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MASTER CIRCULAR

Master Circular No. 48

Casual Labour

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The instructions issued by the Railway Board from time to time on the subject of Casual Labour, are contained in several letters. The Railway Board have now decided to consolidate the various instructions on the subject into a single body as a master circular, as below, for the information and guidance of all concerned.

Definition :

2. The term Casual Labour refers to Labour, whose employment is seasonal intermittent, sporadic or extends over short periods. Engagement of casual labour may be for a short duration on specific works or on Projects, till such time work is available. Labour of this kind is generally recruited from the nearest available source.

(Ref: Board's letter No. E(NG)60 CL/13 dated 22.8.1962,
E(NG)II/77/CL/46 dated 8.6.1981)

Engagement of Casual Labour :

3. According to extant policy, the authorised strength of Casual Labour on a Railway both in the open line and in the Projects, (frozen as on 1.1.84 and) refixed as on 1.1.90, after taking into account factors like the number of posts created for decasualisation, reduction in gang strength due to modernisation of track and introduction of machine maintenance, reduction in Project Casual Labour etc, should not be exceeded and fresh candidates (fresh faces) should not be engaged from the open market. However, to meet emergent situations, the ban will not apply and fresh candidates from the open market if absolutely necessary, should be taken only with the prior personal approval of the General Manager.

3.1 The above stipulation equally applies to Project Casual Labour also and CAO(R)'s have also to take prior approval of General Manager before engaging "fresh faces."

3.2 Casual Labour who have worked on the open line/Project in the past and who, after discharge, have not been re-employed and are borne on the live register will be re-engaged first against the requirement in the order of priority on the basis of the total period of service prior to their discharge, in preference to candidates from the open market. Also the re-engagement of discharged Casual Labour, borne on the live register/supplementary casual labour register referred to in paras 7.8 and 7.9 of this circular against short term requirements as in emergencies or against requirements arising from the absorption of serving Casual Labour in regular Group 'D' posts, should have the prior personal approval of the General Manager. While seeking his approval for such re-engagement of discharged Casual Labour, the number required to be taken from the live register should also be put up to him. In case of engagement of Casual Labour for specific emergencies, like restoration of breach etc., the period of their engagement also should be mentioned along with the number to be taken.

[Ref: Board's letters No. [E\(NG\)II/80/CL/5 dated 7.6.1984](#), [20.12.1984](#), [E\(NG\)II/88/CL/34 dated 27.12.89](#), [E\(NG\)II-88/CL/86 dated 08.12.88](#) (RBE 268/1988), [14.2.1990](#), [E\(NG\)II/89/CL/1 dated 23.2.1990](#) (RBE 41/1990) and [E\(NG\)II/89/CL/1 dated 25.10.1990](#) (RBE 188/1990)]

3.3 Subject to what has been mentioned in paras 3, 3.1 & 3.2 above, casual labour may be engaged only for the following types of work :

- a. Works of casual nature in the open line establishment, for which payment to the personnel engaged would be met from contingencies;
- b. Projects irrespective of duration, including execution and implementation of the expansion and modernisation projects;
- c. Seasonal labour sanctioned for specific works of less than 180 days' duration and seasonal labour for hot-weather establishment like water carrier/ Pankha puller engaged during summer for a period not exceeding 4 months.

[Ref: Board's letter No. [E\(NG\)II/77/CL/46 dated 8.6.1981](#) and [E\(NG\)II/78/CL/2 dated 22.11.1984](#)]

4. For purposes of applying the instructions contained in paras 3, 3.1 & 3.2

above, a project should be taken as construction of new lines, major bridges, restoration of dismantled lines and other major important open line works, like doubling, widening of tunnels etc., which are completed within a definite time limit. The GM/HODs concerned, in consultation with the FA& CAO, will decide whether a particular open line work is a Project or otherwise. If the through track renewals include replacement of lighter section of rails by a heavier section or increasing the density of sleepers or provision of additional depth of ballast etc., these should be treated as works leading to an improvement in the carrying capacity and as such, irrespective of any financial limit, should be treated as 'Project'. 'Casual renewals' or other 'through renewals', which do not lead to any improvement in the carrying capacity of a Railway will, however, not fall within the definition of 'Project'.

