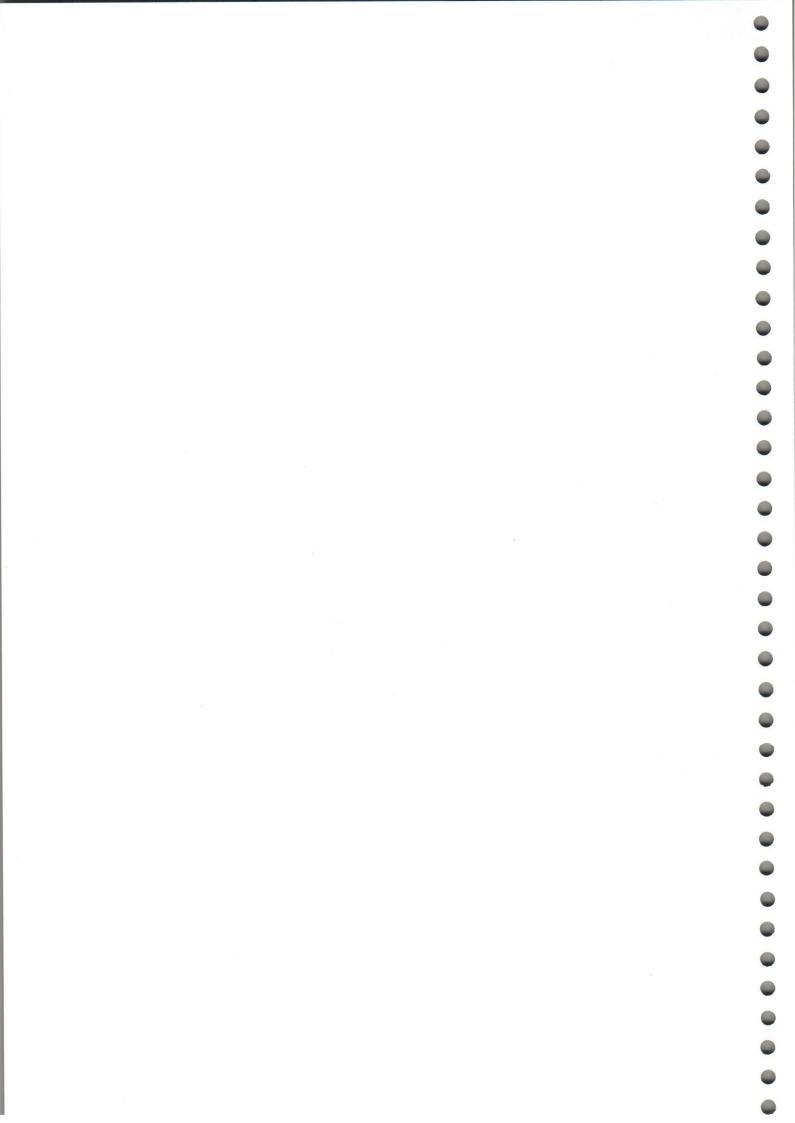
GOVERNMENT OF INDIA CENTRAL WATER COMMISSION

MEW DELHI

CGTOBER 1986



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ग्रद्धं स० पन स,० D. O. No. 3/14/86 - PEI

GOVERNMENT OF INDIA

केन्द्रीय जल आयोग CENTRAL WATER COMMISSION पेरिन्द्रप्रस्ट्रक्रिक्टरक्ट ... रामकृष्णप्रम WESTKRIZOOKXIXX...R. K. PURAM Sewa Bhawan

8th October 1986

नई दिल्ली-११००२५ दिनांक NEW DELHI-110022, the

The Chairman, Central Water Commission. Sewa Bhawan, RK Puram, New Delhi-110066.

Sir,

A Committee was constituted vide CWC letter No.1/43/85-Est dated 18-12-85 to review/frame recruitment rules, promotional avenues and other connected matters for the workcharged staff of CVC.

The Committee apart from 3 field Chief Engineers, comprise Director, PCP, Superintending Engineer, Investigation Circle No and Under Secretary-III. The Committee was required to submit its report within a period of one year of its setting up.

Although CWC has at present about 3800 workcharged employe various aspects of workcharged establishment have for the firs time been compreshensively studied by this Committee.

Since in view/the nature of work in CWC, the workcharged Vestablishment is of permanent feature of the organisational set the Committee had to examine in detail not only CPWD Manual which the committee had to examine in detail not only CPWD Manual which has being followed so far but also carefully study various and Rules.

I have pleasure in forwarding herewith a copy of the repor of the Committee which was finalised unanimously two months ahead of the schedule.

thanks

I also take the opportunity to express and grateful/to all these Members of the Committee for co-operation extended in carrying out this difficult task.

I would also place on record Committee's appreciation of the tremendous work put in by Shri T. Parthasarathy, Superintending Engineer, Investigation Circle No. I which facilitated early completion of the report.

Thanking you,

Encl:- As above

Yours faithfully,

(R.B. Shah)

(R.B. Shah) Chief Engineer (P&I)

Chairman

W/C Estt. Committee.

1. Introduction.

1.1 In the Central Water Commission, the Work-charged Staff is engaged in multi-farious works. As far back as in 1966, a categorization committee was set up in the Central Water and Power Commission to advice on the adoption of the recommendations of similar Categorisation Committee of CPWD for a similar purpose of categorisation of the work-charged establishment of the Central Water and Power Commission.

The Categorisation Committee of C.W.&P.C. (i) classified the workcharged employees into 147 categories and grouped them under skilled, semi-skilled, highly skilled and super-skilled/supervisory on the pattern of CPWD (ii) drafted recruitment rules prescribing standard trade tests, where necessary, and (iii) fixed yardsticks for the creation of posts on workcharged establishment.

However, this report was not formally accepted and brought into force. In the meanwhile, considerable changes took place in the organisational set up and activities of the erstwhile Cëntral Water and Power Commission like delinking of Central Water and Power Research station and Central Soil and Material Research station from the Commission on one hand, while merger of Ganga Basin Water Resources Organisation with C.W.&P.C. on the other hand, expansion of Hydrological observation and flood forecasting network, etc. Consequently, the report of the Committee became out-dated. Simultaneously over the years the strength of the workcharged establishment

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in the Commission increased considerably.

of work-charged establishment afresh and to suggest a fresh set of Recruitment Rules taking into account the existing categories of workcharged staff, properly graded promotional hierarchy, and to suggest classification of workcharged posts into 'industrial' and 'non-industrial' and other related matters. For this purpose, a Committee consisting of the following members was constituted vide CWC letter No. 1/43/85-Estt.XII dated 18.12.1985:

- (i) Chief Engineer (P&I) Chairman
- (ii) Chief Engineer(Southern Zone), Hyderabad Member
- (1ii) Chief Engineer(Northern Zone), Patua Member
- (iv) Director (FCP), CWC Member
- (vi) Under Secretary (III) Member-Secreta

The following are the terms of reference of the

Committee :-

1.3.1 To re-appraise and suggest modifications, if any, in the Recruitment Rules of Work-charged staff. This was last done by the CW&PC Categorisation Committee on Work-charged Establishment; and those prevailing in GBWRO before its merger with CWC, deleting the categories which are no longer in CWC.

