

Controller General of Defence Accounts
Ulan Batar Road, Palam, Delhi Cantt -110 010

No. AN/VIII/19001/Circular/Vol-II

Date: 04.08.2016

To

The PCsDA/CsDA/PCA (Fys)

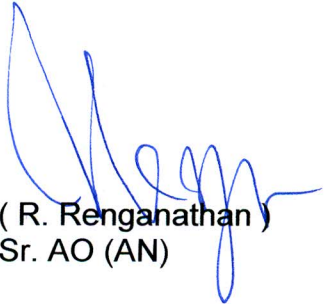
Subject: Casual Labourers with temporary status – clarification regarding contribution to GPF and Pension under the old pension scheme.

A copy of DoPT OM No. 49014/2/2014-Estt(C) dated 26.02.2016 and MoD ID No. 8(l)/2016/D(Civ-II) dated 01.07.2016 on the above subject are forwarded herewith for information, guidance and necessary action please.

2. Para 8 of the DoPT OM dated 26.02.2016 states that the benefit of temporary status is available only to those casual labourers who were in employment on the date of the issue of the OM dated 10th September, 1993 and were otherwise eligible for it. No grant of temporary status is permissible after that date. The employees erroneously granted temporary status between 10.09.1993 and the date of Hon'ble Supreme Court judgment in Union of India And Anr Vs Mohan Pal, 2002 (3) SCR 613, delivered on 29th April 2002 will however be deemed to have been covered under the scheme of 10.09.1993.

3. It is therefore, requested to identify and intimate also such cases where temporary status has been granted wrongly to those casual labourers who were not covered under the OM dated 10.09.1993.

Nil report may also be furnished.


(R. Renganathan)
Sr. AO (AN)

Copy to

1. AN-IV (Local)
2. EDP Wing

for similar action please.
for uploading on CGDA's website.

Sd/-
(R. Renganathan)
Sr. AO (AN)

219

No.49014/2/2014-Estt (C)
Government of India
Ministry of Personnel, Public Grievances and PG
Department of Personnel and Training
Establishment Division

New Delhi, North Block,
February 26th, 2016

OFFICE MEMORANDUM

Subject: Casual Labourers with temporary status-clarification regarding contribution to GPF and Pension under the old pension scheme

Undersigned is directed to refer to this Department's OM No. 51016/2/90-Estt (C) dated the 10th September, 1993 vide which a scheme for grant of temporary status to the casual employees was framed. The scheme applied to those casual labourers who were in employment on the date of the issue of the OM and had rendered one year of continued service in Central Government offices, which meant that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week). The scheme did not apply to Departments of Telecom & Posts and Ministry of Railways.

2. As per the scheme, after rendering three years' continuous service after conferment of temporary status, the casual labourers were to be treated at par with temporary Group 'D' employees for the purpose of contribution to the General Provident Fund. Further, after their regularisation, 50% of the service rendered under temporary status would be counted for the purpose of retirement benefits.

3. As per para 8 of the scheme, two out of every three vacancies in Group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel and Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfill the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

4. Vide the O.M. No.49014/1/2004 -Estt (C) dated the 26th April, 2004, the above scheme was reviewed in the light of introduction of New Pension Scheme in respect of persons appointed to the Central Government service on or after 1.1.2004 as under:

(i) As the new pension scheme is based on defined contributions, the length of qualifying service for the purpose of retirement benefits has lost its relevance, no credit of casual service, as specified in para 5 (v), shall be available to the casual labourers on their regularisation against Group 'D' posts on or after 1.1.2004.

.....2/-

(ii) As there is no provision of General Provident Fund in the new pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees, in terms of para 5 (vi) of the scheme for grant of temporary status. It is, therefore, requested that no further deduction towards General Provident Fund shall be effected from the casual labourers w. e. f. 1.1.2004 onwards and the amount lying in their General Provident Fund accounts, including deductions made after 1.1.2004, shall be paid to them.

2. The existing guidelines contained in this Department's OM No. 49014/2/86-Estt.(C) dated 7.6.88 may continue to be followed in the matter of engagement of casual workers in the Central Government Offices.


5. The OM dated 26th April, 2004 has been quashed by various benches of CAT/High Courts who have decided that the scheme could not be modified retrospectively. The SLPs filed in the Hon'ble Supreme Court have been dismissed by the Apex Court in *UOI & Ors v Rameshwar Singh*, CC 1829/2014, *UOI & Ors v Ramsaran & Ors*, SLP (C) No. 25360-25362 of 2008, SLP 17358/2008, SLP 25360-62/09, *Union of India etc v Ajay Kumar & Ors*, SLP No.19673-19678/2009.

