

फ़ैक्स संदेश संख्या 934 / भा.क.अ.प. मुख्या.  
 दिनांक 18/2/2014  
 पृष्ठों की संख्या 05



INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
 KRISHI BHAVAN, NEW DELHI

F.No. (GAC)/3-6/2013-CDN

Dated 17<sup>th</sup> Feb., 2014

To

The Directors/Project Directors of  
 all Research Institutes/Centres/  
 Bureau/Directorate/ZCU(as per list)

Sub: Information regarding Casual Labours without Temporary Status (TSCLs) Scheme  
 of 1993- Assessment of present status of the scheme.

Sir,

Please find enclosed herewith a copy of the O.M. No. 49011/31/2008-Estt (c) dated  
 2.12.2013 and 6.2.2013 received from Ministry of Personnel, Public Grievances &  
 Pensions, North Block, New Delhi on the subject cited above and the contents of which are  
 self-explanatory. You are requested to furnish the information strictly in prescribed  
 proforma by 20.2.2014 positively for onward transmission to DOPT.

- This may be accorded **Top-Priority**.

Yours faithfully,

(K.N.Choudhary)  
 Deputy Secretary (GAC)

Encl.as above.

cc: Sh. Hansraj, ISO for uploading on the website of ICAR.

**REMINDER**

No. 49011/31/2008-Estt(C)

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

Establishment C Section

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North Block, New Delhi.

Dated the 6<sup>th</sup> February, 2014.

OFFICE MEMORANDUM

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 2<sup>nd</sup> December, 2013 on the above mentioned subject and to say the information sought vide the above O.M has been received from only a few Ministries/Departments. It is again requested that the Ministries/Departments which are yet to furnish information relating to Casual Labours on their rolls (including attached/subordinate and autonomous bodies) may send the requisite information to this Department latest by 17.02.2014. Departments/Ministries are requested to ensure that the information sent pertains to the entire Department (including lower formations) and also confirm in case there are no lower formations.

Handwritten notes: "x-ju" and "M/17/14"

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

To

Ministries & Departments of the Government of India (As per list).

Handwritten box containing "Ministry"

Handwritten signature: SO (SE) |

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

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

2 DEC 2013

OFFICE MEMORANDUM

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 17<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 received, 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/-

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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.

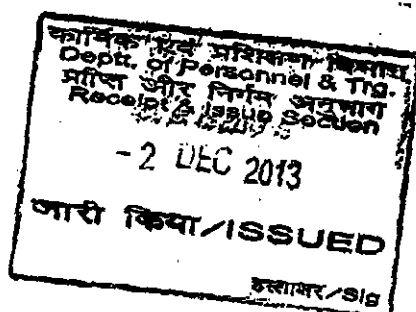
5. In this context and with a view to assess the position in the aftermath of the scheme of 1993 for granting temporary status & regularisation to Casual Labours, this Department considers it necessary to have realistic information on the number of Casual Labours across the offices in the Government. 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.

*O/C* (J. K. Vaidyanathan)  
Director(Estt.)  
Telefax: 23093179  
email-dse@nic.in

To

All Ministries & Departments of the Government of India.



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Proforma

**INFORMATION RELATING TO DAILY WAGES CASUAL LABOURS(DCWL)**

(as on 31.10.2013)

**Ministry/Department:**

S.No.	Name of the Office (Data in r/o of attached/subordinate & autonomous bodies may be segregated)	No. of DWCLs (without temporary status) as on 31.10.2013	Period of Engagment						
			More than 15 years	Between 10 Years and 15 Years	Between 7 years and 10 years	Between 5 years and 7 years	Between 2 years and 5 years	Less than 2 years	Less than 1 year
1.									
2.									
3.									
4.									
5.									
6.									
	<b>Total</b>								