

# **The Jammu and Kashmir Casual and Other Workers-Regular Engagement Rules, 2017**

JAMMU & KASHMIR

India

## **The Jammu and Kashmir Casual and Other Workers-Regular Engagement Rules, 2017**

### **Rule**

### **THE-JAMMU-AND-KASHMIR-CASUAL-AND-OTHER-WORKERS-REGU of 2017**

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The Jammu and Kashmir Casual and Other Workers-Regular Engagement Rules, 2017Published vide Notification No. SRO-520, Jammu dated 21st December, 2017SRO-520. - In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to make the following rules, namely :-

#### **1. Short title and commencement.**

(1)These rules may be called the Jammu and Kashmir Casual and Other Workers-Regular Engagement Rules, 2017.(2)These rules shall come into force with immediate effect.

#### **2. Definitions.**

- In these rules, unless the context otherwise requires,-(a)"Administrative Department" means the concerned department in the Civil Secretariat ;(b)"Aadhar Based Biometric Identification and Skill Profiling of CSLWs" means their online registration/uploading of information in pursuance to Government Order No. 126-F of 2016 dated 28-04-2016 ;(c)"CSLW" means a casual, seasonal or other worker who has been engaged through an appointment order or otherwise on daily rated basis for rendering casual/seasonal services in a department ;(d)"Empowered Committee" means the Committee to be constituted in the Finance Department in accordance with rule 6 of these rules ;(e)"Competent Authority" means the Government or any other authority to which the powers may be delegated ;(f)"Continuous Working" of a `CSLW' means the working of a person after his initial engagement in a department continuously without any break except on account of

Holidays/Sundays and not more than two days break in a period of 90 calendar days :Provided that continuous working in respect of a seasonal worker after his initial engagement shall mean his working for at least six months continuously in a calendar year, in consecutive years without any break except on account of Holidays/Sundays and not more than two days break in a period of 90 calendar days.(g)"Department" means a Government Department ;(h)"Government" means the Government of Jammu and Kashmir.(i)"GSA" means such Casual and Other Workers, once approved for regular engagement, will be designated as "Government Services Assistant" ;(j)"Other Workers" means a/an-(i)"Daily Rated Worker" engaged through an appointment order or otherwise on daily rated basis post imposition of ban viz. 31-01-1994, for rendering daily wage services in a department ;(ii)"Hospital Development Fund (HDF) and Local Fund Workers" engaged through an appointment order or otherwise on consolidated honorarium and paid from Hospital Development Fund/Local Funds, for rendering services in a department ;(iii)"Left-out Ad hoc/Contractual/Consolidated Worker" engaged through an appointment order or proper Government authorization on ad hoc/contract or consolidated basis for rendering service in a department who does not fulfill the eligibility criteria prescribed under the Jammu and Kashmir Civil Services (Special Provisions) Act, 2010 for regularization ;(iv)"NYCs and Land Donors" to be engaged as per procedure laid down under Rule 11 of these rules ;(v)"Seasonal Worker" engaged through an appointment order or otherwise engaged on need basis for rendering seasonal services in a department ;(k)"Rules" mean the Jammu and Kashmir Casual and Other Workers-Regular Engagement Rules, 2017 ;(l)"Skilled Worker" for the purpose of these rules means a worker performing a job which requires special skills, training etc. and the person should be having a valid technical qualification certificate issued by an ITI or a Government recognized Institute.(m)"Wages" means remuneration paid/payable to a person engaged by a department for rendering casual/seasonal/daily rated or consolidated services at notified rates by debit to any scheme, project, wages, office expenses or contingencies.

### **3. Application of these rules.**

(1)These rules shall apply to all CSLWs and other workers as defined in clause (c) and (i) of rule 2 of these rules who have been,-(a)engaged up to 17-03-2015, i. e. when powers to make such engagements were withdrawn vide Government Order No. 43-F of 2015 dated 17-03-2015 read with corrigendum issued vide No. A/Misc/2015/391 dated 20-03-2015 ;(b)engaged after 17-03-2015 up to coming into force of the rules, in accordance with the procedure laid down vide Circular No. A/Misc/2015/364 dated 17-03-2015 issued by the Finance Department.(2)These rules shall not apply to a,-(i)person engaged in any department as part time, contingent paid worker or any other worker drawing wages at rates lesser than the daily wage rates notified/sanctioned by the Government from time to time ;(ii)person engaged on a tenure post or on academic arrangement for a fixed term in any department ;(iii)person engaged in non-governmental agency or autonomous body or public sector undertaking or corporation or Government company or society or other local authority which have their own rules and regulations governing their functioning ;(iv)person retired from any State/Central Government or any Autonomous Body/Local Body/PSU in or outside the State except Ex-serviceman ; and(v)person working in any department through any Manpower/Private Placement Agency on contract or through outsourcing of services.

