

**Brochure on Casual Labourer's and instructions on Casual laborer issued by
DoP&T from time to time**

Casual Labourers (Grant of Temporary Status and Regularization) Scheme 1993

- (1) This scheme shall be called "**Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993.**"
- (2) This Scheme will come into force **w. e. f. 01.9.1993**
- (3) Notification on **10.09.1993**.
- (4) This scheme is applicable to casual labourers in employment of the Ministries / Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes.

Note- The Department of Posts OM No. 2-10/88-PE-I **dated 04 February 1997**, intimated all Heads of Postal Circles about a complete ban on recruitment of casual workers and of the requirement to obtain prior approval for such recruitment from Directorate.

- (5) **Temporary Status**
 - (a) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this OM and who have rendered a continuous service of **at least one year**, which means that they must have been engaged for a period of at least **240 days (206 days in the case of offices observing 5 days week)**.
 - (b) Such conferment of temporary status would be without reference to the creation/availability of **regular MTS posts**.
 - (c) Conferment of **temporary status on a casual labourer**s would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis.
 - (d) Such casual labourers who acquire temporary status will not be brought on to the permanent establishment unless they are selected through **regular selection process for MTS posts**.
- (6) **Temporary status would entitle the casual labourers to the following benefits:**
 - (i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular **MTS official including DA and HRA**.
 - (ii) Benefits of increments at the same rate as applicable to an MTS employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for **at least 240 days, 206 days in administrative offices observing 5 days week**) in the year from the date of conferment of temporary status.
 - (iii) Leave entitlement will be on a pro-rata basis at the rate of **one day for every 10 days of work**, casual or any other kind of leave, except **maternity leave**, will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularization. They will



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not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.

- (iv) Maternity leave to lady casual labourers as admissible to regular MTS employees will be allowed.
- (v) **50% of the service** rendered under temporary status would be counted for the purpose of **retirement benefits** after their regularization.
- (vi) After rendering '**three years**' continuous service after conferment of **temporary status**, the casual labourers would be treated on par with temporary MTS employees for the purpose of contribution to the GPF, and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary MTS employees, provided they furnish **two sureties from permanent Government** servants of their department.
- (vii) Until they are regularized, they would be entitled to Productivity Linked **Bonus/ Ad-hoc bonus** only at the rates as applicable to casual labourers
- (7) Despite conferment of temporary status, the services of a casual labourer may be dispensed with by giving a notice of **one month** in writing. A casual labourer with temporary status can also quit service by giving a written notice of **one month**. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.
- (8) **Procedure for filling up of MTS posts**
Two out of every three vacancies in MTS cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by DOPT from amongst casual workers with **temporary status**.
- (9) On regularization of casual worker with temporary status, **no substitute in his place will be appointed** as he was not holding any post.

DOP & T instructions

- (1) Person on daily wages (Casual workers) should not be recruited for work of **regular nature**.
- (2) Recruitment of daily wager may be made only for work which is **casual** or **seasonal** or **intermittent nature** or for work which is not full-time nature, for which regular posts cannot be posted.
- (3) Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of **1/30th of the pay** at the minimum of the relevant pay scale plus dearness allowance for work of **8 hours a day**.
- (4) The casual workers may be given **one paid** weekly off after **six days** of continuous work.
- (5) The payment to the casual workers may be restricted only to the days on which they actually perform duty under the Government with a paid weekly off as mentioned



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above. In addition, they will also be paid for a National Holiday, if it falls on a working day for the casual workers.

- (6) It has further been decided that casual workers working in offices having a **five-day week** may be allowed one day paid weekly off provided they have worked for a minimum of **40 hours** during the said week.
- (7) Frequency at which leave will be credited. Twice a year-**1 January** and **1st July**. on a pro-rata basis at the rate of **one day** for every **10 days of work**.
- (8) The hon'ble Supreme Court while hearing SLP (Civil) No.2224/2000) in the case of **Union of India & Anr. Vs. Mohan PaI etc.** the casual labourers who have acquired '**temporary**' status shall not be removed from service of the Scheme. If there is serious misconduct or violation of service rules, it would be open to the employer to dispense with the services of a casual labourer who had acquired the 'temporary' status.
- (9) The benefit of Transport allowance was extended to casual labourers having temporary status. **Physically handicapped** casual labourers having temporary status were entitled to transport allowance at **double the normal rate** subject to terms and conditions.
- (10) It was clarified that the limit on accumulation of total number of days of leave will be **300 days** as in the case of regular Government employees. In other words, CL-TS can accumulate leave up to a maximum of **300 days** only.
- (11) **Paternity leave** as admissible to regular Government employees was also extended to the casual labourers with temporary status and who has less than **two surviving children** may be granted Paternity leave for a period of **15 days during** the confinement of his wife. During the period of such leave, he shall be paid wages drawn immediately before **proceeding on leave**.
- (12) Paternity leave was not to be debited against the leave account and could be combined with pro-rata earned leave admissible to casual employees under **Casual Labourers (Grant of Temporary Status and regularization) Scheme of Government of India, 1993.**
- (13) Casual employees who have been granted temporary status were entitled to Transport Allowance for computation of their **daily rates of wages**.
- (14) On the implementation of the recommendations of the 7th CPC the Casual labourers with Temporary Status will continue to receive their wages with effect from 01.01.2016 as per provisions of the Casual Labours (Grant of Temporary Status & Regularization) Scheme, worked out on the basis of the pay scales of Group 'C' as per **Level 1 of the Pay Matrix** recommended by the 7th CPC and approved by the Government provided, they are matriculate.
- (15) **Absorption of all temporary status casual labourers and full-time casual labourers as MTS.**

From GDS-75% and from Casual labourers-25%



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