

No.C-18013/25/2009-Ad.IIIB
Government of India
Central Board of Indirect Taxes & Customs

New Delhi, Dated February 24th '2021

To

Cadre Controlling Authorities under CBIC.

(Kind Attention: In Charge PCC/CC of the CCAs)

Subject: Madras High Court's Order dated 19.07.2011 in respect of Rita Mary and others-Reg.

Undersigned has been directed to refer to the subject mentioned above and state as follows:

1. It may be recalled that as part of Government policy to govern and then impose a ban on engagement of casual workers on daily wages, DoPT vide its OMs issued in 1993 and 2006 issued guidelines for regularisation of existing Casual Labourers. The exercise of regularisation in terms of these OMs was effected by formations CBIC from time to time, while also emphasizing on strict adherence by field formations to Government's policy in this regard. A copy of Board's letter No.A-12034/1/2005-Ad.IIIB 02.05.2005, is herein enclosed for ready reference.
2. However, Madras High court, vide common order dated 19.07.2011, directed CBIC to frame a similar scheme like that of DoPT OM dated 10.09.93, to provide an opportunity to regularise certain Part Time Casual Labourers (PT CLs) subject to eligibility. Having implemented the orders, yet in view of dismissal of further appeals in Supreme Court, a scheme titled "Part-Time Casual Labourers (Regularisation) Scheme of CBIC 2020" dated 01.01.2020 with partial modifications dated 06.02.2020 (copy enclosed) was framed and extended to respondents / petitioners covered under 5 WPs (WP No. 16733/2009, 16889 / 2009, 11492/2006, 18969 / 2006 and 20664/2011). This was framed as a one-time scheme limited only to the respondents / petitioners covered under above mentioned 5 WPs.
3. Now in view of court directions in another set of 18 WPs filed in Madras High court and contempt petitions filed on the issue, information is urgently required (in the enclosed proforma) regarding Part Time CLs, who have claimed regularization and who fulfil conditions as prescribed. The data in the proforma enclosed should be furnished after duly verifying the eligibility of the claimants, along with certificate regarding correctness of details /documents relied upon and copies of supporting documents.
4. For any eligible Part Time CLs left out, after this exercise, the concerned CCA, will be held responsible for consequential action.
5. Information / data in enclosed proforma is required to be sent to Board within 15 days from the issuance of this letter, including a nil report in case there are no such part time CLs under the CCA.
6. This issues with the approval of Member (Admin).

Encl: As above

Yours faithfully

R. Jha.
24.02.2021
(R K Jha)

Deputy Secretary to Government

☎: 011-26162693; E-mail : jha.ranjan@gov.in

Copy to: Webmaster, to upload the letter on CBIC's website with web ticker.

ANNEXURE

Proforma for data/information to be furnished by CCA in respect of Part Time Casual Workers (PTCL)

1	2	2	3	4	5	6	7
S.No	CCA	Name of PTCL	Date of Birth	Date of Engagement (Only those engaged before 26.11.2002, the date w.e.f which engagement of CLs was banned, to be considered)	Whether engaged through proper channel i.e., through employment exchange	Basis on which the PTCL is considered similarly placed as the PTCLs covered in Madras High Court order dated 19.07.2011	Whether fulfill the eligibility conditions laid down under " <u>Part-Time Casual Labourers Regularisation Scheme of CBIC 2020</u> " dated <u>01.01.2020</u> & amended dated <u>06.02.2020</u>)

IT IS CERTIFIED THAT

- 1) The facts/information in respect of data/documents furnished are correct, as per records available with or made available to this office and cover all offices under the cadre control of this CCA.
- 2) Only those engaged before 26.11.2002, the date w.e.f which engagement of CLs was banned, have been considered and these are similarly placed as the PTCLs covered in Madras High Court order dated 19.07.2011.
- 3) The Part Time Casual Workers whose details furnished hereabove, fulfill all the conditions laid down under "Part-Time Casual Labourers Regularisation Scheme of CBIC 2020" (dated 01.01.2020 & amended on 06.02.2020)
- 4) The details and records/documents in respect of the eligible part time CLs under said Scheme, have personally been verified by me and found correct to extent of satisfying all eligibility conditions as per the said Scheme
- 5) Under this CCA, no other PTCLs, to be considered as per above proforma, is left out.
- 5) Any eligible Part Time CLs, if found left out after this exercise, this CCA undertakes to be held responsible for the same.



