

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Regularisation and absorption of Daily Wage / NMR or Consolidated Pay – Specific Scheme – Formulated – orders – Issued.

FINANCE AND PLANNING (FW. PC. III) DEPT.

G. O. Ms. No. 212

Dated.22-04-1994,
Read the following:

1. The A.P. (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act. 2 of 1994
2. Govt. Memo. No. 42246-A/907/PC.I/A1/93, Dated.2-2-1994

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ORDER :

Government noticed that appointing authorities of the Institutions and Establishments under the control of State Government, Local Authorities, Corporations owned and controlled by shed by the State Government grossly violated the instructions issued from time to time by the Government and appointed persons indiscriminately to various categories of services either on Daily Wage basis or temporary basis without there being a post and without being sponsored by Employment Exchange and without observing the rule of reservation to the Scheduled Castes, Scheduled Tribe and Backward Classes. In most of the cases, the persons appointed for a specific work have been continued evenafter their need ceased. After a lapse of some time, all these appointees have approached the various Courts and Tribunals for regularization of their services and Courts and Tribunal have been directing the State Government to regularize the services on the ground that they have a long service to their credit. This practice has been causing considerable drain on the finances of the State Government. Government have thought it imperative to prohibit the unauthorized and irregular appointments by a law in the public interest. Accordingly the State Government have enacted law regulating the appointments to Public Services and for Rationalization of the Staff Pattern and Pay Structure in the reference read above. This will streamline the recruitment along healthy lines, to enforce Employment Exchanges (Compulsory Notification of Vacancies) Act in its true letter and spirit, to follow the rule of reservation enshrined, in the Constitution with utmost strictness and to punish those who are guilty of violating the law. The above Act came into force with effect from 25-11-1993.

2. Through the reference 2nd cited, information has been obtained from various Government Offices, Local Bodies, Public Sector undertakings etc., from the information received by Government it is seen that appointing authorities have violated the instructions issued by Government and appointed several individuals. Appointments have been made indiscriminately in the Government Offices, Local Bodies, Universities, Public Sector undertakings and various other Bodies and Institutions operating on Government finances. In fact, there is no need to continue all these Daily Wage / Temporary employees for the reasons that not all of them are appointed in sanctioned posts and the recruitment was in many cases not through Employment Exchange. Their appointment was made without following rule of reservation and in the case of work-charged employees; there is no work for them as the specific work for which they were appointed has already been completed. Though the Act provides that no person who is Daily Wage employee and no person who is appointed on temporary basis shall have any right to claim for regularization of service on any ground, it has been the endeavour of the Government to regularize as many as NMR/ Daily wage employees a possible who are otherwise qualified depending on the requirement of the workload while keeping in mind the hardship that would be caused if their services are not regularized. The Hon'ble Supreme Court in its Judgment dated 12-08-1992 in Civil Appeal No. 2979/92 and batch have also observed to evolve an appropriate policy for regularization. Accordingly, Government after careful examination of the whole issue and in supersession of all previous orders on the subject including G. O. Ms. No.193, General Administration Department, dated.14-03-1990 and keeping in view the above judgment of Supreme Court of India, have formulated a scheme for regularization of services of the persons appointed on Daily Wage / NMR or on consolidated pay and are continuing on the date of commencement of the Act. Government accordingly decided that the services of such persons who worked continuously for a minimum period of 5 years and are continuing on 25-11-1993 be regularized by the appointing authorities subject to fulfillment of the following conditions:

1. The Persons appointed should possess the qualification prescribed as per rules in force as on the date from which his/her services have to be

regularized.

2. They should be within the age limits as on the date of appointment as NMR / Daily wage employee.
 3. The rule of reservation wherever applicable will be followed and back-log will be set-off against future vacancies.
 4. Sponsoring of candidates from Employment Exchange is relaxed.
 5. Absorption shall be against clear vacancies of posts considered necessary to be continued as per work load excluding the vacancies already notified to the Andhra Pradesh Public Service Commission / District Selection Committee.
 6. In the case of Work charged Establishment, where there will be no clear vacancies, because of the fact that the expenditure on Work-charged is as fixed percentage of P.S. Charges and as soon as the work is over, the services of workcharged establishment will have to be terminated, they shall be adjusted in the other departments, District Offices provided there are clear vacancies of Last Grade Service.
3. All the Departments of Secretariat / Heads of Departments are requested to process the cases of absorption / regularization of services of N.M.Rs. / Daily Wage Employees etc. in pursuance of above scheme and obtain the clearance of Government before orders are issued for such regularization or absorption.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**A.R. Jaya Prakash,
Special Secretary To Government.**