

No. PER (AP)-C-A (4)-1/2011
Government of Himachal Pradesh
Department of Personnel (AP-III)

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Dated: Shimla-171002, the

7th December, 2013

From

The Principal Secretary (Personnel) to the
Government of Himachal Pradesh

To

1. All the ACSs/Principal Secretaries/Secretaries to the Government of Himachal Pradesh.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All Heads of Departments in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh.
5. All the Chairmen/Managing Directors/Registrars/Secretaries of various Corporations/Boards/Universities etc. in Himachal Pradesh

Subject: -

Procedure for regularization of daily waged workers in various government departments who have completed minimum required service as per instructions of the Government but could not be regularized for want of vacant posts and non-fulfillment of educational qualification as per R&P Rules of respective categories.

Sir,

I am directed to refer to the subject cited above and to say that the matter relating to regularization of daily wagers who have completed the required years of services as per instructions of the Government but could not be regularized for the want of (a) vacant post and (b) non-fulfillment of educational qualification prescribed in the R & P Rules of the respective category(ies) had been engaging the attention of the Government for sometime past. The Government has constituted a Committee to resolve the issues of daily wagers under the chairmanship of Chief Secretary. Meeting of the committee was held on 26.11.2013. A copy of the minutes is enclosed.

2 It is, therefore, requested that cases of daily wagers which could not be processed for want of non-fulfillment of conditions as referred to in para 1 above may be processed in accordance with the decision taken by the committee.

3. This decision may be brought to the notice of all concerned.

Yours faithfully,



(Prem Singh Thakur)

Under Secretary (Personnel) to the
Government of Himachal Pradesh
Tele. 0177 2624183.

Encls. - As above.

P.T.O.

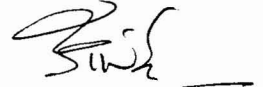
Endst. No. PER (AP)-C-A (4)-1/2011

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Copy forwarded to: -

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Secretary, H.P. Vidhan Sabha, Shimla-4.
3. The Registrar, H.P. High Court, Shimla-1.
4. The Private Secretary to Chief Secretary.
5. All the Section Officers in H.P. Secretariat, Shimla-2.



(Prem Singh Thakur)

Under Secretary (Personnel) to the
Government of Himachal Pradesh
Tele. 0177-2624183.

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Minutes of the meeting of the committee constituted to discuss the issues of regularization of the daily wages workers held under the Chairmanship of Chief Secretary on 26.11.2013 at 10.30.AM in his office chamber.

Following were present:

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|----------------------------|-------------------------|
| 1. Shri Narinder Chauhan | Pr. Secretary (PWD) |
| 2. Dr. Shrikant Baldi | Pr. Secretary (Finance) |
| 3. Shri Madan Kumar Sharma | Addl. Secretary (Law) |

1. At the very outset, Chief Secretary welcomed participants of this committee.

2. The Pr. Secretary (Personnel) {Member Secretary of the committee} informed that DoP has received proposals from various departments for obtaining advice on the following issues for regularization of daily waged workers as per policy of the DoP circulated on 08.07.2013 :-

- (i) Whether posts be created where the vacancies do not exist in the departments in order to regularize the services of daily waged workers who are eligible under the policy of regularization;
- (ii) The guidelines for considering those daily waged workers who do not fulfill essential educational qualification as per provisions of R&P rules for regularization;

3. After detailed discussion the committee has approved following: -

Reg. regularization where vacancies do not exist.

Where vacancy does not exist, daily waged workers may be considered for regularization against available analogous class-IV post having identical pay band, if otherwise eligible as per terms and conditions of DoP and no new post be created. It was further decided that while sending cases of regularization of daily wagers, the concerned department will enquire and give details of the facts/circumstances as to how the daily waged worker was engaged

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without having a vacant post and without the prior approval of the competent authority and fixing the responsibility of the concerned officer/official, if there has been any violation. Proposal(s) will be submitted to FD on case to case basis accordingly.

Reg. regularization where essential educational qualification are not fulfilled.

As per Law laid down by the Hon'ble Apex Court in Bhagwati Prasad Vs. Delhi State Minerals Development Corporation (1990), essential qualification is to be seen when incumbent is appointed on daily waged basis. It was decided to follow the decision of the Apex Court. It was also decided that where the requirement of minimum educational qualification was not observed at the time of initial engagement as per relevant provisions of R&P rules which existed at that time, responsibility of an erring officer/official should be fixed and regularization be considered, if otherwise eligible, in terms of conditions laid down by DoP. Simultaneously, addition financial burden on account of regularization be worked out and recovery of additional amount from the officer/official for ordering such an appointment be made.

4. The committee was also informed about the various judgments of the Hon'ble Courts regarding regularization of daily waged workers. It was decided that if in some cases the Hon'ble Court has ordered regularization of daily waged workers who do not fulfill norms of the DoP, it should not be treated as precedent and all cases be dealt with on case to case basis.



(S.K.B.S. Negi)

Pr. Secretary (Personnel)-cum-Member Secretary