

(v) GOI/UGC Scheme on "Grant of Temporary Status and Regularisation in respect of Casual Labourers in Central Universities"

Consequent upon the Judgement of the CAT, Principal Bench, New Delhi on the case "Raj Kamal and other Vrs. Union of India", the Department of Personnel and Training formulated a Scheme on Grant of Temporary Status and Regularisation of Casual Labourers - 1993. The scheme so formulated and circulated by the Department of Personnel and Training vide OM No.51016/2/90-Estt(c) dated 10.9.93 is placed at Annexure - A for perusal of the Council. The scheme was endorsed by the UGC vide letter No.F.6-2/97(CU) dated 22.4.98 (placed at Annexure - B) with certain conditions.

A. 'CRITERIA OF ELIGIBILITY TO THE SCHEME AND ITS BENEFITS :

The scheme is applicable only to full time casual labourers who were paid wages with reference to the scale of pay and who had completed one year with 240 (two hundred forty) days actual service as on 10.9.93. The salient benefits of the scheme are that on completion of 3(three) years casual service with temporary status, the casual labourers will be entitled to the following :

1. Annual increment in the relevant time scale to be taken into account for purpose of regulation of daily wages, DA, HRA and CCA.
2. Eligibility to the GPF scheme at par with the corresponding regular Group 'D' employees.
3. Eligibility to grant of Festival advance etc.
4. Entitlement of leave on pro-rata basis @ 1 day for every 10(ten) days work.
5. Entitlement of maternity leave to a female casual labourer at par with the corresponding regular Group 'D' employees.
6. 50% of casual service with Temporary Status to count for retirement benefits after regularisation.
7. Whenever regular vacancies arises at Group 'D' level, casual labourers with Temporary Status should be absorbed as per extant recruitment rules.

B. UNDESIRABLE IMPACT OF THE SCHEME IN NEHU CASUAL SERVICE :

About 90 (ninety) Pre- 1996 casual labourers of NEHU do not come within the purview of the Scheme. Some of them fall out of the Scheme because of their being short of one year service as on the cut-off date 10.9.93 or having been inducted only after that date. Others, though had completed one year service as on 10.9.93 yet fall out of the Scheme because of their having been engaged only on part-time basis i.e. for less than 6½ hours per day and amongst these there are about 10 (ten) Daily wage Safaiwallas who have completed one year service as on the cut-off date 10.9.93 but cannot be considered the benefit of the Scheme because of their having been engaged only for 6 (six) hours per day. In the case of those 10 (ten) Daily wage Safaiwallas it is felt justified to condone the shortage of ½ hours and to class them at par with the 6½ hours working casuals for the purpose of the benefit of the Temporary Status Scheme.

C. FINANCIAL IMPLICATION :

Under normal circumstances, about 50 (fifty) Full-time casual labourer who had completed one year service as on 10.9.93 comes within the purview of the Temporary Status Scheme and the financial implications as worked out by Finance Department for payment of arrear wages due upto June, 1998 comes to about Rs.13,55,406/-. If the proposal to condone the working hours shortage in respect of the 10 (ten) Daily wage Safaiwallas is considered favourably, then the 10 (ten) Daily wage Safaiwallas will also come under the Scheme, hence the financial implication will move higher.

The matter is placed before the Council for consideration and approval :-

1. to adopt and implement the Scheme of "Grant of Temporary Status and Regularisation of Casual Labourers" as formulated by the Department of Personnel and Training and endorsed by the UGC.
2. to condone the working hours shortage of ½ hours i.r.o. the pre - 1993 casual Labourer who normally cannot be given the benefit of the Scheme for reasons of their being engaged for only 6 hours duty per day, so that they can be granted the benefit of the Temporary Status Scheme as in the case of Pre - 1993 6½ (six and half) hours working casuals.

- U.O.No.13-11/Estt.I/Apptt/96-358

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DEPARTMENT OF PERSONNEL AND TRAINING, CASUAL LABOURERS
(GRANT OF TEMPORARY STATUS AND REGULARISATION) SCHEME.

1. This Scheme shall be called "Casual Labourer (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993".
2. This Scheme will come into force with effect from 1.9.93.
3. This Scheme is applicable to Casual Labourers in employment of the Ministeries/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 ~~xx~~ schemes.
4. TEMPORARY STATUS :
 - i. Temporary status would be conferred on all casual labourers who are in employment on the date of this OM 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' employee would be taken into account for calculating pro-rata wages for every one year of service

subject to performance of duty for at least 240 days (206 days in administrative offices abserving 5 days week) in the year from the date of conferment of temporary status.

- iii. Leave intitlement 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 regularization.
- 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 temporary Group 'D' employees, provided they furnish two sureties from permanent Government servants of their Department.
- vii. Until they are regularized, they would be entitled to Productivity-Linked Bonus/Adhoc Bonus only at the rates 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 labourers/workers working in industrial establishments in view of provisions of Industrial Disputes Act, they shall continue to be admissible to such casual labourers.

7. Despite conferment of temporary status, the service of a casual labourer 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 and Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered ~~xxx~~ surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers of those who fail to fulfil the minimum qualification prescribed for the 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 OM dated 7.6.1988, should be followed strictly in the matter of engagement of casual employees in Central Government offices.
11. Department of Personnel and 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.

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University Grants Commission
Bahadurshah Zafar Marg
New Delhi-110002

No.F.6-2/97(CU)

Dated the 22nd April, 1998.

To

The Registrar,
North Eastern Hill University,
P.O. NEHU Campus,
Mawkynroh Umshing,
Shillong - 793 002.

Sub : GRANT OF TEMPORARY STATUS AND REGULARIZATION OF CASUAL
LABOURERS IN CENTRAL UNIVERSITIES.