4.1 Casual Labour should not be employed:

- a. For work on construction of wagons and similar other works of a regular nature. (Works of a regular nature cover Workshops, Loco Sheds, train lighting establishments, C&W Depots, Yards and Stations).
- b. For Civil Engineering, Signal and Bridge maintenance works, except for seasonal fluctuating works, casual and occasionally renewals;

(Ref: Board's letter No. [E\(NG\)II/74/CL/27 dated 20.06.1974](#))
- c. As trolleyman;
- d. In the Printing Presses; and
- e. In regular vacancies, whether permanent or temporary, and for performance of duties related to day-to-day administration.

NOTE: Casual labour may be engaged for loading/unloading operations at stations and Yards and also in unskilled categories for examining the wagons for water tight repairs during the monsoon season.

[Ref: Board's letter No. [PC/RLT/72/89/3\(i\) dated 17.9.1973](#),
[E\(NG\)60 CL/13 dated 22.8.1962](#)
and [E\(NG\)II/77/CL/46 dated 8.6.1981](#)]

- 4.2 Casual labour should not be engaged in skilled and semi-skilled grades without trade test. Where a panel of trade tested candidates to be appointed as Casual Labour to cater to the needs on the open line is not available with the administration, casual labour may be engaged in Skilled/semi-skilled grades, without a trade test, but their suitability should be adjudged well before they attain temporary status. Such engagement in Skilled grades should have the personal approval of an authority not lower in rank than a Divisional Engineer. Also the number to be so engaged should be kept down to the absolute minimum.**

[Ref: Board's letters No. [E\(NG\)II/71/CL/83 dated 11.5.1973](#)
and [E\(NG\)II/84/CL/58 dated 20.12.1985](#)]

Age & Educational Qualification :

- 5. Candidates from the open market to be engaged as fresh casual labour should conform to the age limit laid down for regular recruitment to Group**

'D' posts, Casual labour should, at the time of initial engagement, be below 28 years of age, relaxable by 5 years in the case of Sch. Castes and Sch. Tribes. They should not be retained beyond 58 years of age. Also they should possess the minimum educational qualification and other standards laid down for the particular department.

[Ref: Board's letters No. [E\(NG\)64 CL/25 dated 29.1.1966](#),
[E\(NG\)II/79/CL/5 dated 16.5.1979](#)
and [E\(NG\)II/88/CL/34 dated 22.4.1988](#) (RBE 87/1988)]

SCREENING FOR ENGAGEMENT OF FRESH FACES :

6. Candidates to be engaged as casual labour fresh from the open market should be taken from lists, which should be prepared by each Division generally once a year, on receipt of the General Manager's sanction for the engagement of fresh Casual labour. Inclusion of names in the list should be based on screening by a committee of three officers, one of whom should be an officer of the Personnel Branch and another from the Department concerned. Further, one of the members on the Screening Committee should be from the SCs/STs and one from a minority community by co-opting a fourth officer, wherever necessary. The unit of recruitment should normally be the area of location of work where engagement of Casual Labour is necessary.

MEDICAL EXAMINATION/FITNESS

- 6.1 Before a candidate included in the list is engaged as a fresh Casual Labour, he should be examined for medical fitness for the category in which he is likely to be absorbed eventually.

[Ref: Board's letter No. [E\(NG\)II/88/CL/34 dated 22.4.1988](#) (RBE 87/1988)]

SC/ST RESERVATION

- 6.2 Percentages laid down in favour of Sch. Castes/Sch. Tribes for recruitment to Group 'D' categories on each Zonal Railway, Production Unit should be applied in the intake of Casual Labour both in the Open line and in the Projects. Similarly, while re-engaging casual labour based on their seniority according to the number of days of service in earlier spells, Sch. Castes/ Sch. Tribes should be engaged by going down the list, even if they had rendered lesser number of days of service so as to achieve the prescribed percentage of reservation.

