

MOST IMMEDIATE

No.A-11019/1/95-E.XII/
Government of India
Central Water Commission
...

Room No.312, Sewa Bhawan,
R.K. Puram, New Delhi-66.

Dated, the 30th June, 1997.

To

All Superintending Engineers of
Field Offices of Central Water Commission.

Sub: Regarding Scheme for grant of temporary status and
regularisation of seasonal khalasis in the work-charged
establishment of Central Water Commission.

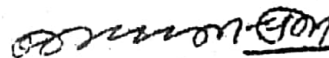
Sir,

I am to forward herewith a copy of Ministry of Water
Resources' letter No.8/3/95-Estt-I (Vol.II), dated, 20.6.97,
on the above mentioned subject. This scheme will come into
force w.e.f. 1.6.97 and is applicable to those seasonal khalasis
who are presently employed and have rendered a minimum of 120
days continuous service in Central Water Commission or such
seasonal khalasis who were engaged anytime during the preceding
one year and have rendered a minimum of 120 days of continuous
service in that year.

2. It is requested to bring the above scheme to the notice
of all appointing authorities under Central Water Commission
and ensure immediate action for implementation of the provisions
of the scheme by all concerned.

Yours faithfully,

Encl: As above.



(J.L. CHUGH)
Under Secretary.

Copy for information and necessary action to:

1. All Chief Engineers of Central Water Commission.
2. All Executive Engineers of Central Water Commission.
3. The Director (RMCD), Central Water Commission, R.K. Puram,
New Delhi -66.

MOST IMMEDIATE

No.8/3/95-Estt.I(Vol.II)
Government of India
Ministry of Water Resources
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Shram Shakti Bhawan,
New Delhi-110 001.

Dated, the 20th June, 1997.

To

The Chairman,
Central Water Commission,
Sewa Bhawan,
R.K. Puram,
New Delhi-110 066.

Sub: Scheme for grant of temporary status and regularisation of seasonal khalasis in the work-charged establishment of Central Water Commission.

Sir,

Central Water Commission are required to engage the services of seasonal khalasis during the monsoon season from time to time. Such seasonal khalasis were being regularised in the work-charged establishment of Central Water Commission as per instructions contained in CWC's circular No.6/37/75-Estt.XII (Vol.II), dated 22.6.1988. This has been further reviewed in the light of the Judgement of the Calcutta Bench of the Central Administrative Tribunal dated 19.12.1994 in the matter of Shri Nand Kishore Roy & Ors. Vs Union of India & Ors and Judgement of the Guwahati Bench of the Central Administrative Tribunal dated 15.10.1996 in the matter of Shri H.R. Nath & Ors. Vs Union of India & Ors and a decision has been taken by the Government to implement a scheme for grant of temporary status and regularisation of seasonal khalasis working in the work-charged establishment of Central Water Commission who are presently employed and have rendered a minimum of 120 days continuous service in Central Water Commission or such persons who were engaged anytime during the preceding one year and have rendered a minimum of 120 days of continuous service in that year. A copy of the scheme is enclosed.

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2.

You are requested to bring the scheme to the notice of all appointing authorities under Central Water Commission and ensure immediate action for implementation of the provisions of the scheme by all concerned.

Kindly acknowledge receipt of this letter.

Yours faithfully,

Sd/-

Encl: As- above

(S.B. Basu)
Director (Estt.)
Tel. No. 371 6747.

Copy alongwith a copy of the scheme to :

1. Cabinet Secretariat, (Shri D.M.M. Rao, Deputy Secretary);
Rashtrapathi Bhawan, New Delhi with reference to his letter
No.26/CM/97(i) dated 20th May, 1997.
2. Ministry of Personnel, Public Grievances and Pensions,
Deptt. of Personnel & Training (Shri Harinder Singh,
Joint Secretary), North Block, New Delhi.
3. Ministry of Law & Justice, Deptt. of Legal Affairs (Shri
D.P. Sharma, JS & LA), Shastri Bhawan, New Delhi.
4. Ministry of Finance, Deptt. of Expenditure (Shri
Shyam Sunder, Under Secretary), North Block, New Delhi.
5. Ministry of Urban Affairs & Employment, Deptt. of Urban
Development, (Shri Y.P. Singh, Director (Works)), Nirman
Bhawan, New Delhi.
6. Shri M.S. Menon, Chief Engineer (HRM), Central Water
Commission, Sewa Bhawan, New Delhi, for information and
immediate necessary action.

