



सां/No.: 5-1(40)/2008-PD

दिनांक/Dated: 27.03.2017

प्रेषक / From:

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

सेवा में / To :

The Directors / Heads of all
National Labs./Instts. of CSIR
Hqrs./Complex/Centres/Units

महोदय/Sir / महोदया/Madam,

मुझे भारत सरकार के निम्नलिखित कार्यालय ज्ञापन को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है।

I am directed to forward herewith following Office Memorandum for information, guidance and compliance.

क्रम सं. S. No.	कार्यालय ज्ञापन सं. / Office Memorandum No.	विषय/ Subject
1	DoPT OM No. 49014/ 2/2014-Estt (C) dated 28/07/2016	Casual labourers with temporary status - clarification regarding contribution of GPF and Pension under the Old Pension Scheme- reg.
2	DoPT OM F. 49019/1/95-Estt-(C) dated 19/07/2016	One day paid weekly off for casual workers- implementation of the Order of Hon'ble CAT, Ahmedabad bench in the OA No. 214 of 2003 filed by Smt. Bhikaben Pratapbhai Prajapati
3	DoPT OM No. F. 49019/1/95-Estt-(C) dated 14/06/2016	Recruitment of casual workers and persons on daily wages.

भवदीय/Yours faithfully,

- विनोद कुमार

(विनोद कुमार /Vinod Kumar)
अवर सचिव (नीति प्रभाग) / US(PD)

संलग्न/Encl. : यथोपरि/As above
प्रतिलिपि/Copy to:

- 1) Head, IT Division with the request to make these OM available on the website & Policy Repository.
- 2) कार्यालय प्रति/Office copy

No.49014/2/2014-Estt(C)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

North Block, New Delhi,
Dated the 28th July, 2016

OFFICE MEMORANDUM

Subject: Casual labourers with temporary status – clarification regarding contribution of GPF and Pension under the Old Pension Scheme.

The undersigned is directed to refer to this Department's OM of even number dated 26th February, 2016 on the above subject and to say that some references have been received in this Department from various Ministries/Departments seeking a clarification with regard to the Para 7 of the referred OM.

2. The OM was issued in consultation with Department of Expenditure and the Department of Pension and PW. It was clarified vide that OM that this Department's O.M dated 26th April, 2004 had been quashed in a series of Orders/Judgements. The OM dated 26th February, 2016 restores the provisions of the Scheme as it existed prior to the OM dated 26th April, 2004. The benefit of GPF and Old Pension Scheme is applicable to all those casual labourers who are covered under the Scheme of the 10th September, 1993 even if they have been regularized on or after 01/01/2004.

3. As the benefit of Old Pension Scheme and GPF is admissible only to those Casual workers who are covered under the Scheme of 1993, all Ministries/ Department may strictly ensure that it does not lead to demand by regularly recruited fresh employees appointed on or after 1.1.2004 for similar benefit in place of NPS.

4. This issues with the concurrence of Department of Expenditure vide their I.D.No.1(15)/E-V/2015 dated 27.07.2016


(Mukesh Chaturvedi)
Director(E)
Tele: 23093176

To
All Ministries/Departments.

No.49014/2/2014-Estt(C) dated 28.07.2016

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Secretary, Union Public Service Commission, New Delhi.
10. Central Vigilance Commission, New Delhi.
11. Central Bureau of Investigation, New Delhi.
12. All Union Territory Administration
13. Secretary, Staff side, National Council(JCM),13 C, Ferozeshah Road, New Delhi.
14. ADG(M&C), Press Information Bureau, DoP&T.
- ✓ 15. NIC Cell with request to upload it under OMs and Orders, Establishment, Daily Wage Casual Labours and also 'What is New'.



(Mukesh Chaturvedi)
Director (E)

No. F. 49019/1/95-Estt-(C)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, North Block
Dated 14th June, 2016

OFFICE MEMORANDUM

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

The undersigned is directed to refer to the provisions of the of Department of Personnel and Training OM No. 49014/2/86-Estt (C) dated 7th June, 1988 on recruitment of Casual Workers and daily wages. Attention is invited to the provisions of the referred O.M at para 1(iii) which lays down "that 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".

2. It has been observed that in spite of strict guidelines on engagement of Casual Labour vide the above referred O.M, various Ministries/ Departments continue to engage casual workers for attending work of regular nature against the Government's policies. It is, therefore, reiterated that all Ministries/ Departments may ensure strict compliance of the guidelines on engagement of Casual Labours. Negligence in the matter of implementing these guidelines should be viewed seriously and brought to the notice of the appropriate authorities for taking prompt and suitable action against the defaulters.


(Mukesh Chaturvedi)
Director (E)
Telefax: 23093176

To
All Secretaries of Ministries / Departments.

F.No.No. 49019/1/95-Estt-(C)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Secretary, Union Public Service Commission, New Delhi.
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- ✓ 13. NIC cell with request to upload it under OMs and Orders, Establishment, Daily Wage Casual Labours and also 'What is New'.



(Mukesh Chaturvedi)
Director (E)

No. F. 49019/1/95-Estt-(C)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

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North Block, New Delhi-110 001
Dated: 19th July, 2016

OFFICE MEMORANDUM

Subject: One day paid weekly off for casual workers-implementation of the Order of Hon'ble CAT, Ahmedabad bench in the OA No. 214 of 2003 filed by Smt. Bhikaben Pratapbhai Prajapati.

The undersigned is directed to refer to the provisions of the Department of Personnel and Training OM No.49014/2/86-Estt (C) dated 7th June, 1988 on recruitment of Casual Workers and daily wagers. As per para 1 (vi) of the above referred O.M, the Casual workers may be given one paid weekly off after six days of continuous work.

2. The issue of paid weekly day off for casual workers employed in offices observing five day week has been examined in the light of dismissal of the SLP by the Hon'ble Supreme Court in the *Bhikaben Pratapbhai Prajapati* case. The issue of paid weekly off had come up for consideration in the OA No. 214 of 2003 filed by Smt Bhikaben Pratapbhai Prajapati in the Ahmedabad Bench of Hon'ble CAT. The Tribunal observed:

23. What is important is that when offices work for a five days week and not for six days week, it is not at the behest of the casual workers where they can be treated differently. In our considered opinion, those workers should not be discriminated.

3. The Hon'ble CAT had directed that the respondents should draw a Scheme keeping the scales even pertaining to those who are working in an office having five days week preferably within four months, taking stock of the totality of the facts and also considering that those who are working in six days week are being given one weekly off.

4. At present, the weekly paid off day is allowed to casual workers employed in the offices observing six day week only. The issue has been reconsidered in consultation with Department of Expenditure in the light of the Court orders. It has been decided that casual workers

working in offices having a five day week may be allowed one day paid weekly off provided they have worked for a minimum of 40 hours during the said week. The relevant provisions of the Department of Personnel and Training OM No.49014/2/86-Estt (C) 7th June, 1988 are amended to this extent.



(Mukesh Chaturvedi)
Director (E)
Ph: 23093176

To

All Ministries/ Departments of the Government of India.

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. Secretary, Central Vigilance Commission, New Delhi.
10. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
12. Chief Vigilance Officers of all Ministries/Departments.
13. ADG (M&C), Press Information Bureau, DoP&T
14. NIC, Department of Personnel & Training, North Block, New Delhi
(for uploading the same on the website of this Ministry under the
Head OMs & Orders → Establishment Daily Wage Casual
Labour
15. Hindi Section