#### **4. Eligibility for Regular Engagement.**

(1)A CSLW shall be eligible for regular engagement under these rules on fulfillment of the following conditions that :-(i)he/she is a permanent resident of the State of Jammu and Kashmir as is defined under section 6 of the Constitution of Jammu and Kashmir ;(ii)he/she possesses minimum educational qualification of 8th standard or above ;(iii)on the date of his/her initial engagement, his/her age was within the minimum and maximum age limit as prescribed for appointment in Government Service ;(iv)he/she must have completed ten years of continuous working :Provided a seasonal worker must have completed 120 months of working in a department, in aggregate, in consecutive years with at least 6 months, in a year continuously irrespective of the total number of years in which he/she completes 120 months of seasonal service ;(v)his/her work and conduct is satisfactory and no disciplinary proceedings are pending against him/her ;(vi)he/she must be continuing in the department as on date.(2)The provisions of Article 35-A of the J&K CSRs shall apply to a CSLW in respect of the determination and the verification of age.(3)The concerned Administrative Department shall have the powers to grant relaxation in the age/qualification for regular engagement of a CSLW on case to case basis.

#### **5. Date of effect of regular engagement.**

(1)A CSLW shall be entitled to regular engagement after completing 10 years of continuous service with effect from 1st January, of the year following which he completes the prescribed period of regular engagement.(2)Notwithstanding anything contained in sub-rule (1), a seasonal worker shall be entitled to regular engagement after rendering continuous service of 120 months as defined under these rules with effect from 1st January, of the following year in which he/she completes the prescribed period of seasonal service.

#### **6. Empowered Committee.**

(1)There shall be an Empowered Committee in the Finance Department comprising of the following, to recommend the creation of commensurate positions called "Government Services Assistant" (GSA) after proper scrutiny of proposals from the concerned departments :-

(i) Administrative Secretary, FinanceDepartment	Chairman
(ii) Administrative Secretary of the concerneddepartment or representative not below the rank of SpecialSecretary	Member
(iii) Administrative Secretary, GeneralAdministration Department or representative not below the rank ofSpecial Secretary	Member
(iv) Administrative Secretary, Law, Justice andParliamentary Affairs or representative not below the rank ofSpecial Secretary	Member
(v) Director (Codes), Finance Department	Member-Secretary

(2)The Committee shall be serviced by the Finance Department.(3)The Member-Secretary of the Committee shall place cases of CSLWs before the Committee which are registered with the Finance Department and particulars whereof have been uploaded on the relevant NIC portal for Aadhar

Based Biometric Identification and Skill Profiling of CSLWs.(4)The Committee shall also consider the cases of such bona fide CSLWs whose names could not be registered on the relevant NIC portal ; after the Administrative Department concerned gives valid, justifiable and cogent grounds of their non-inclusion.(5)The Committee shall recommend creation of a position(s) of "GSA" strictly keeping in view the eligibility criteria for the CSLW prescribed under these rules.(6)The required number of positions of "GSA" shall be created by each Administrative Department on the recommendations of the Empowered Committee.(7)The concerned Administrative Department shall issue necessary orders for regular engagement of a CSLW as "GSA" after the Finance Department conveys the recommendations of the Empowered Committee to the said department.

## **7. Utilization of services of seasonal workers.**

- The concerned Administrative Departments shall redeploy seasonal workers to ensure an effective and efficient utilization of their services throughout the year.

