

Government of Odisha
General Administration & Public Grievance Department

No 1277 /Gen., Bhubaneswar,
GAD-SC-GCS-0009-2022

Dated 15th Jan, 2022

To

All Departments of Government,
All Heads of Department,
All Divisions,
All Collectors.

Sub: Filing of Writ Appeals against the orders of Hon'ble High Court of Orissa in the matter of regularization of persons deployed by manpower Outsourcing Agencies/Service Providing Agencies.

Sir,

In inviting reference to the subject cited above, I am directed to say that instances have come to the notice of the Government that persons deployed by manpower Outsourcing Agencies/Service Providing Agencies are obtaining orders from different Court of Law for regularization of their services.

The cases of regularisation of Contractual Group-C and Group-D employees who are not holding any post in contravention of any statutory recruitment rules made under the provisions to article 309 of the Constitution of India or any executive instruction in absence of such rules and were appointed prior to coming into force of the OCS Group B posts (Contractual Appointment) Rules, 2013 and the OCS Group C and Group D posts (Contractual Appointment) Rules, 2013 is examined/considered as per provisions of the Resolution No.26108/Gen., dated 17.09.2013 read with Resolution No.1066/Gen., dated 16.01.2014. Similarly in respect of Group-B posts, the provisions of Resolution No.4591/Gen., dated 15.02.2014 is followed.

The above Resolutions stipulate the following three mandatory conditions which must be satisfied for consideration of regularisation, namely;

1. Contractual appointments/engagements must have been made against contractual posts created with the concurrence of Finance Department on abolition of the corresponding regular posts or contractual posts created with the concurrence of Finance Department without abolition of any corresponding regular post in case of new offices or for strengthening of the existing offices/services,


2. Such Contractual appointments/engagements must have been made following the recruitment procedure prescribed for the corresponding regular posts, and
3. Principle of reservation of Posts must have been followed in case of such Contractual appointments/engagements.

It is further indicated that as per guidelines issued from time to time by Finance Department, Outsourcing Agencies/Service provider agencies are engaged for catering non-consultancy services for a certain periods. The said service providing agencies supply man power to perform the required routine task in different Government Organisations. Such persons have no direct relationship with the Government. They are employees of Service Providing Agencies. Further, they do not hold any posts created by Finance Department nor they have gone through any recruitment procedure in order to be selected. There is no employee-employer relationship between these deployed persons and Government. As such, regularisation of such persons engaged by Service Providing Agencies cannot be considered at all.

This Department has also issued a comprehensive checklist vide letter No.7210/Gen., dated 03.03.2021 to facilitate the competent authority to examine the cases of different types of contractual employees for regularisation of their services.

It is therefore, requested to file Writ Appeals against the orders of Hon'ble Court in all cases where orders have been passed to consider regularisation of such persons engaged by Outsourcing Agencies/Service Providing Agencies keeping all the above instructions/provisions in view in consultation with Law Department instead of referring the matter to this Department.

Yours faithfully


15.1.2022

Additional Secretary to Government

Memo No. 1278/Gen.,

dated 15th Jan, 2022

Copy forwarded to all Sections of G.A. & P.G. Department for information and necessary action.


15/01/2022

Under Secretary to Government