Sir,

The matter regarding extension of Scheme "Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993" issued vide Government of India, Department of Personnel Training's OM No.51016/2/90-Estt(C) dated 10th September, 1993 to the Casual Labourers of the Central Universities has been under consideration in the Commission. It has now been agreed to extend the benefits of scheme Casual labourers (Grant of Temporary Status and Regularization) scheme of Government of India, 1993 to the Casual Labourers of Central Universities.

The Grant of temporary status to the casual labourers may be regulated by the scheme appended subject to the following conditions.

1. The Scheme "Casual Labourers (Grant of Temporary Status and Regularization) scheme of Government of India 1993" apply to those casual labourers who were in employment on daily wage basis on jobs meant for Group 'D' employees on the date of issue of the Government of India Office Memorandum i.e. 10.9.93. The conferment of temporary status would be for those who are doing job of occasional and intermittent in character and does not apply to all those person who have been engaged after 10th September, 1993. The Scheme does not apply also to any employee(s) engaged on casual wage basis on job(s) which is for the official of Group 'C' posts.
2. The Grant of temporary status to the casual labourers employed prior to 10.9.93 will not confer on them any right to be equated with temporary Group 'D' employee who are governed by different set of rules. The wages will be paid at daily rates with reference to the minimum of the pay scale for

a corresponding regular 'D' official including DA, HRA, CGA. All casual labourers getting conferment of temporary status under the scheme will be treated at par with temporary Group 'D' employee w.e.f. the date they complete three years of service in newly acquired temporary status from that day onward they will be entitled to some of the benefits available to temporary Group 'D' employees to the extent provided in rules/orders issued on the subject. (It may be noted all the rules applicable to temporary Group 'D' employees will not be applicable in their case.

3. If the University needs additional persons, they could pool vacant post and create the required position (including multifunctional positions) to absorb these daily wagers.
4. Whenever vacancies arises, the University should absorb the employees who have been granted temporary status.
5. The University should not keep any Casual Worker beyond 89 (eighty-nine) days. If any deviation in this regard is committed, the concerned officer may be held personally responsible.
6. University should undertake a review of appointment of Casual Workers under their control and discharge their services if not covered under the above orders.
7. The other terms and conditions as laid down in Government of India Department of Personnel and Training O.M. No.51016/2/90-Estt(E) dated 10th September, 1993 may also be followed strictly.

Yours faithfully,

Sd/-

(C.K.Kapahi)
Under Secretary.

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CONSIDERATION OF IMPLEMENTATION OF THE REVISED SCALES OF
PAY FOR REGULATION OF DAILY WAGES TO CASUAL LABOURERS
W.E.F. 1.1.1996.

The casual labourers of NEHU other than Muster Roll Workers and fixed wages workers, were paid daily wages @ 1/30th of the minimum of the relevant Group 'D' scale of pay plus DA w.e.f. September 1988 in accordance with the then instructions of the Department of Posts adopted by the Executive Council in its 62nd meeting. The relevant Group 'D' scales of pay made applicable for regulation of daily wages to casual labourers vis-a-vis the skill requirement of work, were the scales of (1) Rs.750-940/- (2) 800-1150/- and (3) 825 - 1200/-. In the V Pay Revision effective from 1.1.1996 these scales of pay stood revised to (1) Rs.2550-3200/- (2) Rs.2650-4000/- and (3) Rs. 2750-4400/- respectively.

However, it is apparent from the UGC letter No.F.31.3/97(CU) dated 8.4.98 regarding the V Pay Revision, that the UGC has approved only the scale of Rs.750-940/- corresponding to the Revised scale of Rs.2550-3200/- for regulation of wages to casual labourers.

The matter is placed before the Council for consideration whether :-

1. to allow the benefit of the V Pay Revision to the casual labourers w.e.f. 1.1.1996.
2. to allow the Revised scale of Rs.2550-3200/- corresponding to Rs.750-940/- pre-revised as approved by the UGC for all casual labourers irrespective of skill requirement.

OR

to allow the respective Revised scale of pay which corresponds to the respective pre-revised scales of pay as may be the nature of work and skill requirement.

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EC:98:98:6:6:(i): The Council considered the revised rates of reimbursement of educational assistance and tuition fees and while resolving to approve the same RESOLVED that all such matters which have been approved by the Government of India may be implemented and reported to the Council.

(ii) The LTC claim in respect of Dr. Eugene D. Thomas
Reader in Economics.

EC:98:98:6:6:(ii): The Council considered the condonation of late submission of LTC claim in respect of Dr. ED Thomas and Mrs. G. Kapoor and RESOLVED to approve the same as they are first time defaulters.

(iii) Advisory Committee for Cadre Management.

EC:98:98:6:6:(iii): The Council considered the winding up of the Advisory Committee on Cadre Management which is to be replaced by a Local Cadre Review Committee and RESOLVED to approve the same, the Council further RESOLVED to give a vote of thanks to the Members of the ACCM and that all related papers be handed over to the Cadre Review Committee.

(iv) Retirement on invalidation.

EC:98:98:6:6:(iv): The Council considered the retirement on invalidation of the following employees and RESOLVED to approve the same.

1. Shri M. Syngkon, UDC.
2. Smti. H. Tlanghmingthangi, Cleaner
3. Shri S. Nongneng, Chowkidar.

(v) GOI / UGC Scheme on "Grant of Temporary Status and regularisation in respect of Casual labourers in Central Universities.

EC:98:98:6:6:(v): The Council considered the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993, and RESOLVED to accept the Scheme and that it be extended to the Daily Wage workers with 6 ½ and 6 working hours per day that the total number of working hours per week be made not less than 40 hours.