

**The Nagaland Work Charged and Casual Employees Regulation Act 2001.****Act. No. 1 2001**

Received the assent of the Governor of Nagaland on 26/03/2001 and published in the Nagaland Gazette Extraordinary dated: 11th of April, 2001.

An Act to regulate appointment and the conditions of service of persons appointed as work charged employees and casual employees.

Be it enacted in the Fifty Second year of the Republic of India as follows:

**CHAPTER I****PRELIMINARY****1. Short title, extent and commencement:**

1. The Act may be called the Nagaland Work-Charged and Casual Employees Act, 2001.
2. It shall extend to the whole of the State of Nagaland.
3. It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**2. Definitions:**

- a. 'Appointing authority' means the appointing authority as may be authorised by the State Government for any department in this behalf.
- b. 'Commission' means the Commission constituted under Section 3.
- c. 'Casual employee' means an employee engaged without sanctioned post
- d. 'Work-charged employee' means an employee engaged without sanctioned post under work charge establishment.
- e. 'Work-charged establishment' means and includes such establishment in any department under which a person is employed upon the actual execution, as distinct from the general supervision, of a specific work or of sub-works of a specific project or upon the subordinate supervision of departmental labour, stores and machinery in connection with such work or sub-works.

**CHAPTER - II****WORK-CHARGED AND CASUAL EMPLOYEES COMMISSION****3. Constitution of Commission:**

1. The State Government shall constitute the Work-charged and Casual Employee Commission to exercise the Powers and to perform the functions conferred under this Act.
2. The Commission shall consist of:
  - a. An Officer of the State Government not below the rank of Commissioner & Secretary who shall be the Chairperson of the Commission.
  - b. Engineer-in - Chief, Works & Housing
  - c. A person, having special knowledge and experience connected with public service, nominated by the State Government.
  - d. An Officer of the State Government not below the rank of Joint Secretary, who shall be the Member Secretary.

The Commission may co-opt the Head of a department as Member where the Commission may be called upon to exercise powers and perform functions under this Act in respect of the department.

**4. Functions of the Commission:**

The Commission shall, subject to the general directions of the State Government, perform any of the following functions, namely:-

- a. recommend the norms and the number of Work-Charged Employees and Casual employees for any department with due regard to workload, budgetary resources and such other factors as may be considered relevant
- b. recommend for fixing wage and other conditions of service
- c. recommend on any other matter as may be assigned by the State Government for the purpose of giving effect to the provisions of this Act.

**CHAPTER III**  
**WORK CHARGED ESTABLISHMENT**

**5. Appointment and Discharge of work charge Employees.**

1. The Work-Charged employees shall be entitled to the respective conditions of service as existing on the commencement of this Act except as hereinafter provided in this Act.
2. The appointing Authority shall review the appointment of Work-Charged Employees within six (6) months from the date of the order issued by the State Government prescribing the number of work-charged employees on consideration of the recommendation of the Commission and shall also issue order re-appointing or discharging the service of work-charged employees on the basis of the recommendation of the Recruitment Board

Provided that no person shall be appointed beyond the age of 60 years.

3. The Work-Charged employees, whose services are discontinued under sub-section (2) above and who have completed 3 (three) years of service in Work -Charged establishment, shall be granted a gratuity equivalent to  $\frac{1}{2}$  (half) month's pay excluding special compensatory allowance for each completed years of service as provided under the Nagaland Public Works Department Code.

**6. Wage:**

The work charged employees shall be paid wage as may be prescribed by the State Government on the consideration of the recommendation of the Commission.

Provided that the wage of the work-charged employee, who was paid a scale of pay at the commencement of this Act and who is re-appointed under subsection 2 of Section 5 of this Act, shall be not less than the last pay as may be determined at the time of prescribing fixed wage.

**7. Terms of appointment:**

The appointing authority shall specify a period of appointment not beyond the financial year in which the appointment is made.

**8. Restriction on appointment:**

No appointment of work charged employees shall be made in any department in excess of the number prescribed by the State Government under sub

section 2 of Section 5 and outside the panel prepared under Section 9.

**9. Constitution of Recruitment Board :**

1. The respective department, having work-charged establishment, may constitute one or more recruitment Board consisting of not less than 3 members at the centralised level of circle or division as may be considered necessary for making recruitment to the work-charged establishment under it's respective jurisdiction.
2. The Board shall, having regard to the qualifications and skill required for the jobs and al so service experience, screen all the work-charged employees for the purpose of making orders under section (5) above and also prepare a panel for making appointment of work-charged employees.

**10. Other conditions of service :**

The work-charged employee shall be entitled to casual leave, holidays, working hours as may be prescribed in this behalf.

**11. Power to review the scale of work charged employees:**

The Commission constituted under Section (3) above shall review the wage, norm and scale of work-charged establishment or work-charged employees of any department from time to time as may be directed by the State Government.

**12. Scheme for absorption of Service :**

The State Government may draw up a scheme fro absorption of service of work-charged employees into regular Government service.

**13. Power to reserve the vacancies:**

The State Government may, with due with due regard to the identification of posts and jobs, make aa appropriate order to any Department for reserving the vacancies as may be specified for implementing the scheme formulated under Section (12).

**CHAPTER - VI**  
**CASUAL EMPLOYEE**

**14. Appointment and discharge of casual employees.**

1. The appointing authority shall review the appointment of all casual employees and shall issue order re-appointing or discharging the service of casual employees in accordance with the procedure that may be prescribed in this behalf.
2. No appointment of casual employees shall be made in any department in excess of the norm as may be prescribed by the State Government for such department on consideration of the recommendation of the Commission.

**15. Wage:**

The casual employee shall be paid a wage as may be prescribed by the State Government on consideration of the recommendation of the Commission constituted under Section (3).

**16. Terms of appointment:**

The appointing authority shall specify a period of appointment not exceeding beyond the Financial year in which the appointment is made.

**17. Other conditions of service:**

The casual employee shall be entitled to casual leave, holidays, working hours as may be prescribed in this behalf.

**CHAPTER - V**  
**MISCELLANEOUS**

**18. Penalty:**

Any official acting in contravention of this Act or the Rules made under this Act shall be liable to a punishment of fine which may extend to Rs. 1000 (Rupees one thousand) and shall also be liable to disciplinary action for any of the penalties specified under the Nagaland Services (Discipline and Appeal) Rules, 1967.

Provided that no court shall take cognizance of the offence under this section except on a complaint made by an authority as may be prescribed in this behalf.

**19. Relaxation :**

The work-charged employees and casual employees applying for appointment to regular service under the State Government shall be entitled to relaxation of age to the extent they have served as work-charged employees and casual employees.

Provided further that the Governor may make order relaxing the age prescribed for initial entry into public employment in any particular case where the Governor is satisfied that undue hardship is likely to be caused.

**20. Power to make Rules:**

The State Government may, for the purpose of giving effect to the provisions of this Act, make rules

**21. Repeal:**

The Rules, regulations and orders in force are hereby repealed to the extent provided in this Act.