[Ref: Board's letter No. [79-E\(SCT\)15/1 dated 10.3.1979](#),
[80-E\(SCT\)15/15 dated 26.10.1981](#),
[88-E\(SCT\)I/28/1 dated 4.10.1988](#) (RBE 228/1988)
and [89-E \(SCT\)I/80/23 dated 11.12.1989](#) (RBE 304/1989)]

EX-SERVICEMEN RESERVATION

- 6.3 While engaging fresh faces as casual labour for works expected to last for some months, the orders regarding reservation for employment of Ex-servicemen should be followed in spirit, particularly where there is a large intake of personnel as in the case of new projects.

[Ref: Board's letter No. [E\(NG\)II/84/CL/92 dated 15.12.1984](#)]

- 6.4 In the matter of engagement of fresh Casual labour from the open market, except for the intake of Sch. Castes/Sch. Tribes according to

the percentages prescribed, as mentioned in para 6.2 above and intake of ex-servicemen (6.3 above), no preferential treatment should be given to anyone including the sons/wards of serving or retired Railway servants.

[Ref: Board's letter No. [E\(NG\)II/89/CL/NR/27 dated 13.3.1990](#)]

- 6.5 The provision contained in paras 6 to 6.2 above will not, however, be applicable in the engagement of fresh casual labour needed in emergencies like flood relief work, accident relief and restoration of through communication etc.
- 6.6 In the matter of re-engagement of discharged Casual labour, the relevant provisions of the Industrial Disputes Act, 1947 and the rules framed thereunder should be kept in view, besides maintaining the practice of displaying on the notice board about the availability of fresh employment to the discharged Casual Labour.

[Ref: Board's letter No. [E\(NG\)II/78/CL/2 dated 22.11.1984](#)]

- 6.7 At the time of re-engagement, the individual's casual labour card in regards to the entries about his past spells of service should be checked from the original paid vouchers to the extent possible. If the past service was in a different unit, the superior should get the entries in respect of service in that unit checked by making a written reference to that unit.

[Ref: Board's letter No. [E\(NG\)II/83/CL/74 dated 4.2.1984](#)]

Status :

7. Casual Labour, who continue to do the same work for which they were engaged initially on the open line or other work of the same type for more than 120 days without a break, will be treated as temporary, after expiry of 120 days of continuous employment. For this purpose, the term same type of work should not be too rigidly interpreted so as to cause undue suffering to Casual Labour by way of break in service because of a slight change in the type of work in the same unit. The term 'same type of work' should be interpreted in spirit as well as in letter and no casual labour should suffer in this matter. The various types of work, which may be considered as same type of work, may be grouped, as under:-
- a. Track renewals and linking - Ballasting re-sleepering, relaying etc;
 - b. Masonry and concrete work - work on buildings, bridges, quarters, platforms etc;
 - c. Steel work - Erection of Bridge girders, sheds, shelters etc;
 - d. Earthwork - Foundations, banks, platform etc;
 - e. Fitting, Smithy, Carpentry and such other artisan work and helpers; and
 - f. All work performed by the unskilled casual labour working under the same I.O.W., P.W.I. and Bridge Inspector etc., should be treated as doing the same type of work.

[Ref: Bd's letter No. [E\(NG\)II/71/CL/83 dated 11.5.1973](#)
and [E\(NG\)II/77/CL/46 dated 8.6.1981](#)]

- 7.1 Casual labour engaged on seasonal specific works of less than 180 days' duration if shifted from one work to another of the same type (e.g. relaying) and the total continuous period of such work at any time is of more than 180 days' duration they should be treated as temporary after the expiry of 120 days of continuous employment.

[Ref: Bd's letter No. [E\(NG\)II/77/CL/46 dated 8.6.1981](#)]

- 7.2 Casual water carriers employed during summer season are eligible for Temporary status on completion of 120 days of continuous employment. Continuous employment should be reckoned by counting the total number of days of continuous employment in various spells of engagement as water carrier in the past, commencing from the year 1985, provided the gap between any two spells has been caused due to the season being over or there being no work. Further, if a person engaged in the previous years is given an opportunity to work in the hot weather establishment in the subsequent year and he fails to avail the offer, he will have to start afresh, in the event of his engagement against in future.