Signature _____

Name _____

Designation _____

F.No. A-12034/53/2002-Ad.III(B)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

New Delhi, the 26th November, 2002

To

All Chief Commissioners of Central Excise & Customs,
All Commissioners of Central Excise,
All Commissioners of Customs,
All Director Generals/Directors under CBEC

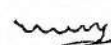
Subject: Engagement and regularisation of Casual Workers in Group 'D' posts -
Regarding.

Sir,

I am directed to say that instructions have been issued from time to time by the Department of Personnel and Training and this Ministry regarding ban on engagement of casual workers on daily wages. In this context, attention is invited to DOP&T's O.M. dated 7.6.88 No. 49014/2/86-Estt.(C) and O.M. dated 10.9.93 No. 51016/2/90-Estt.(C). However, field formations are reported to have engaged casual workers on daily wages even after the date of issue of the aforesaid O.Ms of DOP&T. This has resulted in the filing of a large number of cases before the various Tribunals/ High Courts wherein these casual workers have sought granting of temporary status and/or regularisation. The Board has also been receiving references from individuals and federations on this subject.

2. It is, therefore, requested that in future Casual Workers should not be recruited in any circumstances. It may also be noted that cases of negligence would be viewed seriously being a gross violation of the standing instructions of the DOP&T.
3. You are also required to furnish a list of casual workers who have been appointed on daily wages in violation of the standing instructions on the subject. The name and designation of the officers who appointed the casual workers on daily wages may also be indicated against the name of the casual worker. This list may be sent to the undersigned by 31.12.2002.
4. Kindly acknowledge the receipt of the letter.

Yours faithfully,


(MADHO RAM)
Deputy Secretary to the Govt. of India

9

By Registered Post

F.No.C-18013/75/2003.AD.III.B.
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 10th March, 2004

To
All Chief Commissioner of Central Excise & Customs, [By name]
All Chief Commissioner of Customs, [By name]
All Director Generals/Directors under CBEC, [By name]
Director, CRCL, New Delhi. [By name].

SUBJECT: Engagement of casual labourers-Reg.

Sir, I am directed to refer to Board's letter No. A-12034/53/2002-Ad.III(B) dated 26.11.2002 regarding ban on engagement of casual workers on daily wages. Attention of all Heads of Departments was also invited to the instructions issued by Department of Personnel and Training on the subject from time to time.

2. However, it has come to the notice of the Board that a large number of casual workers have been engaged on daily wages on contract or otherwise in violation of the above instructions. Such engagement has also resulted in a number of cases before Tribunals/Courts claiming regularization in the Government.

3. It is reiterated that engagement of persons on daily wages stands banned and the Heads of Departments cannot exercise their delegated powers in this regard. Work for which no regular posts have been created/sanctioned may be outsourced through service providers/contractors after following the procedure prescribed in the GFRs. The payments of such outsourcing through the service provider may be done from the provisions under 'Contingent Office Expenditure' and not from 'Wages'.

4. The above instructions may be strictly followed and any contravention of the same being a gross violation of the standing instructions of the Government, shall be viewed seriously.

5. As regards the casual workers on rolls who have achieved temporary status, appropriate action may be taken in terms of guidelines contained in para-3 of Department of Personnel and Training O.M. No. 40011/6/2002-Estt. (C) dated 6th June, 2002 (copy enclosed).

6. This issues with the concurrence of IFU vide their Diary No. F.632/FA(F)04 dated 11.2.2004.

Yours faithfully
R. S. Mehta
(R.S. Mehta)
DIRECTOR (Adm.)

Copy to:
The Narcotics Commissioner, Central Bureau of Narcotics, Gwalior with reference to his letter F.No. 1/26/13/Admn./2002-140 dated 22nd/23rd July, 2003 for information and necessary action.

By Registered Post.

10
F.No.A-12034/1/2005.AD.III.B.
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 2 May, 2005

To

All Chief Commissioner of Central Excise & Customs, [By name]
All Chief Commissioner of Customs, [By name]
All Director Generals/Directors under CBEC, [By name]
Narcotics Commissioner, CBN, Gwalior, [By name]
Director, CRCL, New Delhi. [By name]

SUBJECT: Engagement of casual labourers-Reg.

Sir,

I am directed to refer to Board's letter F.No. A-12034/53/2002-Ad.III(B) dated 26.11.2002 (Annexure-I) and letter F.No.C-18013/75/2003.AD.III.B dated 10.3.2004 (Annexure-II), regarding the ban on engagement of casual workers on daily wages. Attention of all Heads of Departments was also invited to the instructions issued by Department of Personnel and Training on the subject from time to time.

