuance of the direction given by the Hon'ble Supreme Court in its order dated 10.08.1994 passed in the Civil Appeal Nos. 5299-5300/93, CSIR vs S.P.Thakur & others. In order to solve the problem of the Casual Labourers engaged in CSIR and its constituent units, the Hon'ble Court directed CSIR to modify the scheme to cover all casual labourers including casual workers in sponsored projects engaged prior to 05.12.1988, but could not be regularized for want of regular vacancies or whose services were dispensed with for want of regular vacancies. Those who have worked for 240/206 days in the case of six days/five days a week respectively, in a year prior to 05.12.1998 will have priority over the others in regard to absorption. Workers with lesser period were also to be considered for absorption in accordance with the length of service put in by them. The scheme being a one time measure was applicable to workers engaged on casual basis and paid either on daily wage or monthly basis at CSIR HQ and its National Labs. Institutes and included Casual workers engaged in sponsored projects/ bilateral or any time bound project scheme. Absorption under the scheme was to be made against the available vacancies and/or those arising in Group D or C category of posts subject to their qualifying the trade test and/or interview for empanelment. Both the aforesaid Casual Workers Absorption Schemes were not applicable to workers engaged through contractors.

25. The Committee were informed that in pursuance of the "Casual Workers Absorption Scheme of CSIR-1990 and 1995", a large number of daily wage/casual/contract workers were identified for absorption in different Labs./Instts. and absorbed depending upon the availability of vacancies. All such daily wage/casual contract workers who were identified for absorption could not be absorbed for want of vacancies and due to surrender of posts due to economic cut imposed by the Government for reduction of expenditure on manpower in the years 1995 and 2002. In CMRI also 58 workers were identified for absorption under the aforesaid scheme, out of which 38 workers have already been absorbed, one has died and 19 are awaiting absorption. However, according to the Ministry, the petitioners are not covered under any of the Casual Worker Absorption Scheme as they have been engaged through contractor.

26. As regards the issue of granting casual status to the employees of Nagpur Institute as per orders of the High Court, the Ministry have submitted that in O.A. No. 625, 626 and 627/1999 filed by Shri Tarkeshwar Jha, Ms Anjali Bhisney and Shri Ranjit Kumar Mandal working in CMRI Regional Centre, Nagpur on contract, Central Administrative Tribunal, Bombay Bench, Mumbai had directed the respondents to consider the applicants for grant of temporary status and grant of the minimum of pay scale of the posts in which the applicants are working *i.e* as Office Assistant, Stenographer and Clerk.

27. The Committee were further informed that these 170 petitioners had filed a complaint before the Assistant Labour Commissioner (Central), Dhanbad requesting for direction to CMRI for their regularization and payment of wages at par with regular employees. The conciliation proceedings before the Assistant Labour Commissioner (Central) have failed and the matter was referred to the Ministry of Labour. The Ministry of Labour, *vide* their Order No. L-42012/152/2005-IR (CM-II)



dated 06.9.2006 has referred the dispute for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 1 with the following directions:

“Whether the demand of Shri Bishwanath Bhowmik and 168 others for regularization in the establishment of Central Mining Research Institute, Dhanbad is legal and justified? If so, to what relief they are entitled?”

The matter is still pending before Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 1 and thus is *sub-judice*.