1.3.2 To suggest a properly-graded promotional hierarchy section-wise or in any other manner for the workcharged

categories to meet their aspirations. In this connection the patterns adopted by CPWD and other Organisations, employing workcharged staff may also be studied by the Committee.

1.3.3 To suggest classification of workcharged posts into 'Industrial' and 'Non-Industrial' in terms of Ministry of Finance O.M. No. 8(1)-Estt(Spl)/60, dated 1.8.1960 (reproduced on page 1 of CW&PC Categorisation Committee Report on workcharged establishment), keeping in view such classification done in respect of workcharged posts in F.B. Project, CPWD, etc.

1.3.4 To suggest which workcharged categories in CWC can be consider entitled to uniforms in accordance with the criteria laid down in paras 16.01 to 16.11 of App. 2.2 of CW&PC Manual.

1.3.5 To review the classification of workcharged categorie into skilled/semi-skilled/unskilled.

The Committee was required to submit its report to the Chairman, CWC, within a year of its setting up.

2. Classification of Workcharged posts - Industrial am Non-industrial.

One of the main terms of reference of the Committee is to suggest classification of workcharged posts into 'Industrial' and 'Non-industrial' in terms of Ministry of Finance O.M. No. 8(1)-Estt(Spl)/60 dated 1.8.1960. In order to deal with this important question, the Committee examined in detail the provisions in the CPWD Manual, Industrial Dispute Act, 1947, Factories Act, 1948, Recommendations of various Pay Commissions, etc. Extracts of the relevant provisions of

these together with observations of the Committee are given below.

- 2.2 Rules and regulations followed by CPWD.
- 2.2.1 The Central Public Works Department (CPWD) are have a large work-charged establishment and have from time to time been formulating rules and regulations governing the service conditions of the establishment which are compiled in C.P.W.I (1994).

 Manual, Volume III. From inception, the erstwhile CW&PC has been following by and large those rules and regulations for workcharged establishment.
- 2.2.2 The definition of workcharged establishment as incorporated in the CPWD Manual Vol. III is as below:

"Broadly speaking workcharged establishment means that establishment whose pay, allowances, etc., are directly chargeable to "Works". Workcharged Staff is employed on the actual execution of a specific work, sub-works of a specific work, etc. The cost of workcharged establishment should invariably be shown as a separate sub-head of the estimate for a work. In other respects the workcharged staff is quite comparable to the regular categories."

2.2.3 It may be seen from the above definition that work-charged establishment is comparable to the regular establishment, but has not been classified into Group 'C' or Group 'D' in CEWD. However, according to para 1.04 of the CPWD Manual Vol. III, for the purpose of allowances, medical examination, etc., the posts, the maximum of whose scale of pay does not exceed Rs. 290/- are treated as equivalent to Group 'D' and others as equivalent to Group 'C'. Further, for matters like grant of leave, membership of trade union, etc., the employees are regarded as 'industrial' staff gover by industrial laws of the country as are applicable.

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2.2.4

Para 1.04 of the CPWD Manual further provides as under:

"The F.R.s and S.R.s are also applicable to the work-charged staff. Ministry of Iaw have opined that workcharged employees in the C.P.W.D. are Civil Servants in terms of Article 311 of the Constitution."

12.2.5

Para 8.01 of the CFWD Manual further stipulates as under:

"Central Civil Services (Temporary Services) Rules, 1956 are applicable to such of the temporary work-charged employees as have opted for pensionary benefits. Temporary W.C. employees of this category:

- 1. shall be declared quasi-permanent under the aforesaid rules.
- 2. shall continue to get compensation, where payable under the Workmen Compensation Act, 1923 in addition to the gratuity admissible under the aforesaid rules.
- 3. shall also be allowed benefits of compensation, if any, under the Industrial Dispute Act, 1947.
- 4. Workcharged staff of the CFVD opting for pensionary benefits may be declared quasipermanent either from 3.1.76 or from the date of completion of 3 years continuous service which ever is later."

12.2.6

Fara 24.01 of the CPWD Manual further provides as under:

"Retrenchment compensation in accordance with the provisions of section 25(F) of the Industrial Disputes Act, 1947 is payable whenever a workcharged employee is retrenched from service.

Compensation under the Workmen's Compensation Act, 1923, as amended from time to time to a workcharged employee, covered by the definition of workman, as given in the Act, is also payable under the conditions laid down in that Act."

2.2.7 It will be observed from the various provisions in the CPWD Manual as mentioned above, that at present in the CPWD for certain matters the workcharged employees are considered analogous to the regular establishment, while in addition the provisions of the Industrial Disputes Act, 1347 and Workmen's Compensation Act, 1923 have also been made applicable — in respect of certain other benefits.

- 2.3 Industrial Disputes Act, 1947.
- 2.3.1 The definition of 'industry' as per section 2(j) of Industrial Disputes Act, 1947 is as given below:

"'industry' means any systematic activity, carried on by co-operation between an employer and his workmen (whether such workmen are employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not, -

- (i) any capital has been invested for the purpose of carrying on such activity; or
- (ii) such activity is carried on with a motive to make any gain or profit,

and includes -

- (a) any activity of the Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948;
- (b) any activity relating to the promotion of sales or business or both carried on by an establishment,

but does not include -

(1) any agricultural operation except where such agricultural operation is carried on in an integrated manner with any other activity (being any such activity as is referred to in the foregoing provisions of this clause) and such other activity is the predominant one.

Explanation - For the purposes of this sub-clause, "agricultural Operation" does not include any activity carried on in a plantation as defined in clause (f) of section 2 of the Plantations Tabour Act, 1951; or

- (2) hospitals or dispensaries; or
- (3) educational, scientific, research or training institutions; or
- (4) institutions owned or managed by organisations wholly or substantially engaged in any charitable, social or philanthropic service; or
- (5) Khadi or village industries; or

- (6) any activity of the Government relatable to the sovereign functions of the Government including all the activities carried on by the departments of of the Central Government dealing with defence research, atomic energy and space; or
 - (7) any domestic service; or
- (8) any activity, being a profession practised by an individual or body of individuals, if the number of persons employed by the individual or body of individuals in relation to such profession is less than ten; or
- (9) any activity, being an activity carried on by a co-operative society or a club or any other like body of individuals, if the number of persons employed by the co-operative society, club or other like body of individuals in relation to such activity is less than ten."
- 2.3.2 Further, section 2(s) of the Industrial Disputes Act, 1947 defines 'Workman' as below:

employed in any industry to do any manual, unskilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment, has led to that dispute, but does not include any such

- (i) who is subject to the Air Force Act, 1950 or the Havy Act, 1957; or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."
- 2.3.3 It will thus be observed that for application of

Industrial Disputes Act, the 'workman' as defined in section 2(s) of the Industrial Disputes Act, should necessarily have been employed in an industry within the meaning of section 2(j) of the same Act.

