

The Punjab Ad Hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees Welfare Act, 2016

PUNJAB

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Act 55 of 2016

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The Punjab Ad Hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees Welfare Act, 2016(Punjab Act No. 55 of 2016)[Dated 24.12.2016]Government of PunjabDepartment of Legal and Legislative Affairs, PunjabNo. 62-Leg./2016. - The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 23rd day of December, 2016, is hereby published for general information:-An Act to provide for the regularisation of services of Group 'A', 'B', 'C' and 'D' employees working on ad hoc, contractual, daily wage, temporary and work charged basis under the State Government or its entities and further to take on contract basis, the out sourced employees working under the State Government or its entities.Be it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows: -

1. Short title and commencement.

(1)This Act may be called the Punjab Ad hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016.(2)It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Government" means the Government of the State of Punjab in the Department of Personnel;(b)"outsourced employee" means an employee taken on the roll of the State Government or its entities through a private manpower agency for performing duties assigned to him from time to time;(c)"service rules" means all relevant, general

and specific rules governing recruitment to the services of the State Government or its entities;(d)"State Government" means the Government of the State of Punjab in the concerned Department or entity of the State in which the employee is serving; and(e)"year" means a period of twelve calendar months preceding the date of commencement of this Act.

3. Regularisation of services of Group 'A', 'B' and 'C' employees.

(1)Notwithstanding anything contrary contained in any law, judgement, decree or order of any court, tribunal or any other authority, services of such Group 'A', 'B' and 'C' employees, who are working on ad hoc, contractual, daily wage, temporary or work charged basis under the State Government or its entities for a continuous period of not less than three years preceding the date of coming into force of this Act shall be regularised by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-(a)fulfil the eligibility with regard to minimum and maximum age limit;(b)possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;(c)initial appointment was made by following transparent process;(d)satisfactory verification of antecedents;(e)have good character and conduct; and(f)have not been indicted or undergoing any civil, criminal or departmental proceedings:Provided that the entities of the State shall consider regularization only if such entity is in a financial position to take the burden of such regularization on its own without transferring any liability to the State exchequer.(2)During the probation period, the person regularised under this section shall be entitled to draw salary at the minimum of the Pay Band applicable to the post against which his services have been regularised in Group 'A', 'B' or 'C' services, as the case may be, or actual remuneration being received at the time of regularization, whichever is more.

4. Regularisation of services of Group 'D' employees.

(1)Notwithstanding anything contrary contained in any law, judgement, decree or order of any court, tribunal or any other authority, services of such Group 'D' employees, who are working on ad hoc, contractual, daily wage, temporary or work charged basis under the State Government or its entities for a continuous period of not less than three years preceding the date of coming into force of this Act shall be regularised by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-(a)fulfil the eligibility with regard to minimum and maximum age limit;(b)possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;(c)satisfactory verification of antecedents;(d)have good character and conduct; and(e)have not been indicted or undergoing any civil, criminal or departmental proceedings:Provided that the entities of the State shall consider regularization only if such entity is in a financial position to take the burden of such regularization on its own without transferring any liability to the State exchequer.(2)During the probation period, a person regularised under this section shall be entitled to draw salary at the minimum of the Pay Band applicable to the post against which his services have been regularised in Group 'D' service, or actual remuneration being received at the time of regularization, whichever is more.

5. Pay protection of previously regularised employees.

- If the emoluments of employees who were regularised prior to coming into force of this Act have decreased after regularization, they shall also get the benefit of pay protection.

6. Outsourced employees.

- The outsourced employees recruited through private man power agency in the service of the State Government or its entities and working for a continuous period of not less than three years preceding the date of coming into force of this Act shall be taken on contract on yearly basis by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-(a)fulfil the eligibility with regard to minimum and maximum age limit;(b)possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;(c)satisfactory verification of antecedents;(d)have good character and conduct; and(e)have not been indicted or undergoing any civil, criminal or departmental proceedings:Provided that the entities of the State shall consider such contracts only if such entity is in a financial position to take the burden of such contract on its own without transferring any liability to the State exchequer.(2)Persons taken on contract under this section shall be entitled to draw the same salary as was being paid to him by the private manpower agency.

7. Creation of posts.

- Necessary number of category-wise posts in the services of the State Government and its entities equal to the number of the persons to be regularised shall be deemed to have been created in excess of the already existing sanctioned posts in the cadre to which they are inducted:Provided that such deemed to have been created posts in excess of the already existing sanctioned posts shall be posts personal to the incumbent and shall stand abolished on vacation of post by the incumbent.

8. Seniority.

(1)The seniority of the employees governed by this Act shall be fixed below the junior most employee in the relevant cadre on the date of coming into force of this Act.(2)The inter-se seniority of the employees whose appointments are so governed under this Act shall be determined as per provisions of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.

9. Reservation.

- Consequent upon the regularization of services under sections 3 and 4 of this Act, the backlog of posts meant for various reserved categories shall be calculated and filled up on priority basis by way of direct recruitment as and when any vacancy arises.

10. Applicability of rules.

(1)The employees covered under this Act shall be governed by the conditions of service as are applicable to the employees in the respective cadre in which they stand appointed.(2)The Punjab Civil Services (Punishment and Appeal) Rules, 1970, as are applicable to other employees of the cadre, shall apply mutatis mutandis to these employees.

11. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the officers of the State Government or its entities for anything done in good faith under this Act.

12. Civil court not to have jurisdiction.

- No Court or Tribunal 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.

13. 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 it to be necessary or expedient to remove such difficulty.

14. Power to make rules.

(1)The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)The State Government shall notify rules with regard to the procedure, seniority and parity of persons working in the entities of the State Government in Group 'A', 'B', 'C' and 'D' services in the State and other residual matters.(3)Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session, for a total period of ten 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 successive sessions as aforesaid, the House agrees in making any modification in the rules or the House agrees, that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.