[Ref: Board's letter No. [E\(NG\)II/77/CL/N/4 dated 24.7.1979](#),
[E\(NG\)II/83/CL/117 dated 25.1.1985](#) (RBE 33/1985) and [10.12.1985](#)]

- 7.3 Casual Labour engaged on works which have been sanctioned upto the 31st March of the year should not be treated as having a break, if sanction to continue the works is given subsequently and the casual labour are engaged to finish the work.

[Ref: Board's letter No. [PC-72/RLT/69/3\(i\) dated 12.7.1973](#)]

- 7.4 Casual Labour employed in Projects on the Railways (also known as Project Casual Labour) shall be treated as temporary on completion of 360 days of continuous employment. This will apply to:-

- a. Casual Labour on Projects, who were in service as on 1.1.1981.
- b. Casual Labour on Projects, who though not in service on 1.1.1981, had been in service earlier and had been re-engaged after 1.1.1981 with continuous employment of 360 days or more to their credit prior to 1.1.1981 and
- c. Casual Labour on Projects, who though not in service on 1.1.1981 had on re-engagement after 1.1.1981, either completed or would complete the period of 360 days of continuous employment.

- 7.5 Temporary status on these casual labour would be conferred as shown below:-

- | Length of Service
(i.e. continuous employment) | Date from which would be
treated as temporary |
|---|--|
| (i) Those, who had completed five years as on 1.1.1981 | from 1.1.1981 |
| (ii) Those, who had completed three years but less than five years as on 1.1.1981 | from 1.1.1982 |
| (iii) Those, who had completed 360 days but less than three years as on 1.1.1981 | from 1.1.1983 |
| (iv) Those who complete 360 days after from | 1.1.1984 or date on |

1.1.1981

which 360 days of continuous employment is completed, whichever is later.

NOTE: (i) Continuous employment would mean continuous engagement on the same work or the same type of work as explained in the earlier paragraphs.

[Ref: Board's letters No. [E\(NG\)II/84/CL/41 dated 1.6.1984](#), [25.6.1984](#) and [11.9.1986](#) (RBE 167/1986)]

(ii) Year for the purpose of determining the extent of service should be taken as equivalent to 365 days i.e. 5 years/3 years should be equivalent to 1825 days (5 x 365)/1095 days (3 x 365).

[Ref: Board's letter No. [E\(NG\)II/84/CL/41 dated 27.7.1984](#)]

7.6 For purposes of implementing the scheme, each Zonal Railway should prepare a list showing the Project Casual Labour for each Division on the basis of length of service, as explained in para 5.2.1 of Board's letter No. [E\(NG\)II/84/CL/41 dated 11.9.1986](#) (RBE 167/1986) and thereafter prepare a consolidated list as on 1.4.1985 covering all Project casual Labour in employment on the Zonal Railway/Construction organisation at any time from 1.1.1981 onwards. The list so prepared will form the basis for conferment of temporary status and also for any subsequent engagement/re-engagement/discharge.

7.7 The provisions of the scheme as given in para 7.4 above, would also apply to Project casual labour, who had worked as such prior to 1.1.1981 and also, after discharge due to completion of work of want of further work had not been re-engaged after 1.1.1981 provided such labour having submitted written representations by 31st March, 1987, alongwith documentary proof of their earlier engagement i.e. the following:

- a. Name**
- b. Father's name,**
- c. Date of birth,**
- d. Permanent address.**
- e. Educational qualification.**
- f. Personal marks of identification,**
- g. Name of office/deptt. and the place where initially engaged.**
- h. Reasons for discharge;**
- i. Where and how employed after discharged;**
- j. Attested copy of photograph and L.T.I. &**
- k. Any other proof of having worked as Project casual Labour on the Railway.**