2.4 <u>Factories Act, 1948</u>.

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2.4.1 Section 2(1) of the Act gives the definition of 'worker' as under:

"'Worker' means a person (employed, directly or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not,) in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or any other kind of work incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process: (but does not include any member of the armed forces of the union;)"

Industrial Disputes Act, the Committee is of the view that activities of the Commission do not fall within the ambit of the definition of 'industry' as given in the Industrial Disputes Act. Further, the explanation (3) as given under section 2(j), excludes scientific institutions. Since the Central Water Commission has now been declared as a scientific and technological institution, it is not an industry within the meaning of section 2(j) of the Industrial Disputes Act. Moreover, the workcharged employees of the Central Water Commission do not also fall under the category of 'worker' as defined in the Factories Act, 1948.

- 2.6 Recommendations of the Fay Commissions.
- 2.6.1 On the basis of the recommendations of the Second Pay Commission, the Ministry of Finance vide their O.M. No.

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8(1)/Estt.(Spl)/60 dated 12.3.1960 and subsequent amendment vide their O.M. of even number dated 27.3.1963 had asked various organisations to categorise their workcharged establishment into industrial and non-industrial categories. No specific action on the O.M. of the Ministry of Finance was taken as far as the workcharged establishment of the CWC is concerned.

2.6.2 The Third Pay Commission suggested that Government may take steps to terminate duality of service conditions alongwith the uncertainties and anamolies in respect of industrial or non-industrial staff and for this purpose either the Government industrial workers should be treated as 'excluded category' to be governed solely by rules made under Article 309 of the Constitution or the industrial workers of the Government should be seggregated from the non-industrial workers and should be given all the facilities and safeguards to which they are entitled under labour laws. The Fourth Pay Commission in para 26.56 of its Report have observed that the suggestion of the Third Pay Commission (given above) has yet to be acted upoh. have further observed in para 26.53 of their Report that there is no precise definition of 'industrial' or 'nonindustrial' staff employed in the Central Government and that generally, those Covernment employees who are covered under the definition of 'worker' under the Factories Act, 1948 and the Industrial Disputes Act, 1947 are 'industrial' staff and the rest are said to be 'non-industrial' staff. The Committee after carefully going through all

the relevant Acts, CFWD Manual, recommendations of the Pay Commissions, etc. has come to the conclusion that workcharged staff of the CWC cannot be categorised as 'industrial' and has to be categorised as 'non-industrial'.

3. Conditions of Service.

following the rules and regulations framed by CFWD for their workeharged establishment as anended by them from time to time. The nature of works being done in the CFWD and now being done in the CWC are considerably different. For instance, the work of hydrological observations and flood forecasting in the CWC in various parts of the country is of a continuing long-term nature. Similar is the case as regards the work of surveys and investigations in remote and inaccessible areas of the country. The various categories of workcharged personnel in the CWC have also been reviewed by the Committee and are discussed elsewhere in the Report.

Taking all these facts into consideration, the

Committee feels that in view of this long-term and continuing

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which will continue to be employed, CWC should have its own .

specific service conditions/adopted to suits its needs

applicable to their workcharged staff. This is particularly

so in view of the fact that at present in CPWD certain categories are 'industrial' and the other 'non-industrial'. As

will also be evident from the discussions in Section-2 of the Report, the workcharged employees in the CPWD (both

industrial as well as non-industrial) are entitled to almost

all the benefits as admissible to the employees on regular

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establishment. In addition, they are also eligible to the benefits under the Workmens' Compensation Act, 1923. As per the recent decision of the Government of India, even industrial employees have the right to approach the Administrative Tribunal for redress of their grievances, in addition to the avenues open to them under the Industrial Dispute Act. Thus the CPWD employees are, at present, entitled to benefits not only under the Central Civil Service Rules, but also under the various Acts as well. This has resulted in certain anamolies and dualities, as commented upon the Fourth Pay Gommissions

Taking all these factors into consideration, the Committee recommends the following service conditions applicable to the workcharged staff of CWC:-

- (i) Since the Committee has already recommended that all the workcharged employees of CWC should be treated as non-industrial, they should be governed by Central Civil Service Rules as applicable to the regular establishment. Thus they will be governed by various Civil Service Rules like CCS(Temporary Service) Rules, Fundamental Rules and Supplementary Rules, Leave Rules, etc.
- (ii) The Government of India, vide Ministry of Finance Office Memorandum No. F. 15(3)/78-WIP dated 31.10.1980, read with the clarification given under their O.M. of even number dated 6.12.1980, have already mid down that the Central Government Employees' Group Insurance Scheme, 1980 will be

applicable to workcharged staff if they are regular Central Government employees and not casual labourers, part time and adhoc employees. However, this has not yet been made applicable to all the workcharged establishment of CWC. The Committee, therefore, recommends that the benefits of CGEIS, 1980 should be made applicable to all the workcharged establishment of CWC.

(iii) Under the CCS(T.S) Rules, only those employees who have completed 5 years service are eligible for gratuity in the event of termination of their services. There can be many instances in the work of GWC where services of workcharged employees may have to be terminated before completion of 5 years of service, particularly in the work of surveys and investigations. It is, therefore, necessary that such employees should continue to be entitled for the benefits of retrenchment compensation which are already available to them under the present application of CFWD rules and regulations. The Committee accordingly recommends that the workcharged personnel of CWC should also be eligible for retrenchment compensation under Section-25(F) of Industrial Disputes Act which provides for compensation after completion of one year's service. However, the benefit for payment of retrenchment compensation under Section 25(F) of the Industrial Disputes Act should be available

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only they happen to be retrenched before completion of 5 years' service. Once they complete 5 years' service, they are already eligible for gratuity under the CCS(T.S) Rules.

Under the application of Central Government Daployees' Group Insurance Scheme, insurance cover is available to them in the event of death while in service. However, because of the nature of work in CWC, both in the case of surveys and investigations and hydrological observations and flood forecasting, there have been, and will continue to be, instances where the workcharged employees suffer injuries in the course of their duties which, in some cases, might result in disabilities. In order to cover such eventualities, the Committee considers it necessary that the benefits available under the Workmen's Compensation Act should continue to be available to them. present the benefits of compensation are available to the categories of morkers listed in Schedule II of the Workmen's Compensation Act. Item No. (xxxiii) of Schedule II of the Workmen's Compensation Act, 1923 includes "employed otherwise than in a clerical capacity in the conduct of surveys in river valleys including collection of data relating to the river". This category was added to the Schedule II by Government of India O.M. No. 1486, Home (Labour-II) dated 10.9.1958.) The Committee considers that this item in Schedule II covers all the workcharged

The Committee, however, wish to clarify that the benefits under the Workmen's Compensation Act should be made available only in the case of injuries remulting in partial or total disablement, but not in the case of fatal injuries resulting in death, as these are covered under the Group Insurance Scheme.