Sd/-

(S.B. Basu)
Director (Estt.)
Tel.No.3716747.

No. 8/3/95-Estt. I
Government of India
Ministry of Water Resources
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Subject: Scheme for grant of temporary status and regularisation of seasonal khalasis in the workcharged establishment of the Central Water Commission, Ministry of Water Resources.

This scheme shall be called "Grant of temporary status and regularisation of seasonal khalasis in the workcharged establishment of the Central Water Commission, 1997."

2. This scheme will come into force with effect from 1.6.1997.

3. This scheme is applicable to the seasonal khalasis in employment on the workcharged establishment of the Central Water Commission on the date of commencement of the scheme and who continue to be so employed and have rendered a minimum of 120 days continuous service or such persons who were engaged any time during the preceding one year and have rendered a minimum of 120 days continuous service in that year.

4. Definition: Seasonal khalasis are unskilled persons employed year to year to meet the requirements during the monsoon season for 24 hours' observation of river gauges for the purposes of flood forecasting etc. Generally they are employed during the months from June/July to September/October when the monsoon is very active. They are paid at the minimum in the scale of pay of the post of khalasis in workcharged establishment.

5 (i) Temporary status will be conferred on all those seasonal khalasis engaged on workcharged establishment of the Central Water Commission on the date of commencement of the scheme or any time during the preceding one year and have rendered a minimum of 120 days of continuous service preceding such date.

(ii) Conferment of temporary status does not automatically imply that such seasonal khalasis would be appointed on the work-charged estt. on regular basis within any fixed time frame. Appointment to work-charged establishment on regular basis will be subject to the provisions of the scheme and to their satisfying the conditions prescribed in the recruitment guidelines and being adjudged fit by the competent selection committee and in their turn as per their seniority maintained under the respective circle/field office.

(iii) Conferment of temporary status on the work-charged seasonal khalasis concerned will not involve any change in their duties and responsibilities. The engagement will be on need basis and payment will be made as per clause 6(i) of the scheme. Such temporary employees would enjoy temporary status only for and during the period of their engagement. They may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.

6. Temporary status will entitle the work-charged seasonal khalasis to the following benefits during the period of their engagement:

- (i) Wages at the minimum of the pay scale for a corresponding regular workcharged official including DA, HRA, and CCA.
- (ii) Benefits of increments at the same rate as applicable to a workcharged employee would be taken into account for calculating pro-rata wages for every one year (12 months) of service subject to performance of duty for at least 120 days in the year from the date of conferment of temporary status.
- (iii) Leave entitlement will be on a pro-rate basis at the rate of one day for every 10 days of work. Casual or any other kind of leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation subject to a maximum limit of 240 days. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.
- (iv) 50% of the service rendered under temporary status would be counted for the purpose of retirement benefits after regularisation.

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(v) After rendering not less than three years continuous service after conferment of temporary status, the workcharged seasonal khalasis would be treated on par with regular work-charged employees for the purpose of contribution to the General Provident Fund and would also further be eligible for the grant of Festival Advance, Floor Advance on the same conditions as are applicable to regular work-charged employees, provided they furnish two sureties from permanent Government servants of their Department.

(vi) Until they are regularised, they would be entitled to Productivity Linked Bonus/Ad-hoc bonus only, as admissible under Govt. of India Rules.

7. No benefits other than those specified above will be admissible to workcharged seasonal khalasis with temporary status. However, if any additional benefits are admissible to such workers working in Industrial Establishment in view of provisions of Industrial Disputes Act, they shall continue to be admissible to those employees.

8. Temporary status does not debar dispensing with the services of a workcharged seasonal khalasis in case of misconduct after following due procedure as in the case of a regular work-charged employee.

9. Despite conferment of temporary status, the services of the workcharged seasonal khalasis may be dispensed with by giving a notice of one month in writing in the event of there being no work or otherwise. However, such employee with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such workers are engaged on work.

