

**PART-V****NOTIFICATION**

**Dated Kohima, the 25<sup>th</sup> October, 2024.**

**NO.LAW/BILL/23-28/2024** : : The Nagaland Work-Charged and Casual Employees Regulation (First Amendment) Act, 2024 Act No. 9 of 2024 duly assented by the Hon'ble Governor on 8<sup>th</sup> Oct. 2024 is hereby published for general information.

Sd/-

**Y. KIKHETO SEMA, IAS**

Commissioner & Secretary to the Govt. of Nagaland.

**THE NAGALAND WORK-CHARGED AND CASUAL EMPLOYEES  
REGULATION (FIRST AMENDMENT) ACT, 2024**

To incorporate the terms and conditions of appointment and regulation of service of Operation and Maintenance Staff who were erstwhile called Work-Charged and Casual employees under Public Health Engineering Department (PHED) and Power Department, into the existing Act of 2001 and to provide for matters connected therewith or incidental thereto

An

Act

to amend the Nagaland Work-charged and Casual Employees Regulation Act, 2001.

BE it enacted by the Nagaland Legislative Assembly in the Seventy-fifth year of the Republic of India as follows:

**1. Short title and commencement**

(1) This Act may be called the Nagaland Work-charged and Casual Employees Regulation (First Amendment) Act, 2024.

(2) They shall come in to force with effect from the date of notification in the Nagaland Gazette.

**2. Amendment of section 2**

After clause (e) in section 2 of the Nagaland Work-charged and Casual Employees Regulation Act, 2001, (hereinafter referred to as the principal Act), the following clauses shall be inserted: namely,-

"(f) 'Operation and Maintenance Staff' means those erstwhile Work-Charge Employees under Power Department and Public Health Engineering

Department who are exempted from being phased out and will continue to be maintained by the concerned Departments until such time the Government decides otherwise.

(g) 'OMS' means Operation and Maintenance Staff."

### **3. Insertion of Chapter IIIA**

After section 13, of Chapter III of the principal Act, the following chapter shall be inserted: namely,-

## **"CHAPTER IIIA OPERATION AND MAINTENANCE STAFF (OMS)**

### **13A. Appointment and Discharge of OMS**

- (1) Recruitment of OMS shall be made through the Boards constituted under section 13E (of Chapter IIIA) below.
- (2) The Appointing Authority shall be the Head of Department (HOD) with the approval of the Administrative Head of Department (AHOD)

### **13B. Wage**

The OMS shall be paid wage and allowance as may be prescribed by the Government from time to time.

### **13C. Terms of appointment**

- (1) All appointees shall be subjected to an observation period of 1 (one) year after which they shall undergo a Suitability Test.
- (2) The Suitability Test shall be conducted by the Department at the Division level; however a common seniority list of OMS shall be maintained

centrally at the Directorate level for the purpose of empanelment for regularization under sub-section (3) below.

(3) Appointees who qualify the Suitability Test shall be empanelled for integration to the department by regularization on seniority basis against vacant sanctioned posts of field staff:

Provided that those who do not qualify the suitability test conducted under sub-section (2) above shall be terminated immediately.

(4) Vacancies against sanctioned posts of field staff in Public Health Engineering and Power Departments shall be filled by OMS through the provisions of this Act except the posts reserved for Compassionate Appointments.

(5) Irrespective of having passed the suitability test, OMS appointed under the provisions of this Act shall be terminated at any point if they do not meet the requisite criteria of health, performance and integrity which shall be notified by the department.

### **13D. Restriction on appointment**

(1) The Strength of OMS shall be maintained within the Ceiling Limit prescribed by Government through the Commission.

(2) The Appointing Authority shall be held liable for any appointment of OMS in the department in excess of the number prescribed by the State Government. Such excess appointments shall be treated as illegal.

### **13E. Constitution of Recruitment Boards**

(1) The respective department, having OMS establishment, shall constitute a recruitment Board consisting of not less than 3 (three) members at the centralized level of Directorate for making recruitment to the OMS.

(2) The Board shall, having regard to the qualifications and skills required for the job and also service experience, invite applications from the indigenous residents of the area/division/district where the work is going

to be operated and maintained. Thereafter it shall screen all the OMS for the purpose of appointments under section 13A (of Chapter-III A)

(3) The Recruitment Board shall give preference to the indigenous residents of the area/ division/ district where the projects/ works are to be operated and maintained when making recommendations for appointment under this Act:

Provided that parity between divisions and villages under their jurisdiction shall be maintained as per the requirement.

(4) The names of the candidates nominated by the Board shall be forwarded to the Government with all necessary documents and procedure for approval of the Government.

#### **13F. Other conditions of service**

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

#### **13G. Power to review the scale and terms of appointment of OMS**

The Commission constituted under Chapter II of the principal Act shall review the wage, norm and scale of OMS or OMS of any department from time to time as may be directed by the State Government.

#### **13H. Power to reserve the vacancies**

The State Government may, with due regard to the identification of posts and jobs, make an appropriate order to any Department for reserving the vacancies as may be specified for implementing the scheme formulated under section 13C (of Chapter IIIA)”

**THE NAGALAND WORK-CHARGED AND CASUAL  
EMPLOYEES REGULATION (FIRST AMENDMENT)  
BILL, 2024**

(As passed by the Nagaland Legislative Assembly on the 29<sup>th</sup> August, 2024)

This Bill was passed by the Nagaland Legislative Assembly on 29.08.2024.

Kohima,  
The 29-8-2024

**Sd/-**  
**SHARINGAIN LONGKUMER**  
SPEAKER  
Nagaland Legislative Assembly

I assent to this Bill

Kohima,  
The 8-10-2024

**Sd/-**  
**LA GANESAN**  
GOVERNOR