(·v·). Industrial Labour have the right to form Thade Unions. Since the Committee has recommended that the weakeharged staff of CW should be nonindustrial, they should be given the benefit of forming associations under JCH Ccheme. (vi) is ner OFED Hanual, at present the earned leave in Atlement for temperary employees on the workcharged establishment is at the rate of one day for every 20 days work and the accumulation permitted is upto 60 days. On the other hand, the earned leave entitlement for permanent and quasipermanent employees in in the same manner and to the same extent as applicable to the regular establishment i.e., 30 days per year and accumulation upto 180 days (Para 6.01 of CPVD Manuel, Vol. III,

The Fourth Pay Cormission in para 26.57 of the Report have observed that there is no uniformity in the service conditions of industrial and non-industrial staff and there are significant disparities between these two orthograps in respect of the rate

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of leave earned, accumulated, encashed, etc. The report further brings cut that at present the rate of actual earning of the earned leave, is 30 days for non-industrial employees, while it is varying from 17 days to 27 days in respect of industrial employees depending on the total service rendered by them.

Similarly the accumulation allowed in respect of industrial employees is 60 days, while that in the case of non-industrial employees is 180 days.

The provisions in the CPWD Manual as pointed out above are analogous to industrial employees in respect of temporary staff, while these are analogous to regular employees in respect of quasi-permanent and permanent workcharged employees. In this connection the Committee may also like to point out that in the CPWD Manual, in para 1.04 it is stated that

"for certain matters like grant of leave, membership in Trade Unions, etc., the employees in the workcharged establishment are regarded as industrial staff and governed by industrial laws of the country as are applicable."

This provision becomes contrary to the provision made under para 6.01 of CEWD Manual, where even in respect of industrial employees the entitlement of leave is different depending on their temporary or quasi-permanent status.

The Committee considers that the delay in grant of quasi-permanency or permanency status to

the workcharged employees on account of administrative; and other reasons deprives them of their proper entitlement and accumulation of earned leave for no fault of the individuals. Therefore, such distinction in respect of entitlement of leave only on the grant of quasi-permanency status does not seem to be reasonable and rational. Regarding the quasi-permanency status, the Committee would also like to bring out the recommendation made by the Fourth Pay Commission in para 26.42 of their Report. The Fay

"grant of quasi-permanency status to employees is not automatic. It involves considerable administrative work and consequential delay. This causes frustration to the employees. The large number of respondents to the questionaire have suggested discontinuance of the system. We are in general agreement with this view and would recommend that the present system of making employees quasi-permanent may be dispensed with. Railways, where more than 40% of Government employees are working, have no system of quasi-permanency."

In view of this observation, the Committee is of the firm opinion that in matters of entitlement and accumulation of earned leave to the work—charged employees, there should be no distinction on account of temporary or quasi-permanency status and that all the workcharged employees should be entitled to the earned leave as applicable to the non-industrial employees as they have been now categorised by the Committee, and which are analogous to the Leave Rules applicable in respect of regular employees.

required to put in 48 hours of duty per week. The CWC has already decided that the field offices of CWC will observe 6 day week. In view of the nature of work of the CWC on which the workcharged employees are engaged, namely, surveys and investigations, hydrological observations and flood forecasting, etc., it is necessary that the existing hours of work, namely, 48 hours per week should continue to be applicable to all the workcharged employees of CWC.

(viii) The entitlement of holidays to the workdnarged employees at present is 3 national holidays (i.e., 26th January, 15th August and 2nd October) and 13 effective public holidays. At present they are not entitled to any restricted holidays. The Committee again considers that in view of the nature of work, the existing entitlement of holidays shall continue to be applicable without any change. By virtue of the fact that they have to put in 48 hours of work per week (8 hours per day effective), they will also not be entitled to observe Second Saturday as a holiday.

(ix) In accordance with the orders contained in the Ministry of Finance O.M. No. 17(5)-E.V(A)/60, dated 18.11.1960, temporary industrial employees were to be admitted to Contributory Provident Fund benefits and such employees were to be governed by the Contributory

Provident Fund Rules until their confirmation. An option to join the pensionable establishment was given to the temporary industrial employees as well as fresh entrants vide Ministry of Finance O.M. No. F.43(4)-E-V(B)/71, dated 21.5.1971. Such option was to be exercised by them within a period of 6 months. However, from time to time, the time limit for options was extended and, as late as in June, 1985, the various departments were asked to once again obtain such option from the workcharged employees to come over to pensionable services. The CWC, vide their letter No. 1/34/85-Estt.XII. dated 20th August, 1985 had accordingly asked the various formations to obtain such options by the end of December, 1985. While the Committee understands that such options in respect of most of the employees have been obtained, it is likely that each and every workcharged employee may not have been able to exercise such option on account of the fact that he may not have even received such a communication in view of the large number of workcharged employees spread over various remote parts of the country. However, since the intention of the Government is to bring over all such employees pensionable service, and further in to view of the fact that the earlier circulars of the Ministry of Finance were mainly in respect of industrial employees and since the Committee has now recommended that all the workcharged employees

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of the CWC should be treated as non-industrial employees, the Committee recommends that all the workcharged employees of CWC should be deemed to have come over to the pensionable services without losing any more time in carrying out further exercise of checking or obtaining di such options. This will avoid doubts and consequent disparities in implementation of the intention of the Government in extending such facilities to all the workcharged employees.

As will be observed from the specific recommendations made by the Committee above, the intention of the Committee is to give all the benefits to the workdnarged employees which are at present available to the regular employees, except in certain matters, which have already been specified above. However, in order to dispel any doubt in the interpretation or application of the rules in future, it may be made clear that, excepting the special provisions made in respect of workcharged employees like duty hours, availing of holidays, compensation under Indian Workmen's Compensation Act, retrenchment benefits under the Industrial Disputes Act, etc., all other conditions of service and the benefits which are applicable to the regular employees will be equally applicable to the workcharged employees of CWC.

Classification of work-charged categories and their: Promotional avenues.

Other important terms of reference of the Committee are: i. to review the classifiction of work-charged categories into skilled, semi-ckilled and unskilled;

ii. to suggest properly graded promotional hierarchy for the work-charged categories to meet their aspirations.

In order to review the existing classification and 4.2 to suggest modifications, it was necessary to obtain the factual data of the number of work-charged employees at present working in various formations together with their existing designations. For this purpose, a detailed format was prepared by the Committee and circulated to all the formations employing work-charged personnel. It was observed that at present, there are as many as 60 categories of work-charged personnel and the total strength of work-charged employees in the CWC as in August, 1986 is of the order of 3800 A statement giving the position of work-charged employees under various categories and under various administrative units is enclosed at Annexure-I. It will be observed from that statement that the strength of some of the categories is very small and some of the designations have duties of similar nature.

