



Headquarters Office
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, C.I.G. ROAD, NEW DELHI-2
(AN ISO 9001-2008 QMS CERTIFIED ORGANISATION)
E-MAIL: jd-admin2@esic.nic.in

NO.A-12/15/1/2004-E.II

DATE:- 13/1/2014

To

All the Regional Directors,
Regional Offices,
Director I/c/JD I/C,
Sub Regional Offices,
ESI Corporation,
All the Medical Supdts,
ESIC Hospitals.
D(M)D/JD-V , Hqrs. Office, New Delhi.

Subject:- Casual Labour (Grant of temporary status and regularization) Scheme of 1993-Assessment of present status of the Scheme-regarding.

Sir,

I am directed to forward herewith a copy of DOP&T OM No. 49011/31/2008-Estt(C) dated 2/12/2013 received through Ministry of Labour & Employment vide letter No. Z-20025/12/2013-Adm.I dated 12/12/2013 on the above subject & to request to furnish the information in respect of daily wages casual labours in the attached format through e-mail/fax (vk.roda@esic.in) urgently so that the consolidated information would be furnished to MOL&E.

Encl: As above.

Yours faithfully,

(V.K. RODA)
DEPUTY DIRECTOR

Copy to WCM for uploading the letter on the website of ESIC.

DEPUTY DIRECTOR

वेबसाइट की विषय-सूची का प्रबन्धन.....
Website Contents Management.....
डायरी सं./Diary No.....107.....
दिनांक / Date...16/01/14.....



क. रा. वी. नि. (पु.)
स्थापना साखा-II
डायरी सं. 80
दिनांक 19/12/13

No. Z-20025/12/2013-Adm.I

Government of India/Bharat Sarkar

Ministry of Labour & Employment/Shram Aur Rozgar Mantralaya

Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001

Telephone No. 23719806; Fax No. 23718730

Dated: 12.12.2013

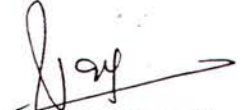
NOTE

Subject:- Casual Labour (Grant of temporary status and regularization) Scheme of 1993 – Assessment of present status of the scheme - regarding

Please find enclosed DoP&T O.M. No. O.M. No. 49011/31/2008-Estt(C) dated 02.12.2013 on the above subject.

2. It is requested that information in respect of daily wages casual labours in the prescribed format may be forwarded to Adm.I Section by 20.12.2013 positively for onward transmission to DoP&T.

Encl.: As above.


(Pawan Kumar)

Under Secretary to the Government of India

Tele : 23473499

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19/12

1. Deputy Secretary (Admn), DGE&T
2. Administrative Officer, CLC(C)
3. Under Secretary (ESA)
3. Under Secretary (Social Security)
4. Under Secretary (ISH)
5. Under Secretary (CLS-II)
6. DGLB / DGFASLI / DGMS / VVGNLI / CBWE / EPFO / ESIC / DGLW ✓

13
SD (G)

17/12
ICC (P&A)



व्यक्तिगत का वैयक्तिक अनुभाग
D. G. PERSONAL SECTION
डायरी सं. / Dy. No. 2185/M.
दिनांक / Date... 18.12.13

7

No. 49011/31/2008-Estt(C)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment C Section

North Block, New Delhi.
Dated the 29 November.2013.

OFFICE MEMORANDUM

2013

Subject: Casual Labour(Grant of temporary status and regularisation) Scheme of 1993-
Assessment of present status of the scheme- regarding.

The undersigned is directed to refer to this Department's O.M of even number dated 17th February,2009 wherein all Ministries/Departments were requested to furnish consolidated information on the number of Daily Wage Casual Labourers(Temporary Status) in position in their Ministries/Departments, including attached subordinate Offices and Field Formations. After 6th CPC, all Group 'D' posts have been upgraded to Group C posts of Multi-Tasking Staff. Also, recruitment to erstwhile Group 'D' posts placed in Group 'C', PB-1. Grade Pay `1800/- (non technical) is now to be made only through Staff Selection Commission and minimum educational qualification for appointment to the MTS has been specified as Matriculation or ITI pass. The said information was sought to enable this Department to implement the recommendations of 6th CPC and to assess the extent of financial implications involved in the references received in this Department regarding fixation of wages/ pay on regularisation of Casual Labour. A copy of the said O.M is enclosed for ready reference.