✓ 10. Procedure for filling up of posts in work-charged on regular basis:

✓ (i) only those vacancies in regular workcharged posts which are filled by direct recruitment in respective office will be filled up from such workcharged seasonal khalasis with Temporary Status' on seniority cum-fitness basis, maintained under respective circle/field offices. For appointment to workcharged establishment on regular basis, the effective date of seniority will be reckoned from the date of the year from which the seasonal khalasis

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are continuously being engaged for at least 120 days every year, the eligibility year being the initial year wherein the employee completes the required number of days of service. The Seniority of seasonal khalasis will be maintained separately circle-wise.

- (ii) All eligible seasonal khalasis will be considered for empanelment for posts on workcharged estt. by a duly constituted screening Committee which will assess the suitability of such employees.
- (iii) No such employee shall be considered eligible for appointment to posts in workcharged estt. unless he possess educational and other qualifications and pass such tests as prescribed in the Recruitment Rules for the post. In the case of illiterate workcharged seasonal khalasis conferred temporary status or those who fail to fulfil the minimum qualifications prescribed for the post, regularisation will be considered only against those posts in respect of which literacy or a minimum academic qualification will not be a requisite conditions.
- (iv) In order to be eligible, a seasonal khalasis must fulfil the condition of upper age limit as prescribed in the relevant Recruitment Rules. For this purpose he will be allowed age relaxation to the extent of continuous service rendered by him as seasonal khalasi. For determining the date of birth the criteria laid down at Annexure-A shall be observed.
- (v) He should be medically fit for the post for which he is considered for absorption/regularisation. He should be got medically examined at the time of his initial appointment by the competent medical authority.
- (vi) The character and antecedents of such employee shall be verified from the competent authority at the time of his initial appointment.
- (vii) No recruitment in any circle form open market for regular workcharged staff except for compassionate appointment will be done till eligible seasonal khalasis with the requisite qualifications are available in that circle to fill up the posts in question.

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11. On regularisation of workcharged seasonal khilasis with temporary status no recruitment shall be made of any seasonal/casual or ad-hoc employees in his place. There shall be complete ban on appointment of fresh seasonal khilasi, casual labourers and ad-hoc khilasis.

Ban

12. Ministry of Water Resources in consultation with appropriate Departments/Ministries of Government of India will have the power to make amendment or relax any of the provisions in the scheme that may be considered necessary from time to time.

ANNEXURE - A

Criteria for determining the date of birth for considering the eligibility of a seasonal khilasi for the purpose of his absorption/appointment in a post in workcharged estt. in the Central Water Commission.

In the case of a literate worker, the date of birth mentioned in his Matriculation/School Leaving Certificate is to be accepted as his date of birth and recorded in the Service Roll. In the case of an illiterate worker he is required to produce some documentary evidence, if available e.g. an extract from the Municipal Birth Register, Baptismal Certificate, etc. Where no such proof is available the worker, on entering service, should declare his date of birth which shall not differ from any declaration expressed, implied made for any public purpose before entering in to service in Central Water Commission. The declaration should be signed by the person and attested by a witness or if the person is illiterate, his thumb impression should be taken in the presence of literate witness, whose signature should also be taken.

2. When the year and the month of birth are known, but not the exact date, the 15th of the month shall be treated as the date of birth. Similarly, when the exact month is not known but the year is only known, the date of birth should be taken as 1st July of the year.

3. When a person entering service is unable to give his date of birth, but gives his age, he should be assumed to have completed the stated age on the date of attestation e.g. if person enters service on

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1st April, 1983 and if on that date his age is stated to be 20 years his date of birth should be taken as 1st April, 1963.

4. Where the person concerned is unable to state his age or the age stated by him is obviously incorrect, it should be got assessed by the Medical Officer and the age so assessed entered in his record of service in the manner described above. The date of birth should also be written in words and attested under the signature and stamp of the Divisional Officer.

5. The date of birth declared by the Government Servant and accepted by the appropriate authority shall not be subject to any alteration. A change in the date of birth of Government Servant can be made with the sanction of the Ministry of Water Resources, if.

- (a) A request in this regard is made within 5 years of his entry into the Government Service.
- (b) It is clearly established that genuine bonafide mistake has occurred.
- (c) The date of birth so altered would not make him ineligible to appear in any school or University or Public Service Examinations in which he had appeared for entry into the Government Service or the date in which he entered Govt. Service.