To avoid anomalies in designating the various categories and identifying their duties us well as to rationalise their categories, an exercise was made by the Committee in grouping the categories with similar functions. This is indicated in the statement enclosed at Annexure-II. While preparing this statement, the Committee elso made broad classification like unskilled, semi-skilled, skilled and highly skilled. By this method, the categories were brought down from 64 to 24. ...21/-

while earlier Central Fay Commissions had given specific recommendations in respect of work-charged establishment, the Fourth Central Fay Commission has not given any specific recommendations for work-charged category as such. However, they have given recommendations in respect of what is called as 'work-shop' staff. In the case of this category, the Fourth Central Pay Commission has made six classifications, namely:

- 1. Un-skilled
- 2. Semi-skilled
- 3. Skilled

- 4. Highly skilled Gr-II
- 5. Highly skilled Gr-I
- 6. Master-Craftsman

For these categories, the proposed scales of pay have also been given by the Pay Commission.

Present categories of work-charged establishment are having 19 existing scales of pay. The Committee considers that the classification of Fourth Pay Commission may be brought down to 5 in CWC by combining the highly skilled Gr-II and highly skilled Gr-II and highly skilled Gr-I into 'highly skilled'. The existing work-charged establishment is distributed in various categories as per this classification and is given below. In doing so, categories of personnel doing similar nature of work with varying existing designations have been brought to a single/common designation. Similarly, some existing isolated posts, have also been brought under such common designations. The statement at Annexure-III indicates the existing categories/

I. Unskilled:

- 1. Khalasi
- 2. Bostman
- 3. Helper

II. Semi-skilled:

- 1. Work-Sarkar Gr-III
- *2. Senior Boatman
- *3. : Machine Operator Gr-III

III. Skilled:

- 1. Work-Sarkar Gr. II
- 2. Carpentor Gr-II -
- 3. Observer Gr-II -
- *4. OBE Driver Gr-II -
 - 5. Mechanic Gr-II -
 - 6. Electrician Gr-II -
 - 7. Drill Operator Gr-II -
- *8. Machine Operator Gr. II
- *9. Motor Vehicle Driver Gr-II -

IV. Highly skilled:

- 1. Work-Serkar Gr-I
- 2. Carpenter Gr-I
- *3. Observer Gr-I
- *4. OBE Driver Gr-I
 - 5. Mechanic Gr-I
 - 6. Electrician Gr-I
 - 7. Drill Oper tor Gr-I
- *8. Motor Vehicle Driver Gr-I

V. Master-Crafteman:

Foreman

These designations have be a proposed taking into consideration also the need for providing adequate promotional avenues to the work-charged employees and their channel of promotion, as well as grouping of certain categories. Consequently,

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the designations shown as * above are new designations arising out of these considerations.

It will thus be seen that as against 147 categories recommended by the CWC. Categorisation Committee in 1973 and 64 categories as existing in August, 1986, the Committee has now rationalised and recommended 24 categories distributed among 5 broadclassifications taking into account the existing nature of work in the Central Water Commission and the considerations as mentioned above.

5. Promotional Avenues to the work-charged staff:

- 5.1 At present the promotional avenues to the work-charged staff are almost non-existent. Aport from a large number of work-charged employees in unskilled category, even the persons in the semi-skilled and skilled categories do not have any promotional avenues. The normal aspirations of a Government employee is to have at least 2 to 3 promotions in the entire span of service, which principle was also recommended by the Third Central Pay Commission. Since for all practical purposes, the work-charged employees in the CWC are at present being treated, and as per the recommendations of the Committee will also be treated on par with regular employees, it is necessary to provide them adequate avenues of promotion. Accordingly, . the Committee gave a detailed thought to the various categories of posts--both existing and which need to be cratedd--so as to serve dual purpose of:
 - i. to provide adequate avenues of promotion; and ii. to establish a channel of promotion.

Classification and channel

| and the found | | |
|---|-----------------------------------|----------|
| After working various alternative exercises, | the Commit | tee |
| in illustration, the broad for | | |
| will comprise the number of posts in various | categories | as |
| | | |
| indicated below: | | |
| 5.2 Classification and channel | - m m - m | Proposed |
| Category | Existing Strength | Strength |
| ma one one one one one | 2197 | 2112 |
| I Khalasi | 135 | 220 |
| II Work-Sarkar Gr. III | 65 | 60 |
| III Work-Sarkar Gr.II | 7 | 12 |
| IV Work-Sarkar Gr. I | 2404 | 2404 |
| | look ting that they been been | |
| come come come come come come come come | 12 | 10 |
| III Carpenter Gr. II | . 1 | 3 |
| IV Carpenter Gr. I | 13 | 13 |
| | | |
| 60°C , 50°C GOS | -60 | 132 |
| IV Observer Gr. II | 162 | 30 |
| V Observer Gr. I | gers tous grant | |
| | 162 | 162 |
| 17 | area errol durin hittle time time | |
| I Boatman | 280 | 250 |
| II Sr. Boatman | ans. | 30 |
| III OBE Driver Gr. II | 14 | 14 |
| IV OBE Driver Gr. I | 97 | 97 391. |
| | 391 | J7J. |

Continuation .

| COM GAME FIFTH GAMES | Category | ExIsting Strength | Proposed Strength |
|----------------------|---|-------------------|-------------------|
| III | Electrician Gr. II Electrician Gr. I | 10 | 2996 2 |
| 200 pro 200 prog | | 11 | 11 |
| . I . | Helper | 35 | 35 |
| II | Machine Operator Gr.III | 3 | 3 |
| III | Machine Operator Gr. II | 1.2 | 12 |
| 000 mm mm max | | 50 | 50 |
| III | Drill Operator Gr. II | 7 | .7 |
| IV | Drill Operator Gr. I | 9 | 9. |
| | | 16 | 16 |
| III | Motor Vehicle Driver Gr. II. | 155 | 126 |
| IV | Motor vehicle Driver Gr. I | 1 | 30 |
| mos and cost ess | | 156 | 156 |
| V | Foreman | 4 | 4 3/3 |

5.3 It will be observed from the above illustration that the broad pattern of restructuring of the workcharged cadre will be as follows:

- i In the semi-skilled category, about 10 per cent of the posts of the unskilled category will be provided.
- ii In the minima skilled category, 20 per cent to 25 per cent of the an posts of the semi-skilled category will be provided.
- iii In the highly skilled category, about 20 per cent of the posts of skilled category will be provided.

iv In the Master-Craftsman category, at present there are 4 posts for which there is no identified feeder cadre. In view of the fact that the Committee has now recommended creation of additional posts in the highly skilled category, the functions attached to the present Master-Craftsman posts can be carried out in future by the persons in the highly skilled category. Therefore, the Committee suggests that there should be no further induction into this grade and this should be considered as a vanishing category.

5.4 The pay scales which should be applicable to the above categories of posts on the pattern of revised pay scales recommended by the Fourth Central Pay Commission and finally accepted by the Government are as under:

| I | Unskilled | | 750 -12-870-EB-14-940 |
|------|------------------|---|-------------------------|
| II h | Semi-skilled | 3 | 800-15-1010-EB-20-1150 |
| III | Skilled | | 950-20-1150-EB-25-1500 |
| IV, | Highly skilled | 8 | 1320-30-1560-EB-40-2040 |
| V | Master Craftsman | | 1400-40-1800-EB-50-2300 |

that the additional annual expenditure on account of up-grading of some of the posts to provide promotional avenues will be of the order of Rs. 5 lakhs which is considered to be insignificant (about 2 per cent of the cost of workcharged establishment), but which will go a long way in satisfying the long over-due aspirations of such a large number of workcharged employees.

