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Government of Odisha
Finance Department



RESOLUTION

Bhubaneswar, dated the 29th November, 2018

No.WF-1(W)-47/2011 37248 /F

State Government have

formulated a scheme for absorption of NMR/DLR and Job Contract workers in Finance Department Resolution No. 22764/F., dated 15.05.1997. In paragraph-8 of the said Resolution an order of preference has been provided which indicates that while filling up the regular vacant posts preference shall be given to work-charged employees first. Where no suitable work-charged employees are available to man the post preference shall be given in the following order i.e. N.M.R., D.L.R. , Job Contract Workers and others. In this connection it is clarified that the work charged employees belong to a different class and their service conditions are governed by a set of instructions formulated by General Administration Department known as the Orissa Work Charged Employees (Appointment and Conditions of Service) instructions 1974. The Job Contract workers are associated with Survey and Settlement and Map Publication as well as Consolidation Operation of the State and their service conditions are governed under the Consolidation Manual. Thus, the Job Contract employees altogether is a different category. Basing upon the common scheme of absorption formulated in the aforesaid Resolution NMR / DLR workmen engaged in projects or construction work claims similar service benefit after regularisation specifically the benefit of pension and other terminal

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benefits applicable to Job Contract workers. Such workmen occasionally dragged the Government into litigation claiming for calculation of pensionary benefit when the period of service rendered under regular establishment falls short of minimum qualifying service required for grant of pension on the analogy that similar benefit has been extended to regularised Job contract workers. It is notable that neither the scheme nor rule 18(6) of the OCS (Pension) Rules, 1992 presupposes equality between job contract and NMR/DLR workers.

However, consequent to the regularisation as per aforesaid guidelines on filing of cases by the NMR/DLR Workers Courts have passed orders to extend the pension benefit like their Job Contract counterparts as because the Finance Department Resolution No. 22764/F., dated 15.05.1997 has the order of preference in case of NMR/DLR workers ahead of Job Contract workers.

2. Finance Department Resolution No. 22764, dated 15.05.1997 in Paragraph-8 provides that while filling up the regular vacant posts, preference shall be given to Work Charges employees first and where no suitable Work Charges Employees are available to man the post preference shall be given in the following order i.e. NMR, DLR, Job Contract Workers and others. This gives an impression that NMR/DLR employees stand on a better footing than Job Contract employees in the sequence of preference while filling up the regular vacant posts which needs to be clarified.

3. The DLR/NMR workers are separate categories which are unique to the Administrative units and establishment of Departments regulated by


the provisions of the Odisha Public Works Department Code, whereas the appointment of Job Contract employees is governed in terms of Orissa Consolidation Manual, 1973 and are specific to Revenue Department. The Job Contract Workers are specially trained in the technicalities of the consolidation of holdings including survey and preparation of maps and to that extent they are skilled persons. Job Contract establishments is particularly associated with Survey and Settlement as well as Consolidation operation of the State and as such specific in character. The customary field of work and functions of the establishment are different and distinct. Hence, the Job Contract Workers are a separate class in respect to other categories of casual workmen. Further, the Government have formulated specific policy for regularisation of eligible job contract workers. It is mentionable that a separate dispensation has been made in erstwhile Revenue Department Letter No. 19843/F dated 11.05.2005 for regularisation of their service. Consequent to regularisation there is statutory provision under rule 18(6) of OCS (Pension) Rules, 1992 for counting of service rendered under the Job Contract establishment along with tenure of regular service towards pension. Thus job contract workers constitute an altogether separate class of employees. The mere mention of that category in Finance Department Resolution No. 22764/F., dated 15.05.1997 after NMR/DLR workers create a wrong notion that such categories of workers are ahead of job contract workers in the order of preference.

4. In view of above, after careful consideration of the matter, Government have been pleased to exclude the Job Contract employees

from the ambit of the resolution. Accordingly, the word "Job Contract" wherever appearing in Finance Department Resolution No. 22764/F., dated 15.05.1997 stands deleted.

Order :- Ordered that a copy of the Resolution be forwarded to all Departments of Government and all Heads of Department. Ordered that the Resolution be published in the next issue of Odisha gazette for general information.

By order of the Governor



(T. K. Pandey)

Additional Chief Secretary

Memo No. 37249 /F.,

Dated 29.11.2018

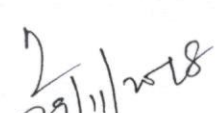
Copy forwarded to all Departments of Government including Odisha Legislative Assembly and Governor's Secretariat for information and necessary action.


Joint Secretary to Government

Memo No. 37250 /F.,

Dated 29.11.2018

Copy forwarded to all Heads Departments for information and necessary action.


Joint Secretary to Government

Memo No. 37251 /F.,

Dated 29-11-2018

Copy forwarded to all Branches of Finance Department for information and necessary action.

29/11/2018

Joint Secretary to Government

Memo No. 37252 /F.,

Dated 29-11-2018

Copy forwarded to Director, Printing, Stationery & Publication, Madhupatna, Cuttack for information and necessary action.

He is requested to publish the Resolution in the next issue of extraordinary Gazette.

29/11/2018

Joint Secretary to Government