

(xi) Problems arising out of Casual Labour Appointments

Casual labour appointments were made since 1985 for meeting the requirement of essential services under Group 'D' i.e. Cleaners, Safaiwallas, Cooks, Kitchen Attendants, Gate - Keeper, Attendants for Buses/workshop and Casual Labourers for Exams. Department/Estate/Maintenance Cell etc. since there are not enough posts, most of the Casual Labourers are charged against the Head of account "12 Common Services and General Charges (Y) Daily wages and Casual employees". In terms of the Circular No. F:4-16/Estt-I/88-8419 dated 2.1.1989 (enclosed at Annexure - A) issued pursuant to the decision of the 62nd E.C. meeting, the casual labourers were allowed, besides other benefits, daily wage @ 1/30th of the minimum of the concerned scale alongwith DA for 8 hours duty. For lesser hours duty, Daily wage is determined on pro-rata basis.

In its 86th meeting held on 18.7.95, the E.C. had decided for termination of the services of all casual labourers who have completed more than 6 months and who cannot be accommodated against available Group 'D' posts. Pursuant to this decision steps were taken to make regular appointments against the available posts of Cook, Kitchen Attendants, Peons and Chowkidars. The cases of all the Casual Labourers were placed before the Selection on 8.12.1995 for considering regular appointment against the then available posts by criteria of seniority and performance report. The Selection Committee could recommend regular appointment only against the post of Attendant (Store of Exam) and Kitchen Attendant where the required educational qualification and experience was met. In respect of other category of posts the Selection Committee could not recommend regular appointment for want of prescribed qualifications for different categories for determining eligibility in terms of qualifications and experience besides seniority. Pending finalisation of the same, the casual labourers serving more than 6 (six) months could neither be considered for absorption into regular service nor be terminated. In the case of those who have ^{not} completed 6 (six) months, termination from service is being considered.

The numbers of casual labourers who have rendered more than 6 (six) months service are 28 (chowkidars, 27 Safai-

.....2....

wallas, 15 Cleaners, 4 Kitchen Attendants, 1 Gate-keeper, 4 Peons and 25 attendants for Exa. Department/Estate Section/Maintenance Cell/Transport Section whereas the number of available Group 'D' posts are 7 posts of Chowkidars, 5 posts of Peons and 1 post of Gate-keeper. It may be noted that pending cases of deserving compassionate appointments are also to be met from about 6 of the said available posts, thus only about 7 posts will remain. It can be well understood that majority of the casual labourers cannot be absorbed into regular service due to paucity of posts. Thus, with a view to tide over possible claims for regular appointments, break in service was applied over which some senior casual labourers expressed their resentment on the plea of having rendered long service. Feasibility of switching over to the Muster Roll System was also examined. As can be seen from the rules placed at Annexure 'B', this system applicable in respect of work of a specific Project for a specific period, may not suit for application in services of regular nature/regular borne establishment. Further, the system requires classification of the services into (i) Skilled, (ii) Semi-Skilled and (iii) Unskilled. The rates of Daily wage admissible is (i) Rs.52/-, (ii) Rs.35/- as per Maintenance Cell. The rates followed by the Govt. of Meghalaya in line with the Minimum Wages Act, 1948 are (i) Rs.45/-, (ii) Rs.40/- and (iii) Rs.35/- respectively. Thus if the Muster Roll system is to be made applicable, the first step would be to determine classification of the services into the the three categories. It is for seen that if this system is made applicable to the existing casual labourers, it may have an impact by way of change or reduction in the daily wage, besides other benefits, because all along, they have been allowed daily wage @ 1/30th of the minimum of the concerned scale of pay plus DA for 8 hours duty and on pro-rata basis for lesser duty, in line with the circular at Annexure 'A'.

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

1. How to deal with claims for regular appointment when there is shortage of available/suitable posts -
 - Extract of the Govt.of India Instructions on "Appointment of Casual Labourers to Group 'D' Posts" is enclosed at Annexure 'C' for perusal of the Council.
2. How to make casual labour appointments in future to avoid a complicated situation on the part of the University -
 - Extract of the Govt.of India Instructions on "General terms and conditions for employment of Casual Labour" is placed at Annexure 'D' for perusal of the Council.