2. However, it has come to the notice of the Board that a large number of casual workers have been engaged by the field officers in violation of the above instructions. The Government expresses its unhappiness over such engagement of casual workers in violation of the Government's instructions. Such engagement has also resulted in avoidable litigation since a number of cases have been filed before Tribunals/Courts for claiming regularization in the Government service.

3. It is once again reiterated, that engagement of persons on daily wages stands banned and the Heads of Departments cannot exercise any powers in this regard. As already intimated vide Board's aforementioned letter dated 10.3.2004, essential work for which no regular posts have been created/sanctioned, may be outsourced through service providers/contractors after following the procedure prescribed in the GFRs. The payments for such outsourced work through the service provider may be done from the provisions under 'Contingent Office Expenditure' and not from 'Wages'.

4. The above instructions may be strictly followed and any contravention of the same, being a gross violation of the standing

instructions of the Government, shall be viewed seriously. The Government has decided that the officer who appoints Casual Workers against the Government's standing instructions, shall besides being subject to disciplinary action, be held liable to compensate the Government for the expenditure incurred on the wages etc. of such workers.

Encl: As above.

Yours faithfully,

S. Chandra
(Saurabh Chandra)

Joint Secretary to the Govt. of India

Copy to:-

Shri V.N. Kalia, Principal Chief Controller of Accounts, Central Board of Excise & Customs, A.G.C.R. Building, I.P. Estate, New Delhi-110002 for information and necessary action.

Yours faithfully,

(Saurabh Chandra)
Joint Secretary to the Govt. of India

WHS Code: 1434 110 001
MARK NO. 11000001

F.No.C-18013/25/2009-Ad.IIIB
Government of India
Central Board of Indirect Taxes & Customs

293

New Delhi, Dated: 01.01.2020

To

The Principal Chief Commissioner of GST & Central Excise
No.26/1, Mahatma Gandhi Road,
Chennai-600034.

Subject : Legal Contempt Petition No. 207/2019 in W.P. No. 11492/20106, order dated 19.07.2011, filed by M. Manikandan and 17 others, Contempt Petition No. 1402 in W.P No. 20664/2011, order dated 20.09.2011, filed by K Murugan & others before, Hon'ble High Court of Madras (Rita Marry & others, part time casual labourers)-reg.

In pursuance of Hon'ble High Court of Chennai's order dated 19.07.2011 in W.P. No. 16733/2009, 16889/2009, 11492/2006 and 18969/2006 and with concurrence of DoPT and Department of Expenditure, in consultation with ASG concerned, approval of competent authority is hereby conveyed to the scheme for regularisation of part-time casual labourers who are respondents/ petitioners in aforesaid W.Ps. A copy of the scheme is annexed as appendix.

2. The scheme is one-time scheme and cannot be quoted as precedence at any forum. The scope of the scheme is limited to Respondents/Petitioners of W.Ps referred to above.

3. The Hon'ble High Court of Madras may be intimated compliance and requested to dispose of the C.P. No. 207/2019 and 1402/2019.

Yours faithfully

R. Jha
01.01.2020

(R K Jha)

Deputy Secretary to the Govt. of India

☎: 011-26162693

Copy to :

1. The Deputy Secretary, Estt. (C), DoPT, North Block for information
2. The Deputy Secretary, E.Coord.I, Department of Expenditure, North Block for information
3. The Commissioner, GST & Central Excise, Tiruchirappalli, No.1 Williams Road, Cantonment, Tiruchirappalli- 620001 for necessary action.
4. The Commissioner, CGST, Central Revenue Building, Bibikulam, Madurai-625002, for necessary action.
5. The Additional Solicitor General, Near Court Hall No. 23, Madras High Court, Chennai-600104 for information

R. Jha

(R K Jha)

Deputy Secretary to the Govt. of India

274

APPENDIX

Ministry of Personnel Public Grievances and Pensions (Department of Personnel and Training) Part-time Casual Labourers [Regularisation] Scheme.

1. This scheme shall be called "Part-time Casual Labourers (Regularisation) Scheme of Government of India 2019".
2. This Scheme will come into force w.e.f. the date to be notified.
3. This Scheme shall be one time scheme and applicable to petitioners/respondents and part-time casual labourers in W.P.No.16733/2009, 16889/2009, 11492/2006 & 18969/2006, who fulfil the following eligibility criteria :-
4. Eligibility Conditions:
 - a) 10 years continuous engagement as Part-time Casual Labourer in concerned Department as on 19.07.2011 (Date of Hon'ble High Court's order)
 - b) Possessing educational and other qualifications as per Recruitment Rules of Group 'C' post against which the Part-time Casual Labourers are considered for regularization.
 - c) Should not exceed the age requirement prescribed for the post in the Recruitment Rules of the post against which the regularization is considered on the date of initial engagement by the concerned department.
5. Regular Group 'C' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In future, no Casual labourers or Part-time Casual labourers will be engaged and the guideline issued by DOPT from time to time in this regard should be followed strictly in the matter of engagement of casual employees in Central Government offices. Any violation will be viewed seriously and suitable disciplinary action will be taken against the responsible officer.
6. Department of Personnel and Training will have the power to make amendments or relax any of the provisions in the scheme that may be considered necessary and expedient to do so.