28. The Committee observe that CSIR, had permitted Labs./Instts. to award job contracts to contractors registered under Contract Labour (Regulation and Abolition) Act and for such activities, the workers deployed by the contractor are directly paid by the contractors and CSIR/Labs. pay a lump-sum amount to the contractor as per the terms and conditions of the agreement for deployment of the workers. The Committee also note that the details of such workers engaged/deployed through different contractors on man-days basis, from 01.01.1989 at a given time is not available with the Management of CMRI. According to the Ministry, 170 petitioners are not known to CMRI management as no records about their identity are available with the institute. Again their contention that they were engaged continuously for the last 10-15 years is also not correct as they were engaged through contractors on man-day basis and payments were made through contractors. The Committee are anguished to note that the Ministry/CMRI could not establish the identity of the petitioners for want of availability of records. In the opinion of the Committee, the onus for maintenance of proper records of all workers engaged in the institute squarely lies on the principal employer. Usually the workers deployed on various works are paid by the contractors in the presence of the representatives from the management in order to ensure that the minimum wages are paid to the contract labourers as per their skill. It is inexplicable that without verifying the identity of the workers who were actually engaged by the contractor, payments were made to the contractor simply on the basis of the bills preferred by the contractor for the activities/jobs awarded on contract basis. All this reflects the state of affairs of the Institute and its unsatisfactory manpower management. The very fact that the issue is pending for the last 10 years or so and that only at the instance of the Committee the Ministry/CSIR deputed one officer to CMRI, Dhanbad for on the spot examination of the issues involved, goes only to show that the authorities concerned had paid scant attention to resolve the issue. The Committee deplore the casual and the callous approach of the authorities concerned on the grievance of the petitioners on the issue as a result of which these workers have to suffer unnecessarily.

29. It appears from the submission of the Ministry that prior to 2004, CMRI Management did not execute any agreement with the contractors for engagement of workers for various jobs and they executed job contract agreement with some of the contractors only after 2004. This was not only against the Contract Labour Regulation Act but non-execution of such agreement with the contractors gave an opportunity to the contractors to exploit the workers and to impede their rights to secure regular employment in the institute(s). It is inconceivable that CMRI management were ignorant of the said Act and went ahead to engage workers without executing any

contract with the contractors. The Committee, therefore, take serious note of violation of Contract Labour Regulation/Absorption Act or Instructions issued by the Government in this regard and recommend that action should be taken against the errant Labs./Instts./Departments for their failure to execute agreement with the contractors before awarding them any job. The Committee desire that henceforth it should be made mandatory for all Labs./Instt. under CSIR and the Ministry/CSIR should ensure that no work is assigned through a contractor without first executing an agreement with the contractor elaborating therein all the details pertaining to the job to be executed, the particulars of persons to be deployed by the contractor, payments to be made to the workers as per their skill, the mode of payment etc. The Committee would like to be apprised of the action taken in this regard.

30. The Committee, therefore, recommend that an exercise be initiated urgently in consultation with the representatives of the contract workers for compiling the details of contract workers performing jobs which are of perennial nature and grant of temporary/casual status to them should be considered. The Committee would like that the said exercise be completed on priority basis so as to grant relief to the petitioners expeditiously.

31. Considering the fact that the issue is *sub-judice* before the Central Government Industrial Tribunal cum-Labour Court, Dhanbad, the Committee would also like the Ministry to make sincere efforts for an early decision so as to resolve the long pending issues expeditiously without precluding the option of out-of-Court settlement.

NEW DELHI;  
27 November, 2007  

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6 Agrahayana, 1929 (Saka)

PRABHUNATH SINGH,  
Chairman,  
Committee on Petitions.

LOK SABHA  
PETITION NO. 3

(Presented to Lok Sabha on 25-8-2004)

To

Lok Sabha  
New Delhi.

The humble petition of Shri Mantu Kanta Mandal, President, Central Science & Technology Worker's Union, B.T. Randive, Samarak Bhawan, Premchandra Nagar, Police Lines, Hirapur, Dhanbad (Jharkhand) and others.

SHEWETH

We, the undersigned, petitioners want to submit that, we 170 persons have been working as daily wagers in Central Mining Research Institute (CMRI), Dhanbad, for the last 10—15 years. Some of us have been working here since last 20 years. We are appointed by the Heads of Departments of CMRI and are being engaged to carry out the permanent and regular job of Driver, Computer Operator, Accountant, Clerk, Plumber, Mason, Sweeper, Gardner, Pump Porter (Khalasi), Explosive Carrier and Orderly. Our wages are directly paid from CMRI fund. However, we are not being recognized even as casual workers. Whenever the Central Government asks to submit a report regarding our status, a wrong report is being sent in regard to us.