2. In response details were received from 29 Ministries/Departments and after obtaining the concurrence of Department of Expenditure, approval of this Department was conveyed for relaxation of the conditions in para 8 of O.M.No. 51016/2/90 Estt. (C) dated 10th September, 1993. Thereafter requests from other Department/Ministries for regularisation of Casual Labour with Temporary status were also obtained, which were accordingly considered.

3. While instructions exist that casual labourers/ daily wage workers are to be engaged for work which is casual or seasonal or intermittent nature or for work which is not of full time nature, for which regular posts cannot be created it is noted that Casual Labours continue to be engaged for long period of time. The Government has been receiving a number of representations/references from various Ministries relating to regularisation of services of casual/ daily-wage labourers. This issue is also the subject of litigation in a number of court cases being contested by various Ministries/Department. Proposals are also being received from various Ministries /Departments on relaxation of Recruitment Rules for the post of MTS for regularisation of casual labourers.

4. In this regard, it is stated that it was held in the Mohan Pal Case SLP (Civil) No. 2224/2000 that the Scheme of 1993 for CL-TS was not an ongoing scheme. This was communicated to all Ministries/ Departments vide this Department's O.M.No. 40011/6/2002-Estt (C) dated 06/06/2002.


Contd.p.2/-

M/12
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Also the Hon'ble Supreme Court held in a number of judgements that regularisation which is not as per the Constitutional scheme cannot be allowed, if such appointment itself is in infraction of the rules or if it is in violation of the provisions of the Constitution, illegality cannot be regularized. The judgement in the Uma Devi case (Appeal (civil) 3595-3612 of 1999), Shri Mukesh Kukreti case (SLP No. 2826/ 2008) and Shri M.L.Kesari case(SLP No. 15774/2006) may kindly be referred in this regard. Also the Uma Devi case does not apply to Casual Labour as they are not engaged against regular/sanctioned posts but for seasonal or contingent work. The case applies to persons appointed on daily wage/ casual labour against sanctioned posts.

5. In this context and with a view to assess the position in the aftermath of the scheme of 1993 for granting temporary status & regularisation to Casual Labours, this Department considers it necessary to have realistic information on the number of Casual Labours across the offices in the Government. Accordingly, all Ministries/Departments are requested to furnish information relating to Casual Labours on their rolls (including attached/subordinate and autonomous bodies) as per the enclosed proforma. It is requested that the information may please be provided by 31.12.2013.

Encl: (2) As above.


(J. A. Vaidyanathan)
Director(Estt.)
Telefax: 23093179
email-dse@nic.in

To

All Ministries & Departments of the Government of India.

No. 49011/31/2008-Estt.(C)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block,
New Delhi,
Dated the 17th Feb. , 2009.

OFFICE MEMORANDUM

Subject : Recommendations of 6th Central Pay Commission – Applicability of revised Group 'D' pay scales to Casual Labourers with Temporary Status.

The undersigned is directed to refer to this Department's O.M. of even number dated 12.9.2008, on the subject mentioned above, regarding fixation of wages of Casual Workers with Temporary Status with reference to pay of Group 'D' posts consequent on the implementation of the recommendations of the 6th Central Pay Commission and to state that references continue to be made by Ministries/Departments about fixation of wages/pay on regularisation etc. In this context and with a view to assessing the extent of financial implications involved in such proposals, Min. of Finance, Deptt. of Expenditure has called for data in respect of the number of Daily Wage Casual Labourers in position in the various Ministries/Departments/Organisations.

2. All Ministries/Departments are accordingly requested to furnish the requisite consolidated information on the number of DWCLS in position in their Ministries/Departments, including attached Subordinate Offices and Field formations as per the enclosed proforma. It is requested that the information may please be provided within a month of the date of receipt of this O.M.

(P. Prabhakaran)

Deputy Secretary to the Government of India

To,

1. All Ministries & Departments of the Government of India.

