

No.PER(AP)-C-B(2)-2/97-Vol.IV
Government of Himachal Pradesh
Department of Personnel (AP-III)

Dated Shimla-171002, the 6 th May, 2000.

From

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

To

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. All Heads of Departments in H.P.
3. All Deputy Commissioners in H.P.
4. All the Chairman/Managing Directors/ Secretaries of various Corporations/ Boards in Himachal Pradesh.
5. The Registrars,
H.P. University, Shimla, H.P. Krishi Vishwa Vidyalaya, Palampur and Dr. Y.S.Parmar University of Horticulture and Forestry, Solan, H.P.

Subject :- Regularisation of Daily Waged/Contingent Paid Workers.

Sir,

Jai Hind.

I am directed to say that the Government from time to time have issued instructions for the regularisation of daily waged/contingent paid workers, which are detailed hereunder for ready reference :-

- (i) PER(AP-II)B(2)-5/86-VI dated 11-7-1995.
- (ii) PER(AP)-C-B(2)-2/97 dated 11-12-1997.
- (iii) PER(AP)-C-B(2)-2/97 dated 12-12-1997.
- (iv) PER(AP)-C-B(2)-1/97 dated 16-12-1997.
- (v) PER(AP)-C-B(2)-2/97 dated 31-12-1997.
- (vi) PER(AP)-C-B(2)-2/97-Vol.II dated 23-9-1998.
- (vii) PER(AP)-C-B(2)-2/97-Vol.IV dated 8-7-1999.
- (viii) PER(AP)-C-B(2)-2/97-Vol.IV dated 3-4-2000.
- (ix) PER(AP)-C-D(1)-2/2000 dated 2-5-2000.

2. During the process of regularisation of daily wagers, various issues and problems relating to these workers concerning their regularisation have been brought to the

2-

: - 2 - :

notice of the Government. The Government in order to avoid such confusion or problems has decided to streamline the existing procedure/instructions in order to bring uniformity of procedure in various Departments of the Government. It has, therefore, been decided that henceforth :

(i) Daily Waged/Contingent paid Workers who have completed required years of continuous service (with a minimum of 240 days in a calendar year except where specified otherwise for the tribal areas) which as per latest instructions issued vide this Department letter of even number dated 3-4-2000 is 8 years as on 31-03-2000 shall be eligible for regularisation. However, in Departments/Corporations/Boards, where the system of the work charge categories also exists, eligible daily wagers will be considered first for bringing them on the work charge category instead of regularisation. Such eligible daily waged workers/contingent paid workers will be considered for regularisation against vacant posts or by creation of fresh posts and in both these events prior approval of Finance Department will be required as per their letter No. Fin-1-C(7)-1/99 dated 24-12-1999. The terms and conditions for such regularisation shall be governed as per Annexure-4.

(ii) Completion of required years of service makes such daily wager/contingent paid worker eligible for consideration to be regularised/to be brought on work charge category and regularisation in all cases will be from prospective effect i.e. from the date the order of regularisation is issued after completion of codal formalities. In future, even in public

: - 3 - :

Works Department and Irrigation & Public Health Department, regularisation/bringing daily wagers on work-charged category will also be from prospective effect like in all other Departments.

(iii) Where the posts are required to be created for regularisation or bringing daily wagers on work charged category, such posts will be personal to the incumbents and will stand automatically abolished on retirement of the incumbent or vacation of the post by the incumbent and there shall be no resultant vacancy by way of such regularisation in lieu thereof.

(iv) In case of a daily waged/contingent paid worker, who has worked for less than required years on a higher pay scale, he will be considered for regularisation by combining the service both in the lower scale and higher scale but he shall be regularised on a lower post because for regularisation on a higher post, required years of complete service on the higher post is essential.

(v) The daily waged/contingent paid workers shall be regularised against the posts/vacancies of relevant categories. The Daily Waged/Contingent Paid workers of general category may be regularised even if they are in excess of their quota with the clear stipulation that in future recruitments, only the candidates from reserved categories will be appointed until the backlog arising out of utilization of reserved category vacancies by general category Daily Waged/Contingent Paid workers is cleared.

- (vi) The inter-se-seniority of such 'Daily Waged/Contingent Paid Workers' shall be determined in accordance with the date of joining the post on daily wages/contingent paid basis from which date such worker is working on continuous basis. If the date of joining the post(s) on daily wages/contingent paid basis by such daily waged/contingent paid worker was the same, then the elder employee shall rank senior to an employee younger in age. If the date of joining of the direct recruit and date of regularisation of daily waged/contingent paid worker is the same, the direct recruit shall rank senior.
- (vii) The daily waged/contingent paid workers who have been engaged without being sponsored by the Employment Exchange, may be given relaxation while regularising their services.
- (viii) The daily waged/contingent paid workers being considered for such regularisation should possess minimum educational qualification as prescribed in the Recruitment and Promotion Rules.
- (ix) The Department(s) shall not be required to make prior consultation with the H.P. Public Service Commission for regularisation of services in case of those posts which fall within the purview of the H.P. Public Service Commission.
- (x) Maximum age limit for the engagement of daily waged/contingent paid workers, in future, shall be 45 years and the certificate to this effect shall be obtained by the concerned Organisation at the time of giving employment.

: -5- :

3. Besides, the guidelines as issued by the Finance Department vide their letter No. Fin-1-C(7)-1/99 dated 24th December, 1999 (copy enclosed at Annexure-'B') regarding issues relating to daily wage workers and their regularisation may also be kept in view while regularising the services of daily waged/contingent paid workers.

4. The above instructions may kindly be brought to the notice of all concerned for strict compliance and the receipt of the same may kindly be acknowledged.

