



ABSTRACT

Public Services – Employees working on daily wages – Bringing into regular establishment on completion of ten years of service as on 01.01.2006 – Revised Orders – Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (F) DEPARTMENT

G.O.(Ms)No. 74

Dated: 27.06.2013

விஜய ஆண்டு, ஆனி 13

திருவள்ளூர் ஆண்டு 2044

Read:

G.O.(Ms)No.22, Personnel and Administrative Reforms (F)
Department, dated: 28.02.2006.

ORDER:

In the Government Order read above, orders have been issued directing the Departments of Secretariat to pursue action to regularize the services of the daily wage employees working in all Government Departments who have rendered 10 years of service as on 1.1.2006 by appointing them in the time-scale of pay of the post in accordance with the service conditions prescribed for the post concerned, subject to their being otherwise qualified for the post in consultation with the respective Heads of Departments and proposal may be sent to Government wherever necessary in special cases, wherein relaxation of rule is required.

2) In certain cases of regularization ordered invoking the Government Order read above, the following deviations were noticed:

- (a) The benefit of regularization available to the full time daily wage employees has been extended to part-time employees also;
- (b) The benefit of regularization available to the daily wage employees initially recruited through the employment exchange has been extended to those initially appointed illegally without reference by the employment exchange or through an open competitive process;
- (c) The services were regularized from the date of initial appointment instead of regularizing the services from the date of issue of the order;

- (d) The monetary and other service benefits were allowed retrospectively from the date of regularization, in cases where relaxation of service rules are involved without consideration of financial implication;
- (e) While relaxing service rules, the rules relating to educational qualification and mode of recruitment are also relaxed;
- (f) For allowing the monetary and other service benefits with retrospective effect, Rule 23 (a) (ii) of the General Rules for Tamil Nadu State and Subordinate Services was also relaxed, which cannot be relaxed;
- (g) The services of daily wage employees appointed after 01.01.1996 were also regularized invoking the Government Order read above.

3) Persons ineligible to get benefit of regularization as per the Government Order read above have sought legal remedy through writ petitions in the Hon'ble High Court of Madras. In such cases, the Court has passed orders. It is noticed that such orders are passed because of the following reasons:-

- a. Counter affidavits were not filed promptly resulting in ex parte orders pronounced by the Hon'ble Courts.
- b. Even in cases where counter affidavit is filed, the facts and rules are not presented comprehensively.
- c. Appeals are not filed in time.
- d. Delays in filing the Writ Appeals or Special Leave Petitions resulted in initial orders being confirmed by the Hon'ble Courts.

4) Such court orders have been implemented and the benefits are being extended to all similarly placed persons without examining the merits of individual cases and its financial implications on the State Exchequer.

5) The improper implementation of regularization scheme has caused huge financial commitment running into several crores of rupees to the State Exchequer and defeated the purpose of the Government Order read above. To arrest the improper implementation of the one time regularization scheme ordered in the Government Order read above, the Government have now decided to lay down fresh modalities to govern the regularization of the services of full time daily wage employees.

6) In supersession of the orders issued in the Government Order read above, the Government now issue revised orders on regularization of services of full time daily wage employees working in all Government departments as detailed below:

- (i) This order shall be deemed to have been come into force with retrospective effect from 01.01.2006;
- (ii) The services of the full time daily wage employees who were initially appointed on full time basis in consultation with the Employment Exchange to discharge the function of the post in the Tamil Nadu Basic Service and completed 10 (ten) years of service as on 01.01.2006 shall be regularized against regular vacancies in the sanctioned cadre strength;

- (iii) In cases of relaxation of service rules, the service rule relating to the educational qualification and mode of recruitment shall not be relaxed;
- (iv) In cases, where relaxation of rules are involved, monetary benefit shall be allowed with effect from the date of issue of orders as per Rule 23(a)(ii) of the General Rules for Tamil Nadu State and Subordinate Services;
- (v) In cases where relaxation of rules are not involved, monetary benefit shall be allowed with effect from the date of regularization;
- (vi) The Part-time and casual employees are not entitled to the concession referred to at para (ii) above;
- (vii) The services of the full time daily wage employees who have completed 10 years of service after 01.01.2006 shall not be regularized;
- (viii) All the appointing authorities should adhere to the above instructions scrupulously in future. Failing which, it will be viewed seriously and necessary disciplinary action will be initiated as per rules against the person who is responsible for the said lapses. All the Heads of Departments are directed to ensure that all the above said instructions are followed without fail and lapses if any found, responsibility will be fixed against them;
- (ix) All the proposals for regularization of the services of full time daily wage employees should be sent to the Government even in cases where relaxation of rules are not involved.

7) This Government order shall not be applicable to the cases where orders have already been issued by the competent authority in pursuance of the Government Order (Ms.) No. 22, Personnel and Administrative Reforms (F) Department, dated 28.2.2006 and also the orders issued in pursuance of the Court directions where the verdict reached finality.

8) This order issues with the concurrence of Finance Department vide its U.O.No. 2247/FS/P/13, Dated: 24.06.2013.

(BY ORDER OF THE GOVERNOR)

**SHEELA BALAKRISHNAN,
CHIEF SECRETARY TO GOVERNMENT.**

To

All Secretaries to Government, Chennai – 9.
All Departments of Secretariat, Chennai – 9.
The Secretary, Legislative Assembly Secretariat, Chennai – 9.
The Secretary to Governor, Guindy, Chennai – 32.
The Governor's Secretariat, Guindy, Chennai – 32.

To (contd.)

- All Heads of Departments / All Collectors /
- All District Judges / All Chief Judicial Magistrates.
- The Registrar, High Court, Chennai – 104.
- The Accountant General, Chennai -18/35.
- The Director of Treasuries and Accounts, Chennai - 35.
- The Director of Employment and Training, Chennai -5.
- All Treasury Officers.
- The Pay and Accounts Officer (North, South, East and Secretariat),
Chennai – 79/35/5/9.
- The Secretary, Tamil Nadu Public Service Commission, Chennai – 3.
- The Chief Minister's Office, Chennai – 9.

Copy to:

- The Secretary to Chief Minister, Chennai - 9.
 - The Private Secretary to Chief Secretary to Government, Chennai-9.
 - The Private Secretary to Principal Secretary to Government,
Personnel and Administrative Reforms Department, Chennai – 9.
 - The Private Secretary to Principal Secretary to Government,
Personnel and Administrative Reforms (Training) Department, Chennai – 9.
 - The Private Secretary to Principal Secretary to Government,
Finance Department, Chennai – 9.
 - The Personnel and Administrative Reforms (AR- II) Department,
Chennai-9.
- SF/SC.

/Forwarded by order/

N. Pul
27/6/2013
SECTION OFFICER.