---00---

NORTH-EASTERN HILL UNIVERSITY
LOWER LACHUMIERE ::: SHILLONG

No. F: 4-16/Estc-I/88-8419 Dated, the 2/1/89

ORDER

In pursuance of the decision of the 62nd Executive Council meeting vide Resolution No. EC:62:88:6:07:(ii),, the Vice Chancellor, NEHU, Shillong is pleased to order revised wages of the Casual workers/persons on daily wages employed in the North-Eastern Hill University as per the instruction on review of policy and recruitment of casual workers on daily wage basis issued by the Govt. of India vide O.M. No. 49014/2/86-Estt. dated 7.6.1988.

- i) The full time casual workers and person on daily wages will be paid revised wages at the rate of 1/30 of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 (eight) hours a day. No increment and other allowances will be admissible.
- ii) All such part-time and workers engaged on contingency basis are to be paid wages on pro-rata basis.
- iii) The wages will be restricted only to the days on which they actually perform duty. They will, however, in addition, be paid for a National holidays if it falls on working day. They will also be entitled for one paid weekly off subject to continuous six days of work in each week.

2. The revised wages will come into force with effect from the 7th September, 1988 till such time the clarification is received from the U.G.C.

Sd/- D.C. Pant

Registrar.

Copy to:-

1. The P.S. to V.C., NEHU, Shillong.
2. The Sr. P.A. to Registrar, NEHU, Shillong.
3. The Pro Vice Chancellor, NEHU, Mizoram Campus/Kohima Campus.
4. The Finance Officer, NEHU, Shillong.
5. The Dean SASRD, Medziphema, Nagaland.
6. The Asstt.Registrar, SASRD, Medziphema.
7. The Asstt.Registrar, NEHU, Kohima Campus Nagaland.
8. The Principal, Pachhunga University College, Aizawl.

It is requested that the payment of revised wages should be made only on receipt of detailed statement from Head Quarter which is under preparation.

(. All Heads of the Department, NEHU, Shillong.

...00000...

EXTRACT FROM ESTIMATING AND COSTING IN CIVIL ENGINEERING- THEORY AND PRACTICE.

DIFFERENT METHODS OF CARRYING OUT WORK.

The following are the different methods of carrying out work:-

- (i) Employment of daily labour on Muster Roll; (ii) Piece Work Agreement; (iii) Work order; (iv) Lumpsum contract; (v) Lump sum and Schedule contract; (vi) Scheduled contract or item rate contract; (vii) Labour contract; (viii) Cost plus percentage contract.

Daily Labour - Muster Roll System - Work may be executed departmentally by employing daily labour, as masons, coolies, bhistics, carpenters, etc. The materials required for the construction as bricks, cement, sand, lime, surkhi, timber, steel, etc., and tools and plants required for the operations, are got issued from the store by indent or purchased directly chargeable to the work. The attendance of the labourers is kept in Muster Roll (Form 21) by the overseer or by his authorised agent as work-supervisor, mistry, mate, etc. The attendance of labour is checked, and initialled by Assistant Engineer or Sub-Divisional or Divisional Engineer frequently during their inspections. The labourers are paid weekly, fortnightly, monthly or at the completion of work according to the requirement. When the muster roll is closed for payment the works done during the period are measured and entered in the measurement book and the Muster Roll is completed by the overseer showing the amount payable to each labourer and total amount payable, and the quantity of works done. The Muster Roll is then submitted to the Assistant Engineer or Sub Divisional Engineer, or Executive Engineer who gets it checked by the clerk and then gives passed or pay order. A Temporary Advance or Temporary Imprest by cheque or cash for the total amount is then issued to the overseer or the Assistant Engineer who then disburses the wages to the labourer and signs against each payment. The account of the payment is maintained in Cash Imprest Account (Form 2) by the disburser in duplicate, and one part together with Muster Roll is submitted to the Divisional or Sub-Divisional Officers where it is incorporated in the monthly account. Other part of the Imprest account is kept with the disburser as his office copy. The unpaid wages, if any, are recorded in a Register of Unpaid Wages, and the amount is deposited in the cash of the Sub-Divisional or Divisional Office, which is kept in deposit account. The amount of unpaid wages may be drawn and paid to the labourer on Hand Receipt, Form 28 when required. Temporary advance account (Imprest Cash Account) should be closed as early as possible.