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5.5 Methodology of implementation:

At present the seniority of work-charged staff of various categories is maintained Circle-Wise. Implementation of up-gradation of posts created for promotional avenues as indicated in the earlier paras is suggested to be done in the following manner.

In para 5.2, an illustration of the proposed structure comprising various categories of work-charged posts and their channel of promotion has been indicated. Each semi-skilled, skilled and highly skilled categories for various designations in the respective channels of promotion should not exceed the limits as indicated therein. This will ensure that there are no disturbances in shifting of personnel working in various Circles at present while at the same time the promotional avenues are made available to them.

However, in subsequent section of the report, the Committee has recommended that the seniority in respect of Drivers, Drill Operators Grade-II and Grade-I, should be restored back to all India Seniority as it was existing prior to 1984. Therefore, promotions of individuals in respect of these categories to the higher posts should be done on the basis of restored All-India Seniority. The names of the persons to be so promoted will be decided by the cadre coordinating Authority in respect of these categories of posts and names of the selected persons will be communicated to the respective Superintending Engineers under whose jurisdiction these are working at present for issue of formal administrative orders. On promotion, they

will normally continue to work at the same place. This suggestion will remove the anomalies which have resulted on account of decentralisation of All India Seniority List of these categories and will restore the benefits to some persons who were deprived benefits like selection grade, permanency etc.

In respect of a few other grades like Carpenter, Electrician etc., it will not be possible to make promotions on the basis of circle-wise seniority, as the posts in the higher grade (skilled/highly skilled category) as proposed by the Committee arevery few. It is, therefore, suggested that persons belonging to these categories are also brought on All India Seniority list and mode of promotion, issue of administrative orders etcetera will be in the same fashion as in the case of Drivers and Drill Operators.

Recruitment Rules. 6.

- Keeping in view the basic qualifications/skills required for various categories of posts, nature and type of functions to be performed by each category and the requirement of promotional avenues as discussed in section 5, the recruitment Rules for the above categories have been framed and are enclosed at Annexure-IV.
- With the above principles in view and the physical and manual labour involved in the skilled and semi-skilled categories, the age-limit in the Recruitment Rules for direct recruitment has been kept as 18-30 years. Since most of the posts in the higher category will be filled by promotion, no separate age limits and educational qualifications have been provided for such posts.

- 6.3 Another feature added in the proposed recruitment Rules is the Constitution of DFC on uniform basis throughout the Commission to enable the Circle Offices to promptly deal with the cases of confirmation, promotion etc.
- 6.4 All the posts in work-charged establishment to be filled by direct recruitment should be through Employment Exchange and the following conditions must be ensured:
 - i. that the persons should be medically fit for the post for which he is considered;
 - ii. should fulfil the prescribed minimum educational qualifications;
 - iii. Character and antecedents should be got varified as per the procedure;
 - iv. Age of the person should be within the prescribed limits; and .
 - v. Instructions about reservation for Scheduled · Casts and Scheduled Tribes and maintenance of detailed roster register are followed.

7. Quasi-permanency/Permanency.

- 7.7 The Central Civil Services (Temporary Services) Rules, 1956 are applicable to such of the temporary work charged employees, who have opted for pensionary benefits. The temporary work-charged employees of this category are eligible to be declared quasi-permanent under the aforesaid rules, from the date of completion of 3 years' continuous service.
- In para 26.38 of its report, the Fourth Pay Commission have observed that generally due to non-availability of a permament posts, a large n mter of employees continue as temporary or

as quasi-permanent. This causes considerable hardship and frustration among the employees. The Fourth Pay Commission recommended discontinuance of the quasi-permanency system. The Commission have also suggested delinking of confirmation from availability of permanent posts and recommended a regular review of the position regarding temporary employees so that not more than 10 per cent of them remain temporary for more than 10 years.

The Committee after examining the issue in detail 7.3 recommends that similar provision be made applicable to work charged employees when the above recommendation of the Fourth Pay Commission is accepted by the Government.

8. Seniority and Transfers.

999999999999 Prior to 31-10-1984, seniority of the drivers, Drill operators Gr-II (Assistant Gro e Operators) and Drill Opera- . tors Gr-I (Drill Operators) was maintained on all India basis. The seniority in respect of other categories of work-charged establishment was maintained Circle-wise. However, from 1-11-1984, the seniority in respect of all categories of workcharged establishment was made Circle-wise including the categorie 🗩 of Drivers and Drill Operators. Consequently, some anomalies arose in respect of confirmation, selection grade etcetera in respect of these categories.

The question as to whether the seniority of the workcharged stoff should be maintained on all India basis or Circlewise was discussed at length by the Committee. Certain problems came to light both in maintaining the all India seniorpty as well a Circle-wise senioroty list. After examining the issue in detail,

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the Committee has come to the conclusion that the seniority in respect of all categories of work-charged staff excepting the Drivers, Drill Operators Gr-II and Grade-I, be maintained on a Circle-wise basis. The seniority in respect of the above three categories should be restored to status quo ante as on 31-10-1984 so that the individuals should not suffer on account of the decentalisation which was effected for a short period. In addition, as recommended by the Committee in section 5, seniority in respect of some categories like Carpenters Gr-II and Gr-I, Mechanics and Electricians (Gr-II and Gr-I) should also be maintained on all India basis.

The Commission should designate one of the Superintending Engineers to be a Cadre Coordinating Authority, in respect of the cadres to be provided on all India Seniority. The cadre Coordinating authority will maintain a separate seniority list for each of the categories and will process the cases of promotion with the assistance of a duly constituted DPC and later intimate the names of selected permans to the respective Superintending Engineers, in whose jurisdiction they are working, to enable them to issue the administrative orders.

There are some units in the Commission like PCP, Directorate, Training Cell etcetera, where a few posts of work-charged employees in different categories are existing. The Pronciple of maintaining Circle-wise seniority in the case of such units wi not fulfil the purpose of providing promotional avenues Circle-wi as the strength in various categories is very limited. The Committee, therefore, recommends that the posts of such units should be aubbed with Upper Ganga Circle which is located at Delhi.

8.2 Although the Committee has recommended main enance of Circle-wise seniority in respect of most of the categories of work-charged establishment, occasions may arise whereby persons having rendered maker of years of service in a particular Circle may have to be retreneded on account of closure of work. The Committee considers that it will not be fair on the part of the Organisation to dispense with the service of employees having put in number of years in one Circle, while persons of similar eategories with much lesser service continue to serve in other Circles. Similarly there could be occasions when transfers of work-charged employees may become necessary on account of administrative reasons. It is, therefore, necessary to lay down a policy in this regard to take care of such situations.