It is pertinent to mention here that there has been a tradition to recognize the non-permanent workers as temporary workers (Temporary Status) from time to time. For example, CMRI had recognized 57 workers in that status during the year 1996. In March, 2004, four daily wagers in Nagpur Institute of CSIR were accorded the casual status on the orders of Nagpur Bench of High Court.

We, therefore, humbly request you to do the needful to help us in getting recognized as casual workers, so that we may be able to get wages as well as other facilities at par with the other casual workers.

And your petitioners as in duty bound will ever pray.

	Name	Address	Signatures
(1)	Sh. Mantu Kanta Mandal, President.	Central Science & Technology Worker's Union B-T, Randive Smarak Bhawan, Premchandra Nagar, Police Lines, Hirapur, Dhanbad-826001(Jharkhand)	Sd/-
(2)	Shri Man Bahadur, Secretary.	-do-	Sd/-

Countersigned by Shri Basudeb Acharia, M.P.



5. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Science & Technology (DSIR) on the Petition presented by Shri Basudeb Acharia, MP and Mantu Kanta Mandal for grant of temporary status to the daily wages workers working in Central Mining Research Institute, Dhanbad to get the wages and other facilities at par with other casual workers.

6. In the process, the following points/issues were discussed by the Committee:—

- (i) The emergent nature of work for which casual workers were engaged.
- (ii) The number of workers engaged/being engaged during the last 10—15 years as Drivers, Computer Operators, Clerks, Plumbers, Mech. etc.
- (iii) Absence of individual records in respect of persons engaged through contractors.
- (iv) Claim of the workers that they had worked/are working for the last 10—15 years but not being treated as casual labourer.
- (v) Workers engaged through contractors cannot be regularised/absorbed under casual labourer scheme.
- (vi) Examination of records and Verification of worker engaged by the contractor.
- (vii) Formation of suitable scheme to absorb such workers engaged through contractors.
- (viii) Evidence of the representative from the Ministry of Labour and Ministry of Finance in the next sitting of the Committee.
- (ix) The responsibility of the contractor to keep records of all workers.
- (x) Need to call persons from the Labour Union for their evidence in the matter.

7. The Committee desired that a report in the matter may be furnished before the next sitting of the Committee.

*The Committee then adjourned.*

ANNEXURE-III

MINUTES OF THE SIXTY-NINTH SITTING OF THE COMMITTEE ON PETITIONS  
(FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday, 27th November, 2007 from 1500 hrs. to 1645 hrs. in Chairman's Room No. 45 (II) Ground Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Shingada Damodar Barku
3. Shri N.S.V.Chitthan
4. Shri Anant Gangaram Geete
5. Shri C. Kuppusami
6. Adv. Suresh Kurup
7. Kunwar Jitin Prasada
8. Shri Paras Nath Yadav

SECRETARIAT

- |                     |   |                            |
|---------------------|---|----------------------------|
| 1. Shri A.K.Singh   | — | <i>Director</i>            |
| 2. Shri U.B.S. Negi | — | <i>Deputy Secretary-I</i>  |
| 3. Shri H.R. Kamboj | — | <i>Deputy Secretary-II</i> |
| 4. Shri V.P. Gupta  | — | <i>Under Secretary</i>     |

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At the outset, the Committee considered and adopted the following Reports without any modification:—

- (i) Thirty Second Report on Petition requesting for grant of temporary status to the daily wagers working in Central Mining Research Institute,

Dhanbad to get the wages and other facilities at par with the other casual workers, presented to Lok Sabha by Shri Basudeb Acharia, M.P.;

- (ii) Thirty-Third Report on Petition regarding non-implementation of Rehabilitation Policy, 1989 of Government of Orissa by Mahanadi Coalfields Limited (MCL), presented to Lok Sabha by Shri Dharmendra Pradhan, M.P.; and
- (iii) Thirty Fourth Report on Petition requesting for payment of pay revision arrears for the period from 01.01.1992 to 31.12.1998 to VRS employees of Instrumentation Limited, Kota, Rajasthan, presented to Lok Sabha by Shri Basudeb Acharia, M.P.

2. The Committee also authorised the Chairman to finalize and present the Reports to the House.

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*The Committee then adjourned.*