

No. Fin(Pen)A(3)-1/07  
Government of Himachal Pradesh  
Finance (Pension) Department  
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Important

From

The Additional Chief Secretary (Finance) to the  
Government of Himachal Pradesh, Shimla-2.

To

The Dy. Accountant General (A&E)  
Himachal Pradesh, Shimla-171003.

Dated: Shimla-2,                      the                      19<sup>th</sup> Sep., 2018.

**Subject:**      Clarification regarding counting of basic pay of work charged period for pensionary benefits.

Sir,

I am directed to refer to your office letter No.Pen-1/Work Charge/2018-19/1228 dated 09-08-2018 on the subject cited above and to say that concept of work charged establishment is different from permanent establishment in the Govt. department. A regular establishment and work charged establishment are two separate types of establishment and persons employed in such establishment form two separate and distinct classes. Therefore, the State Government vide letter No. Fin(Pen) A(3)-18/2010 dated 27-01-2016 has issued detailed clarification based on Hon'ble Apex Court rulings in 'Jaswant Singh Ors. Vs. Union of India & Ors'(1974)4 SCC 440 P.456 and 'Rajasthan Vs. Kunji Raman'(1997)2 SCC 517 at PP 520-527 to regulate the cases for grant of work charges status in Govt. department where such department had/ have no work charged establishment. Since, the Govt. departments other than PWD and I&PH departments, have no work charged establishment, as such, question of grant of basic pay in the capacity of work charged employees to daily waged persons of these departments does not arise. Rather, daily waged service of persons working in Govt. departments having no work charged establishments are regularized as per 'Regularization Policy' of the State Govt. issued by the Personnel Department from time to time .


You are therefore, requested, to examine and decided the cases strictly in accordance with Govt. instructions contained in this department letter No. Fin(Pen) A(3)-18/2010 dated 27-01-2016 . However, for the knowledge of this department, information on following points may <sup>be</sup> supplied immediately:-

(i) Give department wise details of HOD/HOO/DDO who have granted work charged status in contravention to Govt. instructions contained in letter No. Fin(Pen)A(3)-18/2010 dated 27-01-2016 with details of each employee.

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- (ii) Whether work charge status and basic pay of work charged, post to such employees was granted with the concurrence of FD or otherwise.
- (iii) Give details of cases, if any, where work charge status were/are granted on the directions of Apex Court/ High Court/ HPSAT alongwith copies of judgement(s).
- (iv) Give sample cases with illustration in reference to your letter dated 9-08-2018.

Yours faithfully,

  
D.D.Sharma (IAS)

Special Secretary (Finance) to the  
Government of Himachal Pradesh.  
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