6. The position has been reviewed in the light of the Court judgements in consultation with the Department of Expenditure. It has now been decided that the casual labourers who had been granted temporary status under the scheme, and have completed 3 years of continuous service after that, are entitled to contribute to the General Provident Fund.

7. 50% of the service rendered under temporary status would be counted for the purpose of retirement benefits in respect of those casual labourers who have been regularised in terms of para 8 of the OM dated 10.09. 1993.

8. It is emphasised that the benefit of temporary status is available only to those casual labourers who were in employment on the date of the issue of the OM dated 10th September, 1993 and were otherwise eligible for it. No grant of temporary status is permissible after that date. The employees erroneously granted temporary status between 10.09.1993 and the date of Hon'ble Supreme Court judgement in *Union Of India And Anr vs Mohan Pal*, 2002 (3) SCR 613, delivered on 29 April, 2002, will however be deemed to have been covered under the scheme of 10.09.93.

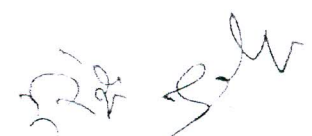
9. Ministries/Departments are also requested to identify cases where temporary status has been granted wrongly to those not covered under the OM dated 10.09.1993 and fix responsibility for the same.


(Mukesh Chaturvedi)
Director (E)

To
All Secretaries of Ministries/ Departments.

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. 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 Administrations
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 Labour, and also 'What is new'.


(Mukesh Chaturvedi)
Director (E)

Government of India
Ministry Of Defence
D (Civ-II)

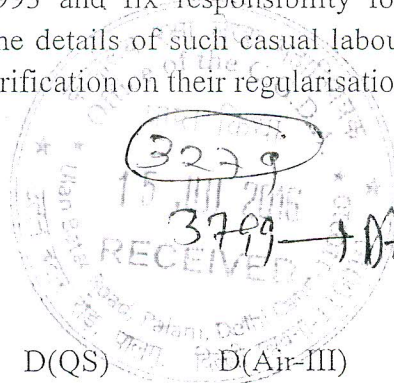
Subject: Regularisation of Casual labourers with Temporary Status (CL-TS)-
regarding.

Reference is invited to DoP&T OM No. 49014/2/2014-Estt(C) dated 26th February, 2016 on the subject - casual labourers with temporary status-clarification on contribution to GPF and Pension under the pension scheme (available on the website of DoP&T at the following link path "persmin.nic.in > Department of Personnel & Training > OMs & Orders > Establishment > (A) Administration > (III) Concession in Appointments > (b) Daily Wage Casual Labour).

2. Para 8 of the DOP&T OM dated 26.02.2016 provides that the benefit of temporary status is available only to those casual labourers who were in employment on the date of the issue of the OM dated 10th September, 1993 and were otherwise eligible for it. No grant of temporary status is permissible after that date. The employees erroneously granted temporary status between 10.09.1993 and the date of Hon'ble Supreme Court judgement in *Union of India And Anr vs Mohan Pal, 2002(3) SCR 613*, delivered on 29th April, 2002, will however be deemed to have been covered under the scheme of 10.09.1993.

3. It has been noticed that some of the Line Dtes had mentioned in their proposals details of such casual labours who were initially engaged after the issue of the CL-TS Scheme, 1993. This information was furnished to this Ministry in response to MoD ID No. 8(4)/2014/D(Civ-II) dated 18.11.2014.

4. All concerned are, therefore, requested to identify such cases where temporary status has been granted wrongly to those casual labourers who were not covered under the OM dated 10.09.1993 and fix responsibility for the same, as asked by DoP&T OM dated 26.02.2016. The details of such casual labourers may also be furnished to this Ministry so that further clarification on their regularisation may be taken up with DoP&T.



(Signature)

(Gurdeep Singh)
Under Secretary to the Govt of India
Tel: 23014675

D(AG)	D(QS)	D(Air-III)	D(CG)	D(QA)	D(GS-I/Civ)
D(R&D)	D(GS-VI)	D(GS-II)	D(O-II)	D(Works-II)	D(Mov)
Def(Fin/Estt.)	DDP(Coord)	D(Q&C)	D(Med)	D(BR-II)	D(Navy-II)

MoD ID No. 8(1)/2016/D(Civ-II) dated 01.07.2016.

Copy for similar action to:

AHQ/Dir CP(MP-4)	Air HQ/PC-4	NHQ/CP(NG)	DGQA/Coord
DGAQA/Adm	DPR	HQ IDS/Dir(Per)	Dir Admin,OFB
DGDE/Admin	DGNCC/P&F Dte	E-In-C' Branch	CGDA
DGAFMS/DG-2B	DRDO/DMS(Coord)		