Under the existing system, if work-charged employee is transferred from one Cicle to another either on account of closure of work or on administrative reason, he loses his seniority and becomes the junior-most in his category in the Circle to which he is transferred, although his pay is protected. The Committee recommends that in the event of transfers on account of closure of works or administrative reasons, apart from the benefit of pay, the employee should also continue to have the benefit of seniority on account of the services rendered by him in the CCC. However, in the case of transfer of work-charged employees on their own requests, they will not get the benefit of protection of seniority. However, in order to avoid administrative problems arising cut of such transfers, these should be effected in consultation with the concerned SEs in the case of inter-Circle transfers, from organisation of one Chief Engineer to another

Chief Engineer, consultation should be between the Chief Engineers concerned. The absorbing Superintending Engineer shall issue the transfer orders.

9. Over-time-allowance.

In the earlier operations of the report, the Committee has recommended that service conditions of the work-charged employees should be analogous to that of the regular employees. At present, group C & D employees of the regular establishment are entitled to over-time allowance subject to certain conditions. The Committee considers that the work-charged employees should also be treated on par with the regular employees for the purpose of grant of over-time allowance as there does not seem to be any rationale in making a distinction between these two classes of employees as for as performing their stipulated hours—are concerned, particularly considering that even their normal working hours are more than that of the regular employees.

10. <u>Liveries</u>.

As per paragraph 16.01 of CTvD Hamual, the liveries are supplied to such of the categories of employees of work-charged establishment whose duties involve damage to clothing or abnormal wear and tear of clothing or where they have to work near moving machinery. The Fourth Central Pay Commission have also endorsed the issue of liveries to such staff who have to face inclement weather or other special hazards.

All the work-charged employees of the CWC, in view of their nature of work, fulfil the criteria given by the Fourth Central Fay Commission as well as by the CFWD Manual. The Committee

therefore, recommends that all the workcharged employees should be issued liveries as per the prescribed scale. However, the Committee suggests that the workcharged staff who have completed two years of continuous service only should be made eligble for issue of liveries.

Establishment posts

The Department of Personnel and Administrative Reforms . 11.1 vide their OM No. 15012/11/76-Estt.(D), dated 27-6-1978 had issued instructions that the various concessions applicable to departmental employees for appointment to group C and D posts shall be extended to regular workcharged employees subject to their fulfilling various conditions and provided that they were regularly appointed through the Employment exchange. However, the Committee understands that at present, the workcharged employees of CWC are not being considered for appointment to group C & D posts on par with regular establishment on account of non-existinge of such provision in the recruitment rules of respective posts. The Committee recommends that the instructions issued by the DF&AR should be followed, if necessary, by amending the existing recruitment rules expeditiously. Like-wise, the workcharged employees may also be considered for being permitted to appear in limited departmental competitive examination/test for group C posts as available to regular group D employees.

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At present, separate seniority lists arem maintained in respect of workcharged establishment of CWC and that of GBWRO. The experience of units where both the CWC and GBWRO staff are working was reviewed by the Committee. The Committee observed that at present there are disparaties in service conditions and other matters in respect of these categories which are not condusive to healthy atmosphere. The Committee, therefore, recommends that merger of these cadres should be done expeditiously so that both the categories of workcharged staff are brought on the same conditions of service and seniority.

The Committee had 5 meetings. The Committee also met some of the workcharged employees to find out their grievances and suggestions for improvement in their service conditions etc. The Committee was glad to know that the recommendations already formulated by the Committee almost fully met the suggestions given by the workcharged employees and their aspirations.

14 Summary of Recommendations

14.1 The workcharged staff of the CWC should be categoris as " Non-Industrial."

(Para 2)

14.2 The workcharged employees should be governed by Central Civil Services Rules as applicable to the Regular employees.

However, for those who are retrenched before completion of give years of service, the workcharged employees should also be eligible for retrenchment compensation under section 25(F) of Industrial Disputes Act.

- In addition, benefits under the Workmens' Compensation Act, 1923 should be made available in the case of injuries resulting in partial or total disablement.
- The workcharged employees should be given benefit of forming association under JCM scheme.
- earned leave, there should be no distinction on account of temporary or quasi-permanency status and the leave rules as applicable in respect of regular employees should also be applicable in the case of workcharged employees.

Existing 48 working hours per week should continue to be applicable. The workcharged employees shall not be eligible to observe 2nd Saturday as Holiday and restricted holidays.

All the workcharged employees should be deemed to have come over to the pensionable services.

(Para 3)

14.3 Existing 64 categories of workcharged employees can be brought down to 24 and classified under five broad groups, viz. Un-skilled, Semi-skilled, Skilled, Highly Skilled and Master Craftsman.

(Para 4)

14.4 In order to provide adequate avenues of promotion, workcharged establishment should be re-structured including upgradation of certain posts as detailed in the report.

Keeping in view the new categorisation, existing
19 scales of pay have been brought down to five pay scales on
the pattern of the revised pay scales recommended by the
Fourth Central Pay Commission and as finally accepted by the
Government.

Likely additional expenditure on account of recommendations of the Committee is estimated to be only about 2 % of the cost of the workcharged establishment, which is considered to be insigficant.

(Para 5)

14.5 Seniority in respect of Drivers, Drill Operators,
Carpenters and Electricians should be maintained on All-Indiabasis. However, seniority in respect of other categories
will continue to be Circle-wise.

14.6 New recruitment rules of the re-structured Establishment taking into account the duties to be performed by various categories in C.W.C. have been framed.

(Para 6)

14.7 As recommended by the Fourth Pay Commission for regular employees, not more than 10% of the workcharged employees should remain temporary for more than 10 years. Similarly, quasi-permanency system should be discontinued.

(Para 7)

14.8 Although Circle-wise seniority has been recommended for certain categories in the event of transfers on account of closure of works or for administrative reasons, the individuals will carry the benefit of seniority in addition to benefits of pay.

(Para 8)

14.9 The workcharged employees should be treated on par with the regular employees for the purposes of grant of over time allowance particularly considering that even their normal working hours are more than those of regular employees.

(Para 9)

14.10 All the workcharged employees of CWC, in view of their nature of work, should be issued liveries as per the prescribed scale, after completion of 2 years of continuous service.

(Para 10)

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14.11 The workcharged employees should also be considered for appointment to group C and D regular posts.

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14.12 The workcharged staff of CWC and erstwhile Ganga Basin Water Resource's Organisation should be merged.

