



सां/No. : 5-1(687)/2019-PD

दिनांक/Dated: 27.11.2019

प्रेषक / From : संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

सेवा में / To : सी.एस.आई.आर. की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/मुख्यालय/एककों के निदेशक/प्रधान
The Directors/Heads of all CSIR National Labs./Instts./Hqrs./Units

महोदय/Sir / महोदया/Madam,

मुझे भारत सरकार द्वारा जारी की गई निम्नलिखित कार्यालय ज्ञापन को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है:

I am directed to forward herewith the following Office Memorandum issued by the Government of India for your information, guidance and compliance:

क्रम सं. S. No.	कार्यालय ज्ञापन सं/ Office Memorandum No.	विषय/ Subject
1.	कार्मिक लोक शिकायत और पेंशन मंत्रालय, कार्मिक और प्रशिक्षण विभाग के दिनांक 04.09.2019 के कार्यालय ज्ञापन सं० 49014/1/2017-स्था.(ग) पार्ट MoP, PG&P, DoPT OM No. 49014/1/2017-Estt.(C) Pt. dated 04.09.2019	अनियत कामगारों (कैजुअल लेबर) के लिए "समान कार्य के लिए समान वेतन": पूर्ववर्ती अनुदेशों और इस पर माननीय न्यायालयों के निर्णयों का अनुपालन। 'Equal pay for Equal Work' for Casual workers : Compliance with earlier instructions and Hon'ble Court's Judgements thereon.

भवदीय/Yours faithfully

(सिद्धार्थ दे / Siddhartha Dey)

अवर सचिव (नीति प्रभाग)/US (PD)

संलग्न/Encl. : यथोपरि/As above

प्रतिलिपि/Copy to:

- आई.टी. प्रभाग प्रमुख वेबसाइट और पॉलिसी रिपॉजिटरी पर इस परिपत्र को उपलब्ध कराने के अनुरोध के साथ/ Head, IT Division with the request to make this circular letter available on the website & Policy Repository.
- कार्यालय प्रति/Office copy.

No.49014/1/2017-Estt.(C)†.
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: 4th September, 2019

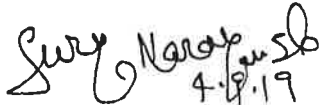
OFFICE MEMORANDUM

Subject : 'Equal pay for Equal Work' for Casual workers : Compliance with earlier instructions and Hon'ble Court's Judgements thereon

The undersigned is directed to refer to this Department's O.M.No.49014/2/86-Estt.(C) dated 07.06.1988 wherein it was, inter alia, stated that:

- 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.
- 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 Ministry of Labour & Employment or the State Government/Union Territory Administration, whichever is higher, as per the Minimum Wages Act, 1948.
- ✓ Persons on daily wages (casual workers) should not be recruited for work of regular nature.

2. The above instructions have been issued keeping in view the judgements of the Hon'ble Supreme Court. It is reiterated that it is the responsibility of all Ministries/Departments to follow the above instructions in letter and spirit.


4.9.19

(Surya Narayan Jha)

Under Secretary to the Government of India
Telefax: 23094248

To
All Ministries/Departments of Government of India.
(As per standard List)

**Ministry of Personnel, Public Grievances and Pensions (Department of Personnel
and Training)**

**OM No. 49014/2/86 Estt.(C)
dated 7th June ,1988.**

(XVI)

Subject: Recruitment of casual workers and persons on daily wages –Review of policy.

The policy regarding engagement of casual workers in Central Government offices has been reviewed by Government keeping in view the judgement of the Supreme Court delivered on the 17th January, 1986 in the Writ Petition filed by Shri Surinder Singh and others vs. 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 recruited for work of regular nature.
- ii) Recruitment of daily wagers may be made only 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.
- iii) The work presently being done by regular staff should be reassessed 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 Ministry of Labour or the State Government/Union Territory Administration, whichever is higher, 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 of 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 Holiday, 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. All the administrative Ministries /Deptts. 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.

2. The following time limit for completing the review has been prescribed in respect of the various Ministries/Deptts:-

a) Ministry of Railways 2 Years

b) Department of Posts, Department of 1 Year Telecommunications and Department of Defence Production

c) All other Ministries / Deptts./Offices 6 months

Each Ministry should furnish a quarterly statement indicating the progress of the review in respect of the Ministry (Proper) and all Attached / Subordinate offices under them to the Department of Personnel and Training in the proforma attached. The first quarterly return should be furnished to this Department by the 10th October. 1988.

3. By strict and meticulous observance of the guidelines by all Ministries/Deptts, 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 is being employed to determine whether the work is for casual nature or not.

4. Ministry of Finance etc. are requested to bring the contents of this Office Memorandum 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.

Sd./-
D.P. Bagchi
Joint Secretary to the Government of India

* Annexure not printed.
