

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1865 CUTTACK, WEDNESDAY, SEPTEMBER 26, 2012/ASWINA 4, 1934

No. 31715—FIN-BUD5-Misc.-0009/2012-F.

GOVERNMENT OF ODISHA

FINANCE DEPARTMENT

RESOLUTION

The 4th September 2012

SUBJECT—Scheme for Grant of 'Temporary Status' and absorption of Casual/Daily wage labourers engaged in different Government establishments prior to the 12th April 1993 against regular Group 'D' vacancies.

A ban has been imposed on engagement of persons on daily wage basis, work Charged Employees and NMRs in Government establishments as per the Finance Department Circular No. 17815 (45)/F., dated the 12th April 1993. It was specifically been stipulated therein that violation of this, would result in fixation of personal responsibility on the officer engaging such persons and also the person disbursing their wages.

2. These workers putforth their claims for absorption against regular vacant posts at different levels. Keeping in view various judicial pronouncements, the State Government have framed and operationalised a scheme for absorption of NMR/DLR workers engaged in Engineering Departments and Job Contract workers of Settlement & Consolidation organisation under Revenue & Disaster Management Department in the Finance Department Resolution No. 22764/F., dated the 15th May 1997. The scheme provides for absorption of NMR/DLR/Job Contract workers engaged prior to the 12th April 1993 against regular vacant posts subject to conditions prescribed therein.

3. However, persons engaged on casual/daily wage basis prior to the 12th April 1993 in Government establishments other than Engineering Departments, are still continuing on temporary basis on daily wage. They are not entitled to any other service and terminal benefits. They have been raising demands for regularization of their services/absorption against vacant posts in regular establishment.

4. Government after careful consideration of the matter have been pleased to formulate the following scheme for the benefit of casual/daily wage labourers engaged in different Government establishments prior to the 12th April 1993 by conferring them with 'Temporary Status' in the first instance and then to provide scope for their absorption against regular Group 'D' vacancies.

5. Scheme for Conferment of 'Temporary Status'—In order to provide appropriate emoluments and terminal benefit, 'Temporary Status' would be conferred on the casual/daily wage labourers engaged in Government establishments prior to the 12th April 1993. Such conferment of 'Temporary Status' would be without reference to creation/availability of regular Group 'D' posts.

(a) Eligibility :

- (i) To be eligible for conferment of 'Temporary Status' such persons must have been engaged prior to the 12th April 1993 i. e., before the imposition of ban on such engagement.
- (ii) They must have rendered continuous service since their initial engagement. Engagement of at least 240 days in a year shall be construed as a complete year of engagement for this purpose.
- (iii) Date of initial engagement i. e. prior to the 12th April 1993 and continuity of service shall have to be certified by the concerned Head of Office and countersigned by the concerned Heads of Department.

(b) Service Conditions :

- (i) On conferment of 'Temporary Status' one would be eligible for consolidated remuneration equal to entry point Basic Pay + Grade Pay in Pay Band-1-S i. e. Rs. 5,740 (Basic Pay Rs. 4,440 + Grade Pay Rs. 1,300) only per month. They will not be eligible to any other allowances like D. A., HRA etc.
- (ii) Their consolidated remuneration will be enhanced by 5% annually subject to satisfactory performance.
- (iii) Unless their services are dispensed with/terminated in accordance with the Para-5(b) (vi) and (vii), the casual/daily wage labourers with 'Temporary Status' will continue as such till attaining the age of 60 years. On attaining the age of 60 years, they would cease to be employed and on such cessation, a casual/daily wage labourer with 'Temporary Status' shall get Rs. 1.50 lakhs as one time 'cessation of engagement' benefit, in case the employee concerned could not be absorbed against any regular post in accordance with the scheme of absorption as enumerated in Para-6.
- (iv) They will be eligible to avail 15 days Casual Leave per year.
- (v) Female employees would be entitled to Maternity leave admissible to regular employees.
- (vi) Despite conferment of 'Temporary Status', the services of a casual/daily wage labourer can be dispensed with by giving a notice of one month in writing. The person concerned can also quit the service by giving a written notice of one month.
- (vii) Their services can be terminated in case of involvement in criminal case/misconduct/delinquency/incapacitation etc.
- (viii) The period of service rendered by a person as casual/daily wage labourer and the period of service rendered with 'Temporary Status' will not be counted towards retirement and other service benefits in case of subsequent absorption against a regular vacant post, as per Para-6 of the Scheme.

