

GOVERNMENT OF ASSAM
FINANCE (EC-III) DEPARTMENT

NO. FC (III) 24/92/358

Dated: Dispur, the 5th Nov 1999

OFFICE MEMORADUM

Subject: Ban on appointment of Casual Employee/Casual Worker/ Muster Roll Worker/ Work charged employee- recovery of financial liability of the State Government for irregular appointment from the Appointing Authority.

Ref: Office Memorandum Nos.
1) FC III 24/92/5 dated 12.3.93
2) BB 104/97/2 dated 21.5.97
3) BW 65/95/1 dated 11.10.95
4) FC (III) 24/92/105 dated 7.2.90
5) FC (III) 24/92/206 dated 20.5.98
6) BW 65/95/35 dated 7.12.98
7) ABP 59/99/1 dated 29.5.99

- (1) Several instruction as per the Office Memorandum referred to the above, have so far been issued by the State Government prohibiting the engagement of Casual Worker/ Casual Employee/ Muster Roll Worker/ Work charged employee with effect from 1.4.93. But it has come to the notice of the State Government that there is engagement of persons in some of the departments in the aforesaid categories in violation of the Government directives. The State Government has taken a serious view of such engagement of Casual Employee/ Casual Worker/ Muster Roll Worker/ Work charged employee.
- (2) The Finance Department had also clarified in this connection that on promotion/ regularization/ retirement/ resignation or retrenchment/death of any such existing Casual Employee/Casual Worker/ Muster Roll Worker/ Work charged employee, it could not result in any vacancy and as such no fresh appointment is to be made against promotion/ regularization/ retirement/ resignation or retrenchment and death of Casual Employee/ Casual Worker/ Muster Roll Worker/ Work charged employee.
- (3) The Chief Secretary very recently has issued specific order vide O.M No. ABP . 59/99/1 dated 29.5.99 (copy enclosed) for termination of appointments made on ad-hoc basis for short period like 1 to 4 months. Initially and which are extended

periodically and continues even upto 4-5 years with or without break. This practice is irregular and against the Government directions. Such irregular engagement/ appointment need be stopped forthwith.

- (4) It has also been observed by the State Government that as and when such irregular appointments/ engagements are made and the persons concerned are allowed to work against such irregular appointment/ engagement, they become entitled to draw wages etc., and as a result financial liability devolves on the State Government. On many occasions, on their termination, they also approached various Judicial Courts seeking stay etc. it also becomes necessary to pay them wages during the period of stay by the Court etc. in view of the above, it has been decided by the State Government that the concerned officer who makes such an appointment without prior approval of the Finance Department in the State Government will be personally responsible for such financial liability of the State Government. It has also been decided that the State Government will henceforth make recovery of all payment made to the irregular appointees from the concerned officer in addition to the departmental action that may be initiated against him for disobedient and violation of Government directives. Such recovery will also be effected in case of all irregular appointment made after 1.4.93 if the services of such employees are not terminated with immediate effect except in cases of those where termination etc., has been stayed by the Judicial Courts.
- (5) All appointing authorities are hereby directed once again not to appoint/engage any person as work charge employee/ casual employee/ Casual Worker/ Muster Roll Worker/ Seasonal Khalasi/ Chainmen either on Ad-hoc basis, casual basis, wage basis and part time basis without prior approval of the Finance Department in the State Government as per instructions issued in the various Office Memorandums referred to above.

(S.C. Das)
Commissioner & Secretary,
Government of Assam,
Finance Department