

GRANT OF TEMPORARY STATUS TO CASUAL LABOURERS AS PER THE
GOVERNMENT OF INDIA INSTRUCTIONS - REMOVAL OF ANOMALIES AMONGST
DAILY WAGE SAFAIWALLAS.

The Executive Council in its 98th meeting held on 15.9.98 adopted the Government of India Scheme dated 10.9.93 and grant of Temporary Status to Pre-1993 casual labourers in employment as on 10.9.93. It may kindly be recalled that the condition for eligibility to the Scheme is completion of 240 days work of Full-time basis during the 12 months preceeding 10.9.93. The Executive Council also notionally condoned 1/2 hour shortfall in working hours to treat the 6 hours working casuals as Full-time to facilitate their eligibility to the scheme. In its subsequent 99th meeting on 8.12.98, the Executive Council decided to grant the benefits under the Scheme retrospectively from 1.9.93 only if concurred upon by the University Grants Commission. The UGC has given its concurrence for retrospective benefit of the Scheme.

In course of examination towards retrospective benefit effective from 1.9.93, the office detected a serious anomaly in the case of the Pre-1993 Daily Wage Safaiwalla. The Statement placed at Annexure - 'A' for perusal of the Council reveals an anomalous development in the matter of grant of Temporary Status under normal eligibility conditions because of the following lacunae:-

- a. the erstwhile choice for allotment of constant Full-time working hours by the University authority lacked the natural principle of "first come first serve". The junior Daily Wage Safaiwallas were preferred for constant Full-time working hours instead of the senior ones.
- b. due to the lacunae at (a) above, the Pre-1993 Daily wage Safaiwallas who could normally be eligible to the Scheme are only those who were allotted Full-time working hours during the qualifying year (12 months preceeding 10.9.93) while the earlier Daily wage Safaiwalla entrants were normally not eligible because of lack of Full-time working hours during the qualifying year.
- c. The University erstwhile had no firm rules of its own in the matter of employment of casual labour nor did it strictly follow the G.O.I. (Department of Personnel & Training) guidelines. Neither did the University have a firm differentiation or

isolation between the full-time casual labourers and those short of Full-time. The Department of Personnel and Training never provided for part-time employment of casual labour on time scale basis plus D.A.

d. In the matter of regulation of wages, the University adopted the provisions of the Department of Posts i.e. regulation of wages @ the minimum of the Scale plus DA on pro-rate basis depending on number of working hours. The Department of Posts inter-alia makes no status distinction between the Full-timers and the Part-timers - its provision reads :-
"Casual labourers (Full-time or part-time. For purpose of computation of eligible service, half of the service rendered as a part-time casual labourer should be taken into account. That is, if a part-time casual labourer has served for 480 days in a period of 2 years he will be treated, for purpose of recruitment, to have completed one year of service as full-time casual labourer)".

e. the irrational choice in allotment of working hours did not create grievances then but if the irrationality is suo-moto followed for determining eligibility to the Scheme of temporary status, legal problems might ensue because it would not be legally acceptable for a later entrant to prevail in status over an earlier entrant.

To set matters straight, it is felt necessary to remove anomalies in the matter of grant of Temporary Status so that the principle of 'first come first serve' is met. Furthermore, from G.O.I. point of view, the 1993 Scheme of Temporary Status aimed to compensate the in-service casual labourers employed ante 1993, pending their absorption to regular posts. If the Scheme is implemented in the University with the same spirit, the Scheme would duly compensate the pendency of regularisation and would ease the pressure for regularisation. The reconciliatory solution is proposed on the lines of the Department of Posts and accordingly it is placed before the Council to consider :

i. Grant of Temporary Status to be Pre-1993 Part-time Daily Wage Safaiwallas who completed 480 working days in the 2 years preceeding 10.9.93, on notional basis effective from 1.9.93 and

- ii. grant of the benefits implied by the Scheme from the date they were allotted constant Full-time working hours.

(iii) Pensionary benefits of Shri SL Marbaniang, Lecturer,
Department of Mathematics.

EC:104:99:6:6: (iii): The Council considered the pensionary benefits of Shri SL Marbaniang, Lecturer in Mathematics and noted that the leave salary contribution need not be made by Shri Marbaniang.

(iv) Extension of the cut-off date beyond 31.12.1993 in respect
of the scheme "One Upward Movement" in the scale of pay.

EC:104:99:6:6: (iv): The Council considered the extension of the cut-off date in respect of the One Upward Movement scheme and RESOLVED that the cut off date may be extended up to 8.4.98 as has been done in other Central Universities. The Council, however, RESOLVED that in view of the financial crunch faced by the University no arrears will be paid, the employees would however be entitled to a notional fixation of their salary.

(v) Replacement of "Selection-cum-Seniority" in lieu
of "Seniority-cum-Merit".

EC:104:99:6:6: (v): The Council considered the replacement of "Selection-cum-Seniority" in lieu of "Seniority-cum-Merit" and RESOLVED to approve the same.

(vi) Case of Smti. R. Kharbhih, UDC requesting for
review of her seniority position in the post of UDC.

EC:104:99:6:6: (vi): The Council considered the case of Smti. R. Kharbhih, UDC, requesting for review of her seniority in the post of UDC and RESOLVED that since the same had been done in a similar case she may be granted seniority w.e.f. the initial date of her joining the post as Stenographer i.e., 15.2.1980.

(vii) Promotion scheme for staff Car Drivers.

EC:104:99:6:6: (vii): The Council considered the promotion scheme for staff car drivers as laid down by the Government of India and RESOLVED to approve the same.

(viii) Grant of temporary status to Casual Labourers as per
the Govt. of India instructions- Removal of anomalies
among Daily Wage Safaiwalla.

EC:104:99:6:6: (viii): The Council considered the grant of temporary status to casual labourers as per the Government of India instructions and RESOLVED that part-time safaiwallahs who have completed 480 working days in the two years preceding 10.9.1993 may be granted