



OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS,
NO-1, STAFF ROAD, SECUNDERABAD - 500 009
PHONE-040-27843385, FAX-040-28717275

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Paytech.4024/GPF/NPS/CASUAL LABOUR

Dt. 06/02/2017

C I R C U L A R

To


1. All offices and sub offices under CDA Secunderabad.
2. Pay Sections I, II & III, CDA Secunderabad.

Sub : NPS/GPF and Pension benefits to Casual Labourers
with temporary status regularized after 01.01.2004.

Ref : Hqrs. CGDA Lr. No. AT-II.NPS/Corr-XIII, Dt.
23.09.2016.

* * *

Headquarters CGDA letter mentioned under reference along with MoD ID
No. 8(5)/2014/D (Civ-II_ dated 05.08.2016 along with DoP&T OM No.
49014/2014-Estt (C) dated 26th February 2016 and OM dated 28th July, 2016 on
the above subject is enclosed for information and further necessary action.


Asst. Controller (Pay)

794
30.09.16.

4/10

Controller General of Defence Accounts
Ulan Batar Road, Palam, Delhi Cantt-110010

No. AT-II/NPS/Corr-XIII

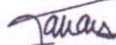
Dated:23.09.2016

To

CDA
Secunderabad

Subject: NPS: GPF and Pension benefits to Casual Labourers with temporary status regularized after 01.01.2004 reg.

A copy of MoD ID No. 8(5)/2014/D (Civ-II) dated 05.08.2016 received from Ministry of Defence, D (Civ-II) alongwith DoP&T OM No. 49014/2014-Estt (C) dated 26th February, 2016 and OM dated 28th July, 2016 on the above subject is enclosed for information and further necessary action.


(Vinod Anand)
Sr.ACGDA (P&W)

CDA's Query
No: 794
Date: 30.09.16

138

14/17/8
17/8

सं. नं. महानियंत्रक कार्यालय

C.G.D.A. Secretariat

कार्य सं/ Dy. No. 1043

दिनांक / Date 12/08/16

Government of India
Ministry Of Defence
(Department of Defence)
D (Civ-II)

Most Immediate

Subject: GPF and Pension benefits to Casual Labourers with temporary status regularised after 01.01.2004-reg.

DoP&T has issued OMs No. 49014/2/2014-Estt(C) dated 26th February, 2016 and OM dated 28th July, 2016 on the subject "casual labourers with temporary status - clarification regarding contribution of GPF and Pension under the Old Pension Scheme". The same is available on the website of DoP&T at the following link path "persmin.nic.in > Department of Personnel & Training > OMs & Orders > Establishment > (A) Administration > (III) Concession in Appointments > (b) Daily Wage Causal Labour".

2. All concerned are, therefore, requested to download a copy of DoP&T OM No. 49014/2/2014-Estt(C) dated 26th February, 2016 and OM dated 28th July, 2016 for information and further necessary action.

Gurdeep Singh

(Gurdeep Singh)

Under Secretary to the Govt of India

Tele : 23014675

Handwritten notes and signatures:
12/8
JK C.G.D.A. (P...)

AHQ/MP-4(Civ)(a)	Air HQ/PC-4	NHQ/CP Dte	DGAQA/Admn & Coord
DGQA/Coord	E-In-C/EIC(IV)	DGAFMS/DG-2B	Def(Fin)/DAD)Coord)
HQ IDS/Dte of Pers	CGDA/AN	DG NCC/P&F Dte	CG HQrs/Dte of Admn
DGDE/Admin	OFB	DPR	DRDO/DMS(MS-Coord)
DDP/D(Coord)	D(Works)	D(Estt/NG)	D(Air-III)
D(R&D)	D(Mov)	D(QA)	D(Med)
D(N-II)	D(O-II)	D(Q&C)	D(QS)
			D(CG)

MoD ID No. 8(5)/2014/D (Civ-II) dated 05.08.2016.

Pl process & circulate to all.

Handwritten signature and date:
16/8

SVAD
RS Pl do *Handwritten notes*

AAO(GPF)

रक्षा लेखा अपर महानियंत्रक / Addl. C.G.D.A.
Addl. C.G.D.A. (VP) Secretariat
कार्य सं/ Dy. No. 233 / Date 16/8/16

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No.49014/2/2014-Estt(C)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

North Block, New Delhi,
Dated the 28th July, 2016

OFFICE MEMORANDUM

Subject: Casual labourers with temporary status – clarification regarding contribution of GPF and Pension under the Old Pension Scheme.

The undersigned is directed to refer to this Department's OM of even number dated 26th February, 2016 on the above subject and to say that some references have been received in this Department from various Ministries/Departments seeking a clarification with regard to the Para 7 of the referred OM.

2. The OM was issued in consultation with Department of Expenditure and the Department of Pension and PW. It was clarified vide that OM that this Department's O.M dated 26th April, 2004 had been quashed in a series of Orders/Judgements. The OM dated 26th February, 2016 restores the provisions of the Scheme as it existed prior to the OM dated 26th April, 2004. The benefit of GPF and Old Pension Scheme is applicable to all those casual labourers who are covered under the Scheme of the 10th September, 1993 even if they have been regularized on or after 01/01/2004.