(Para 12) :

H.K. Babbar)/ C Director PCP Dte

MEMBER

(T. Farthasarathy)
Superintending Engineer
Inv.Circle No.I
MEMBER

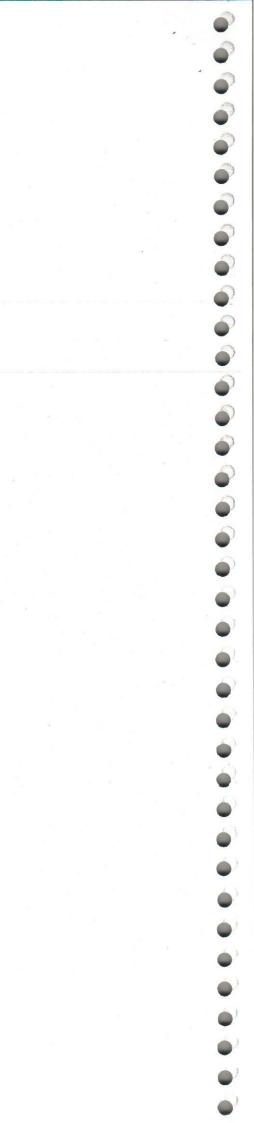
Under Secretary-III

MEMBER-SECRETARY

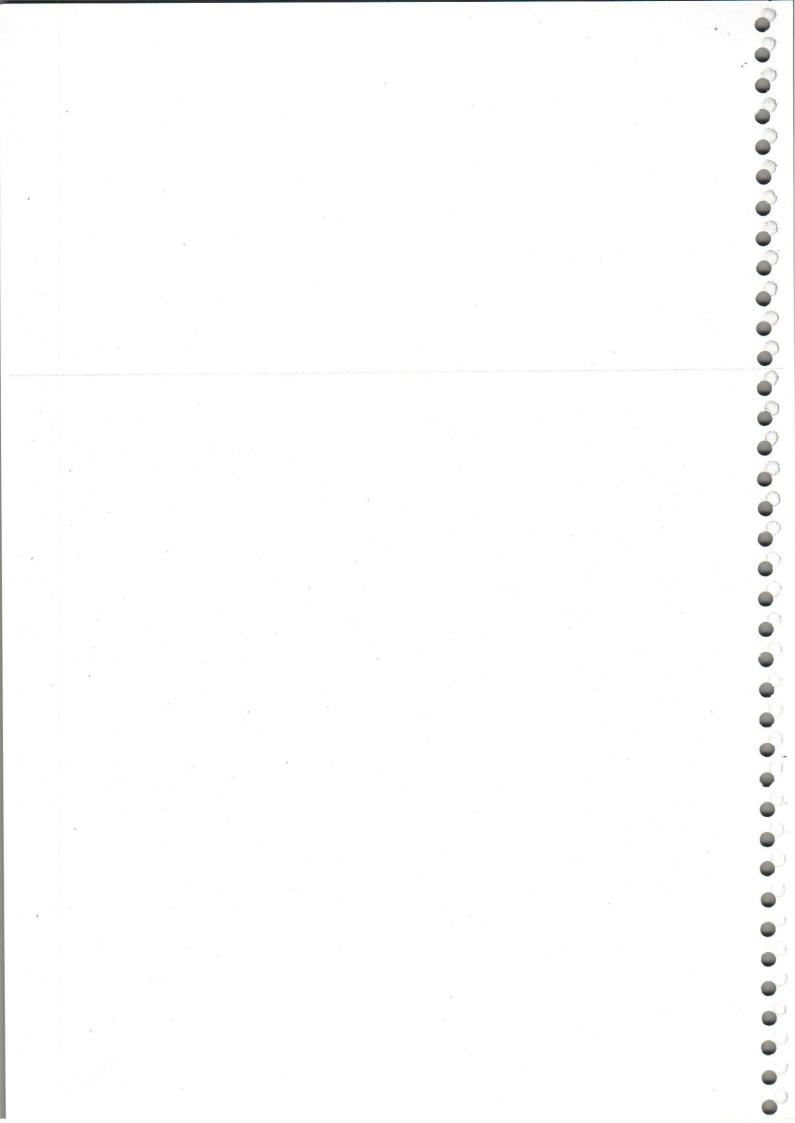
(G.S. Singh) Chief Engineer Northern Zone MEMBER

T. Kumar Das)
Chief Engineer
Southern Zone
HENBER

(R.B. Shah)
Chief Engineer
Planning and Investigation
CHAIRMAN



ANNEXURES



Work Charged Personnel: Cadro Strongth

Annexure - I

Cadre Strength in various Administrative Units

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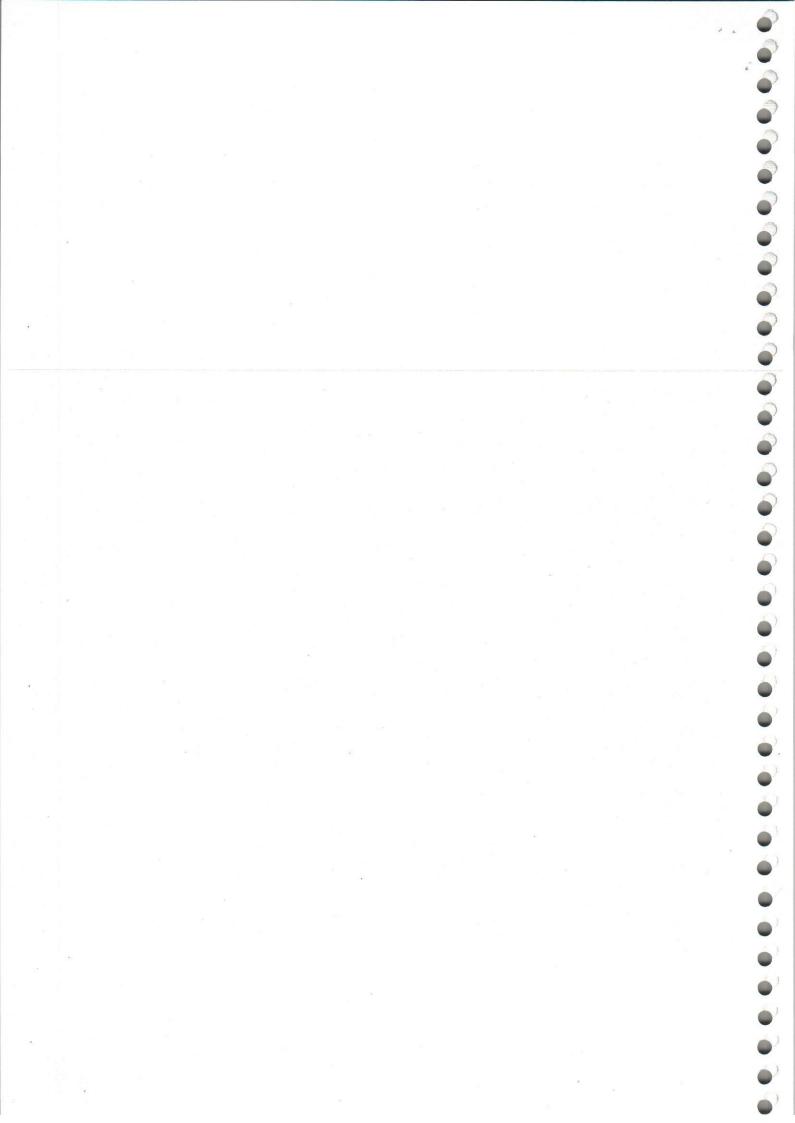
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| 3. Observer Gr.Ido- 1. do- 1. do- 1. | 0057-753 | 16 L. Larung 16 L. | 5 |
| 5. Machanic Gr.I | 0//0% | 250-12-500-15-25 | 3707-0781 |
| 6. Elactrician Gr.I | | \(\sigma\) | 200 |
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