6. Scheme for absorption of casual/daily wage labourers (engaged prior to the 12th April 1993) and conferred with 'Temporary Status', against regular Group 'D' vacancies—

- (i) A separate categorywise gradation list/seniority list of casual/daily wage labourers (engaged prior to the 12th April 1993) and conferred with 'Temporary Status' in accordance with paragraph-5 shall be prepared by the appointing authority after taking into consideration the length of engagement in the establishment. The gradation list/seniority list shall be finalised only after observing the procedural formalities like publication of the provisional gradation list/seniority list, invitation of objections and consideration of the objections filed, if any.
- (ii) If the existing vacancies in Group 'D' posts of the respective offices where the casual/daily wage labourers (engaged prior to the 12th April 1993) and conferred with 'Temporary Status' have been working are required to be filled up in the interest of public service then, the same shall be filled up as per the extant recruitment rules following provisions of ORV Act and instructions issued by Government from time to time, from among the eligible casual/daily wage labourers conferred with 'Temporary Status' strictly on the basis of the gradation list/seniority list.
- (iii) There shall be no open recruitment against the vacant Group 'D' posts till the list of casual/daily wage labourers conferred with 'Temporary Status' is exhausted or unless eligible persons from the list of casual/daily wage labourers conferred with 'Temporary Status' are not available. In this regard, relaxation of the relevant provisions by the competent authority would be necessary, in case of Group 'D' posts for which regular recruitment rules have been framed. However open recruitment may be made to fill up the vacant reserved posts, if any, as per the provisions of ORV Act.
- (iv) The candidates must be within the age limit prescribed for first appointment to the corresponding regular post after deduction of the number of years of engagement as casual/daily wage labourer. The appointing authority may allow age relaxation equivalent to the period for which they have worked continuously as casual/daily wage labourer.
- (v) They must have the minimum educational qualification prescribed for the post against which they are required to be absorbed.
- (vi) They must be medically fit for the post being considered for absorption. The medical fitness certificate of the candidate shall be ensured in accordance with rules 49, 50 and 51 of Odisha Service Code and executive instructions issued by Government in this regard.
- (vii) For determination of the Date of Birth of the candidates, the criterion as laid down in rules 65 and 66 of the Odisha General Financial Rules, Volume-I and other instructions issued by Government in this regard shall be followed.
- (viii) The absorption shall be subject to verification of character and antecedents of the candidate.
- (ix) On absorption in the regular establishment, they shall be eligible to draw the minimum of the Pay Band with Grade Pay attached to the corresponding post and other allowances as admissible under rules from time to time.
- (x) The date of absorption shall be reckoned as the first appointment to the service for the purpose of retirement and other service benefits.

- (xi) **Such absorption can be made only against existing Group 'D' vacant posts. Under no circumstance posts will be created for such absorption.**
- (xii) Prior concurrence of Finance Department would be necessary for filling up of base level vacancies in the Group 'D' Cadres in terms of Finance Department OM No. 10954/F., dated the 14th March 2001. While issuing the order of absorption, the appointing authority shall record the UOR No. and date in which concurrence of Finance Department has been obtained for such absorption.

7. This Resolution shall come into force with effect from its date of issue.

This has been concurred in by G. A. Department vide UOR No. 468/GAD dated the 11th July 2012 and Law Department vide UOR No. 1623/L., dated the 30th July 2012.

ORDER—Ordered that the Resolution be published in the extraordinary issue of *Odisha Gazette* for general information of public. Ordered also that copies of the Resolution be forwarded to all Departments of Government/all Heads of Departments/all Collectors/Registrar, Orissa High Court/Registrar, Odisha Administrative Tribunal.

By order of the Governor
J. K. MOHAPATRA
Principal Secretary to Government