Yours faithfully,

N. K. Malik
Under Secretary (Personnel) to the
Government of Himachal Pradesh.

No. PER(H.P)-C-B(2)-2/97-Vol.IV Dated Shimla-171002, the
6th May, 2000.
Copy for information and necessary action is also forwarded to :-

1. The Secretary, H.P. Public Service Commission, Shimla-171002.
2. The Finance (Regulation) Department, H.P. Secretariat, Shimla-171002.
3. All the Section Officers in H.P. Secretariat, Shimla-171002.
4. Guard File (200 spare copies).

N. K. Malik
Under Secretary (Personnel) to the
Government of Himachal Pradesh.

TERMS AND CONDITIONS FOR REGULARISATION OF DAILY WAGED/
CONTINGENT PAID WORKERS.

1. The Daily Waged/Contingent Paid Workers who complete required years of continuous service (with a minimum of 240 days in a calendar year) shall be considered for regularisation either against the available vacant posts or, if vacant posts are not available by creation of the posts in the respective Organisation. However, the eligibility for regularisation of such workers in respect of tribal areas shall be on the basis of number of minimum requisite days as under :-
 - (a) For Kinnaur District and Spiti Sub-Division of Lahaul and Spiti District. - 180 days.
 - (b) Bharmour area of Chamba District. - 180 days (applicable with prospective effect).
 - (c) For Lahaul area of Lahaul and Spiti District and Pangi Sub-Division of Chamba District. - 160 days.
2. The regularisation shall be strictly on the basis of seniority subject to fitness and the fulfilment of minimum eligibility prescribed in the concerned Recruitment and Promotion Rules.
3. The candidate should be medically fit for the post being considered for regularisation. The Medical Fitness Certificate of the candidate shall be ensured in accordance with the provisions contained in F.R.10 and S.R.4(1), 4(2) and 4(3).
4. The regularisation shall be subject to verification of character and antecedents of the candidate being considered for regularisation as provided in the Himachal Pradesh Financial Rules.
5. For the determination of date of birth of the candidate concerned, criterion as laid down in Rule 7.1 of the Himachal Pradesh Financial Rules Vol. I and Book No.2 shall be observed.
6. A Screening Committee shall be constituted by the Department concerned for the assessment of the suitability of the candidate concerned for regularisation.
7. The Daily Waged/Contingent Paid Workers who are to be regularised shall be put in at the minimum of the time scale or pay payable to the corresponding lowest grade in the Government.
8. The Daily Waged/Contingent Paid Workers so regularised shall be liable to be posted anywhere within the State.

Copy of Finance Department letter No. Fin-1-C(7)-1/99 dated 24th December, 1999 from F.C.-cum-Secretary (Finance) to the Govt. of H.P. addressed to all Administrative Secretaries to the Govt. of H.P., All Heads of Departments in H.P., All Managing Directors of Boards and Corporations in H.P. and the Secretary, H.P. Public Service Commission, Shimla.

Subject :- Issues relating to Daily Wage Workers and their regularisation.

1. The Govt. has taken a decision already to regularise the services of Daily Wage Workers subject to their completing certain years of daily wage service in the Government. This decision is already being implemented and a large number of such Daily Wagers have already been regularised.

2. During the process of regularisation of Daily-wagers various issues and problems relating to these workers concerning their regularisation have been brought to the attention of the Government. The Govt. in order to avoid such confusion or problems has decided to streamline the existing procedure/provision in order to bring uniformity of procedure in various Departments of the Government. The decisions in this regard are detailed as under :-

(i) Instructions have been issued from time to time regarding non-hiring of any person on daily wages without the concurrence of the Finance Department. However, instances have been reported of Departments engaging personnel on the ground of urgent or limited period requirement without such concurrence. It is clarified that no such powers have been delegated to any authority. It is once again clarified that any instance of engaging daily-wage personnel without concurrence of the Finance Department is a contravention of Government orders, inviting disciplinary action and the personal responsibility of the officer concerned.

(ii) Under the regularisation policy of Govt. the existing position is that persons completing the stipulated number of years as on 31st March of a particular year (9 years in 1998, 8 years in 1999 and so on) are regularised by the concerned

34

Department subject to availability of posts vide office letter No. PER(LP)-C-B(2)-2/97 Vol. II dated 23rd September, 1998. Departments approach Finance Department only if creation of posts is required. Vide Govt. order Finance-1-C(14)-1/83 dated 10th May, 1989 and letter of even number dated 12-3-1990, permission of the Finance Department has been made mandatory in all cases where vacant posts are to be filled. The above two orders of the Govt. are not in conformity with each other. To bring uniformity in those orders and to avoid any confusion it is decided that in all cases of filling up of vacant posts whether by way of regularisation or by way of fresh recruitment, whether creation of posts is required or not, prior concurrence of Finance Department shall be obtained by the concerned Department because Finance Department also maintains vacancy position in different Departments.

- (iii) A number of complaints have come to the notice of the Govt. where in certain cases the age and health status of the daily wagers before they were regularised was not considered. These cases are being separately looked into. Regularisation means induction to regular Govt. service. And as verification of age and obtaining a medical certificate are a sine qua non for entering into Govt. service, therefore, in order to ensure that regularisation process is smooth and does not pose problems to the daily wagers it has been decided that medical teams should be immediately constituted (especially in PWD, I&PH, Forest, Agriculture and Horticulture) to evaluate the existing daily waged personnel with regard to their age and fitness for undertaking their function. This work may be completed in a time bound fashion within a period of three months. Government is separately issuing orders in the Health Deptt. to ensure early constitution of medical teams.
- (iv) All Departments engaging daily wage labour for works shall impart a greater focus on getting their works executed through departmental labour.

3. These instructions will apply mutatis mutandis to all Boards/Corporations/Autonomous bodies.