The maintenance and repair work of roads and canals are usually done by gangs of daily labourer.

For keeping imprest cash account, the amount received should be entered as soon as it is received with date and manner of remittance, cash or cheque number, etc. The disbursement should be entered in order of payment as they are made day-to-day. Each voucher should be serially numbered as imprest holder's voucher number and entered in the imprest account. On the back side of the imprest account form there are columns for the 'abstract of charges' where the name of the different works to which chargeable and the amount chargeable are entered (See also Imprest in later pages).

Muster Roll (M.R.)- The Muster Roll consists of two parts :-

Part- I. - Nominal Roll where daily attendance are recorded. In this part there are column and spaces for the names of the labourer, designation, father's name, dates of attendances, rates, total amount due for each, total amount due for whole, signature of the person taking attendance, signature of the officer making payment, etc., and

these columns are duly filled up. Fines if inflicted on the labourer is recorded in Part -I. Muster Roll should never be made in duplicate and entries should be made in such manner (with ink) that it may not be possible to interpolate or to alter them. The names of the labourer are grouped according to classes as masons, mazdoors, carpenters, etc.,

Part II. - Details of quantity of work done by the labourer and the progress of work are recorded in this part. Details of measurement are taken and entered in the measurement book and an 'Abstract of Quantities' is prepared sub-headwise and this 'abstract of quantities' is recorded in Part II of the Muster Roll giving reference of M.B. If the work is not susceptible to measurement (not measureable) a remark to this effect should be recorded in this part. (See M.R. Form in page 692)

Unpaid wages are recorded in a Register of Unpaid Wages which is maintained in the Divisional or Sub-Divisional Office. The subsequent payment of unpaid wages is made on Hand Receipt, Form 28, and note of the payment being kept in the Register of Unpaid Wages against the original entry, as well as in the relevant Muster Roll.

Previously, Muster Roll is used to consist of three parts. Part I - Nominal Roll. Part II - Register of arrears of wages and Part III - Details of work done. But this has been received to consist of two parts vide C.P.W.D. Code of Accounts. In the Muster Roll Form the account of unpaid wages is kept in Part II of the Muster Roll.

Rules for preparation of Muster Roll. - The Muster Roll are prepared and dealt in accordance with the following rules :-

- (1) One or more muster rolls may be kept for each work, but M.R. should not be prepared in duplicate. It is permissible to keep one M.R. for labourers employed on several small work in near about places.
- (2) Labourers may be paid more than once in a month, but separate M.R. must be prepared for each period of payment.
- (3) The daily attendance and absence of labourers and fines, if any, imposed on them should be recorded in ink daily in the M.R. so that the calculation may be done correctly and it may not be possible to temper with the attendance and entries and classification of cost on works and sub-heads of works may be kept separately.
- (4) After a M.R. has been passed, payment should be made as quickly as possible, and each payment is initialled and dated by the paying officer. If any item remains unpaid the details of such items should be recorded in the Register of unpaid wages.
- (5) The amount of unpaid wages is deposited in the cash and the amount is kept as deposit. The amount may be paid later on Hand receipt - Form 28 duly signed and a note of payment is entered in the Register of unpaid wages against the original entry.

Labour Report. - For large work or a group of works which is through daily labour, a consolidated labour report showing the labourers employed day-to-day is prepared by the overseer from the Muster Roll in a prescribed form and is submitted daily to the S.D.O. or Executive Engineer for control and check. The report shows the name for the work, the number of each class of labourer employed on each work, the rate of wages, and the approximate quantity of work done. The labour report is compared with the M.R. as soon as it is received in the S.D.O. or Divisional Office and discrepancies, if any, are investigated and necessary action taken. Labour report form in duplicate in a book form, one copy is submitted and the counterpart is retained by the overseer. Labour Report Form is given below :-

Extract of Clause 2 & 3 on Chapter 22 - Casual Labour from Swamy's Complete Manual on Establishment and Administration, 1994.

