

No. F. 49019/1/95-Estt-(C)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, North Block
Dated 14th June, 2016


OFFICE MEMORANDUM

Subject: One day paid weekly off for casual workers-implementation of the Hon'ble CAT, Ahmedabad bench in the OA No. 214 of 2003 filed by Mrs. Bhikaben Pratapbhai Prajapati- Seeking comments on draft O.M.

The undersigned is directed to refer to the provisions in para 1 (vi) of the Department of Personnel and Training OM No. 49014/2/86-Estt (C) dated 7th June, 1988 on recruitment of Casual Workers and daily wages and paid weekly off after six days of continuous work.

2. The issue of paid weekly off came up for consideration in the OA No. 214 of 2003 filed by Mrs. Bhikaben Pratapbhai Prajapati before the Ahmedabad bench of Hon'ble CAT. The SLP filed by the Government had been dismissed by the Apex Court. The Hon'ble CAT directed that the respondents should draw a Scheme keeping the scales even pertaining to those who are working in an office having five days week preferably within four months, taking stock of the totality of the facts and also considering that those who are working in six days week are being given one weekly off.

3. As per the directions of the Hon'ble Tribunal, a draft Scheme has been drafted by this Department vide the enclosed O.M. All concerned are requested to furnish comments/views in this regard, if any, latest by 18.06.2016 at e-mail address: dire-dopt@gov.in.


(Mukesh Chaturvedi)
Director (Estt.)
Telefax: 23093176

To
All Secretaries of Ministries / Departments.

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. The 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. ✓ NIC cell with request to upload it under OMs and Orders, Establishment, Daily Wage Casual Labours and also 'What is New'.

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Subject: One day paid weekly off for casual workers-implementation of the Hon'ble CAT, Ahmedabad bench in the OA No. 214 of 2003 filed by Mrs. Bhikaben Pratapbhai Prajapati

The undersigned is directed to refer to the provisions of the of Department of Personnel and Training OM No. 49014/2/86-Estt (C) dated 7th June, 1988 on recruitment of Casual Workers and daily wages and paid weekly off after six days of continuous work. As per the provisions at para 1 (vi) of the above referred O.M, the Casual workers may be given one paid weekly off after six days of continuous work.

2. The issue of paid weekly off came up for consideration in the OA No. 214 of 2003 filed by Mrs. Bhikaben Pratapbhai Prajapati before the Ahmedabad bench of Hon'ble CAT. The Tribunal observed:

23. What is important is that when offices work for a five days week and not for six days week, it is not at the behest of the causal workers where they can be treated differently. In our considered opinion, those workers should not be discriminated.

The Hon'ble CAT directed that the respondents should draw a Scheme keeping the scales even pertaining to those who are working in an office having five days week preferably within four months, taking stock of the totality of the facts and also considering that those who are working in six days week are being given one weekly off.

3. In the Special Civil Application No. 23289 of 2005, the Hon'ble Gujarat High Court has directed that it is always open to the Union of India either to frame or not to frame the Scheme, but the direction of the Tribunal has to be complied with. SLP has also been dismissed by the Hon'ble Supreme Court.

4. The issue has been examined in consultation with Department of Expenditure. As per the instructions, the offices observing a five day week are required work to minimum 40 hours per week. Therefore, the casual labourers working in such offices may be allowed one paid weekly off provided they have worked for 40 hours in the said week. The relevant provisions of the Department of Personnel and Training OM No. 49014/2/86-Estt (C) 7th June, 1988 is amended to this extent.

(Mukesh Chaturvedi)
Director (E)

(As per standard list)