## **8. Remuneration and Other Benefits.**

- (i) A GSA shall be paid consolidated remuneration under a detailed head 017 "Remuneration below relevant Major head of Account of the department as per following structure :-(a)Remuneration :

### **Group I-Skilled Workers :**

Period of engagement as CSLW	Monthly remuneration
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(i) Above 10 years up to 15 years	Rs. 13000/- p. m.
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(ii) Above 15 years up to 20 years	Rs. 18000/- p. m.
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(iii) More than 20 years	Rs. 24000/- p. m.
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### **Group II-Un-Skilled Workers :**

(i) Above 10 years up to 15 years	Rs. 10000/- p. m.
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(ii) Above 15 years up to 20 years	Rs. 15000/- p. m.
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(iii) More than 20 years	Rs. 20000/- p. m."
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(b)Annual hike. - A "Government Services Assistant" shall be entitled to an annual hike of 3% on his/her consolidated remuneration on the last day of a calendar year with effect from 1st January, of the following year.(c)Terminal benefits. - A "Government Services Assistant" shall be covered under NPS along with Employer's Share to be contributed by the Government.(d)Leave and Medical Reimbursement. - A "Government Services Assistant" shall be entitled to Leave and Medical Reimbursement benefits etc. as are admissible to a Class-IV employee.(e)Periodical hike in remuneration. - A "Government Services Assistant" shall be entitled to a higher remuneration in the manner as indicated hereinabove as per the rule 8(i)(a) on completion of 15/20 years of casual/seasonal/regular service taken together.(f)Maintenance of service bio-data. - The service bio-data/ records of a GSA shall be maintained at the level of Head of Office in each department in the form of a Service Book.(g)A "Government Services Assistant" shall continue in a department up to the age of 60 years.

## **9. Work, Conduct, Discipline and Appeal.**

- For purposes of conduct, discipline and appeal, a GSA shall be regulated in accordance with the relevant provisions of the Jammu and Kashmir Civil Services (Employees) Conduct Rules, 1979 and Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

## **10. Ban on future engagements.**

(1)The orders issued vide Government Order No. 43-F of 2015 dated 17-03-2015, read with corrigendum issued vide No. A/Misc/2015/391 dated 20-03-2015, regarding the withdrawal of powers from Administrative Departments to engage casual labourers, shall continue to remain in force.(2)Notwithstanding anything contained in sub-rule (1), any new engagement of a CSLW in any department can only be made with the prior approval of the Chief Minister through the Finance Department.

## **11. Engagement of other workers. - The engagement of other workers viz. NYCs and Land Donors shall be regulated in the following manner .**

-(a)NYCs. - (1) An NYC worker shall initially be re-engaged on the wages as were paid to him/her immediately before his/her disengagement. The orders of his/her re-engagement shall be issued by the Youth, Services and Sports Department.(2)An NYC worker shall be entitled to regular engagement strictly on the pattern of a CSLW on the completion of prescribed period of continuous service, after clubbing his/ her service rendered earlier as NYC worker.(b)Land Donors. - (1) The land donors who have donated their land free of cost to the Government, shall be eligible for engagement as Casual Workers on the recommendations of a Committee to be constituted in the concerned Administrative Departments, and to be headed by the Administrative Secretary concerned.(2)The Administrative Department shall issue orders of engagement in favour of the applicants.(3)The engagement orders shall be issued subject to fulfillment of following conditions :- (i)The cases of land donors as have donated the land after 31-12-2001 up to coming into force of these rules only shall be considered ;(ii)Land has not been given in charity or land compensation has been received by the land owner ;(iii)The minimum land donation qualifying for this benefit shall be one kanal of proprietary land ; and(iv)The land donated should be legally mutated in favour of the State Government and its documentary proof must be available with the land donor.(c)Left out Ad hoc/Contractual/Consolidated Workers. - (1) Such workers as are not entitled to regularization under the provisions of the Jammu and Kashmir Civil Services (Special Provisions) Act, 2010, shall also be considered for regular engagement at par with casual, seasonal and daily rated workers subject to fulfillment of prescribed eligibility criteria.(d)Hospital Development Fund (HDF) and Local Fund Workers. - These rules shall mutatis mutandis apply to these workers subject to fulfillment of the prescribed eligibility criteria. However, they shall continue to be paid from Hospital Development Funds (HDF)/Local Funds as the case may be, and the enhancement of their remuneration shall be subject to the availability of resources in the respective funds.

## **12. Interpretation.**

- All policy decisions, interpretations and explanations of these rules, as may be necessary, shall be notified by the Finance Department from time to time.

## **13. Repeal.**

- All the existing rules and orders relating to the subject matter covered by these rules shall stand repealed.