3. As the benefit of Old Pension Scheme and GPF is admissible only to those Casual workers who are covered under the Scheme of 1993, all Ministries/ Department may strictly ensure that it does not lead to demand by regularly recruited fresh employees appointed on or after 1.1.2004 for similar benefit in place of NPS.

4. This issues with the concurrence of Department of Expenditure vide their I.D.No.1(15)/E-V/2015 dated 27.07.2016


(Mukesh Chaturvedi)
Director(E)
Tele: 23093176

To
All Ministries/Departments.

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No.49014/2/2014-Estt (C)
Government of India
Ministry of Personnel, Public Grievances and PG
Department of Personnel and Training
Establishment Division

New Delhi, North Block,
February 26th, 2016

OFFICE MEMORANDUM

Subject: Casual Labourers with temporary status-clarification regarding contribution to GPF and Pension under the old pension scheme

Undersigned is directed to refer to this Department's OM No. 51016/2/90-Estt (C) dated the 10th September, 1993 vide which a scheme for grant of temporary status to the casual employees was framed. The scheme applied to those casual labourers who were in employment on the date of the issue of the OM and had rendered one year of continued service in Central Government offices, which meant 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). The scheme did not apply to Departments of Telecom & Posts and Ministry of Railways.

2. As per the scheme, after rendering three years' continuous service after conferment of temporary status, the casual labourers were to be treated at par with temporary Group 'D' employees for the purpose of contribution to the General Provident Fund. Further, after their regularisation, 50% of the service rendered under temporary status would be counted for the purpose of retirement benefits.

3. As per para 8 of the scheme, two out of every three vacancies in Group 'D' 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 Department of Personnel and Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfill the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

4. Vide the O.M. No.49014/1/2004 -Estt (C) dated the 26th April, 2004, the above scheme was reviewed in the light of introduction of New Pension Scheme in respect of persons appointed to the Central Government service on or after 1.1.2004 as under:

(i) As the new pension scheme is based on defined contributions, the length of qualifying service for the purpose of retirement benefits has lost its relevance, no credit of casual service, as specified in para 5 (v), shall be available to the casual labourers on their regularisation against Group 'D' posts on or after 1.1.2004.

.....2/-

(ii) As there is no provision of General Provident Fund in the new pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees, in terms of para 5 (vi) of the scheme for grant of temporary status. It is, therefore, requested that no further deduction towards General Provident Fund shall be effected from the casual labourers w. e. f. 1.1.2004 onwards and the amount lying in their General Provident Fund accounts, including deductions made after 1.1.2004, shall be paid to them.

2. The existing guidelines contained in this Department's OM No. 49014/2/86-Estt.(C) dated 7.6.88 may continue to be followed in the matter of engagement of casual workers in the Central Government Offices.

5. The OM dated 26th April, 2004 has been quashed by various benches of CAT/High Courts who have decided that the scheme could not be modified retrospectively. The SLPs filed in the Hon'ble Supreme Court have been dismissed by the Apex Court in *UOI & Ors v Rameshwar Singh*, CC 1829/2014, *UOI & Ors v Ramsaran & Ors*, SLP (C) No. 25360-25362 of 2008, SLP 17358/2008, SLP 25360-62/09, *Union of India etc v Ajay Kumar & Ors*, SLP No.19673-19678/2009.

6. The position has been reviewed in the light of the Court judgements in consultation with the Department of Expenditure. It has now been decided that the casual labourers who had been granted temporary status under the scheme, and have completed 3 years of continuous service after that, are entitled to contribute to the General Provident Fund.

7. 50% of the service rendered under temporary status would be counted for the purpose of retirement benefits in respect of those casual labourers who have been regularised in terms of para 8 of the OM dated 10.09.1993.

8. It is emphasised that the benefit of temporary status is available only to those casual labourers who were in employment on the date of the issue of the OM dated 10th September, 1993 and were otherwise eligible for it. No grant of temporary status is permissible after that date. The employees erroneously granted temporary status between 10.09.1993 and the date of Hon'ble Supreme Court judgement in *Union Of India And Anr vs Mohan Pal*, 2002 (3) SCR 613, delivered on 29 April, 2002, will however be deemed to have been covered under the scheme of 10.09.93.

9. Ministries/Departments are also requested to identify cases where temporary status has been granted wrongly to those not covered under the OM dated 10.09.1993 and fix responsibility for the same.


(Mukesh Chaturvedi)
Director (E)

To
All Secretaries of Ministries/ Departments.

F. No. 49014/2/2014-Estt (C) dated 26.02.2016

Copy to:

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/ Lok Sabha Secretariat, New Delhi
6. The Registrar General, the Supreme Court of India, New Delhi
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi
8. Comptroller and Auditor General of India, New Delhi.
9. The Secretary, Union Public Service Commission, New Delhi.
10. Central Vigilance Commission, New Delhi
11. Central Bureau of Investigation, New Delhi.
12. All Union Territory Administrations
13. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
14. ADG (M&C), Press Information Bureau, DoP&T.
- ✓ 15. NIC cell with request to upload it under OMs and Orders, Establishment, Daily Wage Casual Labour, and also 'What is new'.


(Mukesh Chaturvedi)
Director (E)