7.8 The applications received from the Project casual Labour referred to in para 7.7 above, by 31.03.1987 should, subject to verification in

regard to their genuineness by a Committee of officers on each Division (Committee to be of the same composition as constituted for regular appointment to Gr. 'D' posts), be included in a supplementary list drawn division/deptt. wise. The names of the persons included in such lists should also be entered in a separate register, called the Supplementary casual labour register, according to the total length of service to their credit. Their cases should be considered for re-engagement in the respective unit of seniority, as may be required, after the list of Project casual Labour referred to in para 7.6 is exhausted. For purpose of grant of temporary status, service as Project casual Labour, already rendered by them will be taken into account, as and when re-engaged. For absorption in regular employment it is only the service, which they render, after re-engagement that will be taken into account. Before re-engagement they should be subject to medical examination to determine their fitness for employment on the Railways, having regard to the fact that they had not been working on the Railways for a number of years.

[Ref: Bd's letters No. [E\(NG\)II/84/CL/41 dated 2.3.1987](#) (RBE 39/1987) and [21.10.1987](#)]

- 7.9 Open line Casual Labour, who were discharged prior to 1.1.1981 for want of work or due to completion of work and not re-engaged thereafter are also eligible to the benefit of consideration, as extended vide paras 7.7 & 7.8 above, to similarly placed Project Casual Labour, subject to their having submitted applications providing the necessary information, by 31.3.1987 and the applications, after verification, have been found to be genuine. Such casual labour, however, will be eligible to be considered for engagement only on the seniority unit in which they were initially engaged.

(Ref: Board's letter No. [E\(NG\)II/78/CL/2 dated 4.3.1987](#) (RBE 43/1987) and [21.10.1987](#))

- 7.10 If a Casual Labour retrenched on completion of work or for want of work does not accept the offer made or turn up for work when offer is made on availability of fresh work, he loses the benefit of the previous spell of engagement as casual labour and his services will start afresh when engaged.

[Ref: Board's letter No. [E\(NG\)II/80/CL/25 dated 2.4.1981](#)]

- 7.11 When an individual engaged as Casual Labour acquires temporary status he retains that status, so long as he is in continuous employment, even if he is transferred to a work of a different nature.

[Ref: Board's letter No. [E\(NG\)II/77/CL/46 dated 8.6.1981](#)]

- 7.12 No deliberate break should be caused in the service of casual labour, when work for their continued service is available.

[Ref: Board's letter No. [E\(NG\)II/80/CL/25 dated 21.10.1980](#)]

Continuous employment :

8. Prior to 21.10.1980, discharge of casual labour either in the open line or in the Project due to completion of work or non-availability of further productive work was treated as constituting an interruption for purposes of reckoning continuous employment. From 21.10.1980, such a discharge on

account of completion of work or non-availability of further productive work does not constitute an interruption of continuous employment. Where a casual Labour has been discharged on and from 21.10.1980 in the above mentioned circumstances and reengaged later, when work is available the previous spell of service will be reckoned as continuous with the subsequent spell of service, to determine the eligibility for being treated as temporary. Gaps to be condoned are not subject to any time limit.

[Ref: Board's letters No. [E\(NG\)II/80/CL/25 dated 21.10.1980](#), [2.4.1981](#), [8.9.1983](#) and [14.5.1984](#)]

8.1 Service rendered by a casual labour in one unit will not count, if he joins another seniority unit after completion of work in the former unit, for purposes of reckoning continuous service towards eligibility for Temporary status.

[Ref: Board's letter No. [E\(NG\)II/80/CL/25 dated 2.4.1981](#)]

8.2 Absence of the following nature will not constitute an interruption or break for purposes of determining the continuous employment:

