केन्द्रीय उत्पाद शुल्क, सीमा शुल्क और सेवा कर के प्रधान आयुक्त का कार्यालय Office of the Principal Commissioner of Central Excise Customs & Service Tax Cochin
19 MAY 2017
इनवार्ड नं
INWARD No.....
Cochin Commissionerate
कोच्चिन आयुक्तालय

भारत सरकार GOVERNMENT OF INDIA
वित्त मंत्रालय MINISTRY OF FINANCE
राजस्व विभाग DEPARTMENT OF REVENUE
प्रधान आयुक्त का कार्यालय
OFFICE OF THE PRINCIPAL COMMISSIONER
केन्द्रीय उत्पाद शुल्क, सीमा शुल्क और सेवा कर
CENTRAL EXCISE, CUSTOMS & SERVICE TAX
कोच्चिन, COCHIN
केन्द्रीय राजस्व भवन, CENTRAL REVENUE BUILDING
आई. एस. प्रेस रोड, कोच्चि, I.S. PRESS ROAD, KOCHI-682 018
E-mail: cexcochi@nic.in Fax: 0484-2390608 Phone: 0484-2390404

C.No.II/7/2/2014-Estt. Date: 18.05.2017

ESTABLISHMENT CIRCULAR NO. 06 /2017

Attention is invited to the following letter received from the Ministry of Finance:-

Sl. No.	Letter No. and date	Subject
1.	F.No.A-12034/10/2015-AD.III(B) dated 06.03.2017	Casual Labourers with temporary status - clarification regarding contribution to GPF and Pension under the old pension scheme-reg

Copy of the mentioned letter may be downloaded from the website of Cochin commissionerate - www.cenexcisekochi.gov.in for information.

18/5

[B G Krishnan]
Deputy Commissioner [P&V]

To

1. **The DC/AC of divisions under Cochin commissionerate.**
2. **All Section Heads in Headquarters Cochin.**
3. **The Superintendent (EDP) for uploading in website.**
4. **Notice Board, Hqrs Cochin.**
5. **Notice Board, Central Excise Bhavan, Kathrikadavu.**

Copy to:

1. **The Deputy Commissioner (CCO), Hqrs Cochin for information.**

By Speed Post/Fax

F.No.A.12034/10/2015-AD.III(B)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs



.....

Hudco Vishala Building, Bhikaji Cama Place,
R. K. Puram, New Delhi, the 6th March, 2017

To

The All Cadre Controlling Authorities
under Central Board of Excise & Customs.
(By name as per Annexure-I).

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

Sir/Madam,

In continuation of the Board's letter of even number dated 04th March, 2016, I am directed to enclose herewith a copy of DOP&T's OM. No. 49014/2/2014-Estt(C) dated 28th July, 2016 on the above subject for information and necessary action.

Yours faithfully,

6.3.2017

(Rajpal Singh)
Under Secretary to the Govt. of India
Tel. No.26162780

Encl: As stated above.

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 1.1.2004for 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.

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. All Union Territory Administration
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 Labours and also 'What is New'.

(Mukesh Chaturvedi)
Director (E)

IC.no. 1339/16



By Speed Post/Fax

F.No.A.12034/10/2015-AD.III(B)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
.....
Hudco Vishala Building, Bhikaji Cama Place,
R. K. Puram, New Delhi, the 04th March, 2016

To

The All Cadre Controlling Authorities
under Central Board of Excise & Customs.
(By name as per Annexure-I).

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

Sir/Madam,

I am directed to enclose herewith a copy of DOP&T's OM. No. 49014/2/2014-Estt(C) dated 26th February, 2016 on the above subject for information and necessary action.

2. You 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 under intimation to the Board by 31.03.2016 positively.

Yours faithfully,

Encl: As stated above.

(Rajpal Singh)
Under Secretary to the Govt. of India
Tel. No.26162780

Copy to:

1. Web Master, DG Systems & Data Management, 4th & 5th Floor, Samrat Hotel, Chanakyapuri, New Delhi-110 021 for uploading the same on the website.
2. Director General, Directorate General of Human Resource Development(HRM), Customs & Central Excise, 409/8, Deep Shikha Building, Rajendra Place, New Delhi-110 008, for information and record.

(Rajpal Singh)
Under Secretary to the Govt. of India
Tel. No.26162780

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/-

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)