2. APPOINTMENT OF CASUAL LABOURERS TO GROUP 'D' POSTS.

2.1. The appointment of casual labourers to Group 'D' posts, borne on the regular establishment which are required to be filled by direct recruitment, will be made subject to the following conditions :-

- (i) No casual labourer not registered with the Employment Exchange ~~and~~ should be appointed to posts borne on the regular establishment;
- (ii) Casual labourers appointed through Employment Exchange and possessing experience of a minimum of two years' continuous service as casual labour in the office/establishment to which they are so appointed will be eligible for appointment to posts on the regular establishment in that office/establishment without any further reference to the Employment Exchange.
- (iii) Casual labourers recruited in an office/establishment direct, without reference to the Employment Exchange, should not be considered for appointment to regular establishment unless they ^{get} themselves registered with the Employment Exchange, ~~and~~ render, from the date of such registration, a minimum of two years' continuous service as Casual labour, and are subsequently sponsored by the Employment Exchange in accordance with their position in the register of the Exchange. (See paragraph 3 below for one time relaxation).

2.2. A casual labourer may be given the benefit of 2 years' continuous service as casual labourer if he has put in at least 240 days (206 days in the case of offices observing 5 days week) of service as a casual labourer (including broken periods of service) during each of the two years of service referred to above.

3. Regularization of service of casual workers, not recruited through Employment Exchange before 7.5.1985, in Group 'D' posts.

3.1. The services of casual workers may be regularized in Group 'D' posts in various Ministries/Departments, etc., subject to certain conditions, in terms of the general instructions issued by this Department. One of these conditions is that the casual workers concerned should have been recruited through the employment exchange. Sponsorship by the employment exchange being a basic and essential condition for recruitment under the Government, it has repeatedly been brought to the notice of the various administrative authorities that recruitment of casual workers should always be made through the employment exchange. It has, however, come to the notice of this Department that in certain cases these instructions were contravened and casual workers were recruited otherwise than through the employment exchange. Though these persons may have been continuing as casual workers for a number of years, they are not eligible for regular appointment and their services may be terminated any time. Having regard to the fact that casual workers belong to the weaker section of the society and termination of their services will cause undue hardship to them, it has been decided, as a one time measure, in consultation with the Director General, Employment and Training, that casual workers recruited before the issue of these instructions may be considered for regular appointment to Group 'D' posts, in terms of the general instructions, even if they were recruited otherwise than through the employment exchange, provided they are eligible for regular appointment in all other respects.

3.2. It is once again reiterated that no appointment of casual workers should be made in future otherwise than through the employment exchanges. If any deviation in this regard is committed, responsibility should be fixed and appropriate departmental action taken against the official concerned.

EXTRACT OF CLAUSE 1 OF CHAPTER -22 - CASUAL LABOUR FROM SWAMY'S COMPLETE MANUAL ON ESTABLISHMENT AND ADMINISTRATION, 1994.

GENERAL TERMS AND CONDITIONS FOR EMPLOYMENT OF CASUAL LABOUR.

