

The Karnataka Daily Wage Employees Welfare Act, 2012

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Act 19 of 2013

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The Karnataka Daily Wage Employees Welfare Act, 2012(ACT NO. 19 of 2013)(15th February 2013)PREAMBLE.An Act to provide for welfare of daily wage employees working for more than ten years in various establishments in the State.Whereas, it is expedient to provide for welfare of the daily wage employees working for more than ten years in various establishments and to give them minimum security of tenure, better wage and certain social security on termination from long public service and for the matters connected therewith or incidental thereto;Be it enacted in the sixty third year of the Republic of India, as follows:-

1. Short title and commencement.

(1)This Act may be called the Karnataka Daily Wage Employees Welfare Act, 2012.(2)It shall come into force at once.

2. Definitions.

In this Act, unless the context otherwise requires,-(a)"The daily wage employee" means an employee engaged by the Government or local bodies on daily wage basis, who has worked and completed not less than 10 years of service as daily wage employee as on 10th April, 2006 and who is working as such on the date of commencement of this Act;(b)"The Government" means the Government of Karnataka;(c)"The Establishment" means an establishment in the Government or in any local bodies;(d)"Local bodies" means various Local self Governments, Panchayats and Municipal bodies constituted by law by the Government and in corporations including statutory or non-statutory authorities or Boards and Government undertakings.

3. Continuation of daily wage employees.

(1) Subject to provisions of this Act, the daily wage employees in the establishments whose names are notified by the Government under this Act, shall be continued on daily wage basis till they complete the age of sixty years. Provided that no daily wage employee shall be continued unless he possessed the qualification prescribed for the post on the date of his initial engagement on daily wage basis; (2) The State Government shall within one year from the date of commencement of this Act shall notify the names of eligible daily wage employees of all establishments for the purpose of sub-section (1).

4. Pay, leave and terminal benefits of daily wage employees continued in service.

(1) Notwithstanding anything contained in the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), the Karnataka Civil Services Rules or any other rules governing the conditions of service of Government servants made or deemed to have been made under the said Act. The pay of a daily wage employee shall be the minimum of the time scale of pay of the post in which he is continued in service. He shall also be paid admissible Dearness Allowance and House Rent Allowance as may be determined by the Government, by order, from time to time. A daily wage employee shall be entitled for all General Holidays, Casual Leave of fifteen days and Earned Leave of thirty days per year. A daily wage employee may be given an increase in his pay at such interval of time as may be determined by the Government, by order. (2) The daily wage employee shall be entitled for such terminal benefits or ex-gratia, on his discontinuance after attaining the age of Sixty years, as may be determined and notified by the Government from time to time.

5. Conduct and discipline.

The provisions of the Karnataka Civil Services (Conduct) Rules, 1966 shall mutatis mutandis be applicable to the daily wage employee and he shall be liable for such disciplinary action including removal after following such procedure as may be prescribed.

6. Termination for misconduct.

No order terminating the services of a daily wage employee who has been continued under the provisions of this Act, for any misconduct shall be passed by the competent authority without holding a summary enquiry after giving a reasonable opportunity of being heard to the employee.

7. Appeal.

(1) Any person aggrieved by the order of any officer or Authority may appeal to the, - (i) Government in case of daily wage employee in the Government establishment; or (ii) head of the establishment in case of daily wage employee in the establishment other than Government establishment. (2) The Government or the head of the establishment as the case may be, after hearing the aggrieved make

such orders as it deems fit which shall be final.

8. Protection of action taken in good faith.

No suit, prosecution or other legal proceedings shall lie against the officers of the Government or local bodies for anything done or omitted to be done in good faith under this Act.

9. Civil court not to have jurisdiction.

No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any claim for absorption or continuation arising from the provisions of this Act.

10. Power to remove difficulty.

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order make such provisions as it appears to be necessary or expedient to remove the difficulty.

11. Power to make rules.

(1)The Government may, by notification and after previous publication, make rules to regulate other conditions of service of daily wages and for the purposes of this Act.(2)Every rule made under this Act, every notification or order under this Act shall be laid as soon as may be after it is made before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree that the rule notification or order should not be made the rule, notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.