No.C-18013/25/2009-Ad.IIIB
Government of India
Central Board of Indirect Taxes & Customs

283/L

New Delhi, Dated the February 6th 2020

To
The Principal Chief Commissioner of CGST
Chennai Zone
No.26/1, Mahatma Gandhi Road,
Chennai-600034.

Subject : Legal Contempt Petition No. 207/2019 in W.P. No. 11492/2006 etc. batch, order dated 19.07.2011, filed by M. Manikandan and 17 others, Contempt Petition No. 1402 in W.P No. 20664/2011, order dated 20.09.2011, filed by K Murugan & others before, Hon'ble High Court of Madras (Rita Marry & others, part time casual labourers)-reg.

In partial modification of Board's letter F.No.C-18013/25/2009-Ad.IIIB dated 01.01.2020 following amendments are inserted in the Scheme annexed with aforesaid letter as Appendix:

- i. Para 1 shall be read as- The Scheme shall be called "Part-Time Casual Labourers Regularisation Scheme of CBIC 2020".
- ii. In Para 3, WP No. 16733/2009, 16889/2009, 11492/2006 & 18969/2006 may be substituted as CP No. 207/2019 in WPs No. 16733/2009, 16889/2009, 11492/2006 & 18969/2006 and CP No. 1402/2019 in WP No. 20664/2011.

2. This issues with approval of competent authority and concurrence of DoP&T conveyed vide DoP&T's ID No.1402006/20/Estt (C) Dated 03.02.2020. The amended Scheme is enclosed as Appendix.

3. Further you are requested to examine the eligibility of the applicants/respondents in CP No. 207/2019 in WP No. 16733/2009, 16889/2009, 11492/2006 & 18969/2006 and in CP No. 1402/2019 in WP No. 20664/2011 as per approved Scheme and further amendments, and take further action to comply with the orders of the Hon'ble High Court referred to above and report the compliance before the Hon'ble High Court on next date of hearing i.e. 11.02.2020.

Encl : As above

Yours faithfully

R.K. Jha
6.02.2020
(R K Jha)

Deputy Secretary to the Govt. of India

☎: 011-26162693

Copy to:

1. The Deputy Secretary, Estt. (C), DoPT, North Block for information
2. The Deputy Secretary, E.Coord.I, Department of Expenditure, North Block for information
3. The Commissioner, CGST, Central Revenue Building, Bibikulam, Madurai-625002, for necessary action.

ok
Issued
w.r. Feb 07/02/2020

mTC
284/C

APEENDIX

Part-Time Casual Labourers (Regularisation) Scheme of CBIC 2020.

1. This Scheme shall be called "Part-Time Casual Labourers (Regularisation) Scheme of CBIC 2020.
2. This Scheme will come into force w.e.f. the date to be notified.
3. This Scheme shall be one time scheme and applicable to petitioners/respondents and part-time casual labourers in CP No. 207/2019 in WP No. 16733/2009, 16889/2009, 11492/2006 & 18969/2006 and in CP No. 1402/2019 in WP No. 20664/2011, who fulfill the following eligibility criteria :
4. Eligibility Conditions:
 - a) 10 years continuous engagement as Part-time Casual Labourers in concerned Department as on 19.07.2011 (Date of Hon'ble High Court's order)
 - b) Possessing educational and other qualifications as per Recruitment Rules of Group 'C' post against which the Part-time Casual Labourers are considered for regularization.
 - c) Should not exceed the age requirement prescribed for the post in the Recruitment Rules of the post against which the regularization is considered on the date of initial engagement by the concerned department.
5. Regular Group 'C' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In future, no Casual labourers or Part-time Casual Labourers will be engaged and the guidelines issued by DoP&T from time to time in this regard should be followed strictly in the matter of engagement of casual employees in Central Government offices. Any violation will be viewed seriously and suitable action will be taken against the responsible officer.
6. Department of Personnel and Training will have the power to make amendments or relax any of the provisions in the Scheme that may be considered necessary and expedient to do so.