1. The policy regarding engagement of casual workers in Central Government Offices has been reviewed by Government keeping in view the judgment of the Supreme Court delivered on the 17th January, 1986, in the Writ Petition filed by Shri Surinder Singh and others v. Union of India and it has been decided to lay down the following guidelines in the matter of recruitment of casual workers on daily wage basis :-
 - (i) Persons on daily wages should not be recruited for work of regular nature.
 - (ii) Recruitment of daily wagers may be made only for work which is of casual or seasonal or intermittent nature or for work which is not of full time nature, for which regular posts cannot be created.
 - (iii) The work presently being done by regular staff should be re-assessed by the Administrative Departments concerned for output and productivity so that the work being done by the casual workers could be entrusted to the regular employees. The Departments may also review the norms of staff for regular work and take steps to get them revised, if considered necessary.
 - (iv) Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day.
 - (v) In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the State Government/Union Territory Administration, as per the Minimum Wages Act, 1948. However, if a Department is already paying daily wages at a higher rate, the practice could be continued with the approval of its Financial Adviser.
 - (vi) The casual workers may be given one paid weekly off after six days continuous work.
 - (vii) The payment to the casual workers may be restricted only to the days on which they actually perform duty under the Government with a paid weekly off as mentioned at (vi) above. They will, however, in addition, be paid for a National Holi-day, if it falls on a working day for the casual workers.
 - (viii) In cases where it is not possible to entrust all the items of work now being handled by the casual workers to the existing regular staff, additional regular posts may be created to the barest minimum necessary, with the concurrence of the Ministry of Finance.
 - (ix) Where work of more than one type is to be performed throughout the year but each type of work does not justify a separate regular employee, a multifunctional post may be created for handling those items of work with the concurrence of the Ministry of Finance.
 - (x) The regularisation of the services of the casual workers will continue to be governed by the instructions issued by this Department in this regard. While considering such regularisation, a casual worker may be given relaxation in the upper age limit only if at the time of initial recruitment as a casual worker, he had not crossed the upper age limit for the relevant post.

- (xi) If a Department wants to make any departure from the above guidelines, it should obtain the prior concurrence of the Ministry of Finance and the Department of Personnel and Training.
2. All the Administrative Ministries/Departments should undertake a review of appointment of casual workers in the offices under their control on a time-bound basis so that at the end of the prescribed period, the following targets are achieved :-
- (a) All eligible casual workers are adjusted against regular posts to the extent such regular posts are justified.
- (b) The rest of the casual workers not covered by (a) above and whose retention is considered absolutely necessary and is in accordance with the guidelines, are paid emoluments strictly in accordance with the guidelines.
- (c) The remaining casual workers not covered by (a) and (b) above are discharged from service.
3. By strict and meticulous observance of the guidelines by all Ministries/Departments, it should be ensured that there is no more engagement of casual workers for attending to work of a regular nature, particularly after the review envisaged above is duly completed. Each Head of Office should also nominate an officer who would scrutinise the engagement of each and every casual worker and the job for which he is being employed to determine whether the work is of casual nature or not.
4. Ministry of Finance, etc., are requested to bring the contents of this O.M. to the notice of all the appointing authorities under their respective administrative control for strict observance. Cases of negligence in the matter of implementing these guidelines should be viewed very seriously and brought to the notice of the appropriate authorities for taking prompt and suitable action against the defaulters.

Clarification :- 1) It is hereby clarified that the orders contained in the aforesaid O.M. have come into force on date of issue, viz., 7.6.1988 and casual workers employed in various Secretariat offices are also entitled to payment of wages as provided in this O.M. with effect from 7.6.1988.

- 2) The Ministry of Finance, etc., are requested that the above clarification may be brought to the notice of all concerned for information and guidance.

-000-

(xi) Problems arising out of engagement of Casual Labour.

No:EC:90:96:6:6:(xi): The Council considered the problems arising out of the engagement of the Casual Labourers and RESOLVED that:

1. All engagement of Casual Labourers should be routed through Establishment -I,
2. No engagement of casual labourers should exceed 89 days in all;
3. In case of exigency where the engagement may have to be more than 89 days, a fresh engagement by another person may be made for,
4. Wherever vacancies are available the existing deserving casual labourers may be regularised,
5. All casual labourers may be intimated of the conditions of service,
6. Henceforth, no additional appointment of casual labourers is to be made,
7. The same policy will be applicable to the Outlying Campuses also.

(xii) Counting of previous experience for placement of Lecturer under CAS.

No:EC:90:96:6:6:(xii): The Council considered the modification on the wording for amending the counting of previous experience for placement of Lecturers under CAS as intimated by the University Grants Commission and RESOLVED to approve the same.

(xiii) Up-gradation of Pay-scales of Senior Statistical Assistants and others.

No:EC:90:96:6:6:(xiii): The Council considered the recommendations of the Committee appointed by it to look into the upgradation of pay-scales of Senior Statistical Assistants and others and RESOLVED to accept the recommendations of the Committee except in the case of the One-Upward movement the cut-off date shall be 31.12.93 and also fitment of pay-