- a. Period of absence of a workman who is under medical treatment in connection with injuries sustained on duty, covered by the provisions under the W.C. Act;
- b. Authorised absence not exceeding 20 days in the case of open line casual labour inclusive of a period of 3 days of unauthorised absence for personal reasons;
- c. Authorised absence not exceeding 30 days with effect from 1.10.1988 in the case of Project Casual Labour inclusive of three days of unauthorised absence for personal reasons; (upto 30.09.1988, the limit was only 20 days).
- d. In the case of female casual Labour a period of absence of 4 weeks for maternity purposes, in addition to the authorised period of absence;
- e. Period of extra-ordinary absence if any, when kept under medical observation - such period being reckoned against the number of days of authorised absence allowed. In cases, where the authorities are forced to inevitably detain casual Labour for medical observation, even beyond the period of authorised absence, in individual cases, the absence in excess of the authorised period may, on merits of each case, be treated as a authorised absence in excess of the permissible period, such excess not constituting a break;
- f. Days of rest given under the Hours of Employment regulation or under the provisions of the Minimum Wages (Central) Rules.
- g. Days on which the establishment employing the casual Labour remains closed.

NOTE: (1) Days of rest, days on which the establishment remains closed would not count against the limit of 20 days/30 days of authorised absence.

(2) Authorised absence covers permission granted by the supervisory official in charge, to be away from work for the period specified.

- (3) Absence of half-a-day should be reckoned as half-a-day only.

[Ref: Board's letters No. [E\(NG\)II/71/CL/12 dated 15.05.1971](#),
[E\(NG\)II/71/CL/83 dated 11.5.1973](#),
[E\(NG\)II/76/CL/116 dated 21.3.1977](#),
[E\(NG\)II/79/CL/26 dated 28.7.1979](#),
[E\(NG\)II/80/CL/19 dated 31.1.1981](#),
[E\(NG\)II/81/LG-2/28 dated 15.1.1982](#)
and [E\(NG\)II/88/CL/18 dated 1.11.1988](#) (RBE 251/1988)]

Wages :

9. Casual Labour employed on the Railways belong to either of the following categories, for purposes of payment of wages:

- a. Labour governed by the Minimum Wages Act (Central); and
- b. Labour not governed by the Minimum Wages Act.

- 9.1 Casual Labour, who are engaged in the following scheduled employments on the Railways are governed by the Minimum Wages Act (Central):

- a. Construction or maintenance of roads or in building operations including Permanent Way, Docks, Wharfs, Jetties, Bridges, Tunnels, Overhead Tanks, electric lines and wires in buildings, fixing up of poles etc;
- b. Stone breaking, stone crushing;
- c. Maintenance of buildings;
- d. Loading and unloading in the Railway Goods Sheds; and
- e. Ash-pit cleaning.

[Ref: Board's letters No. [E\(LL\)72/AT/MW/1-2 dated 17.7.1973](#) and [24.12.1973](#)]

- 9.2 Casual Labour governed by the Minimum Wages Act (Central) should be paid -

- i. A daily rate ascertained from the local authority or the State Govt. concerned where necessary; or
- ii. If such a rate is not available, a daily wage at $\frac{1}{30}$ th of the minimum of the scale of pay plus D.A. as may be applicable to the corresponding categories of Railway servants; and
- iii. If either of the rates as at (i) and (ii) above happens to be lower than the minimum wages fixed under the Minimum Wages Act (Central) then at the rate(s) fixed by the appropriate authority under the Act.

Note:- The rates prescribed by the State Govts. under the Minimum Wages Act legislated by the respective States will not apply.

- 9.3 Casual Labour not governed by the Minimum Wages Act (Central) should be paid on daily rates which should be ascertained from the local authorities or the State Governments concerned.

- 9.4 (i) Where there are Municipalities, which have fixed local rates, the rates fixed by them should be adopted.**

Note:- If a casual labour is working within a Municipal area and if the local Municipality has given a rate for the locality, payment should be at the rate given by the Municipality and not at a rate prevailing in the neighbouring locality.

[Ref: Board's letter No. [PC-72/RLT/69/3\(ii\) dated 17.9.1973](#)]

- (ii) Where the Municipalities, though existing have not fixed any rate, or where the Municipalities do not exist, the rate fixed by the other local authorities such as, the District Magistrate, District Collector, Dy. Commissioner or the State Govt. should be adopted.**
- (iii) Where two different rates are operative one fixed by the Municipality and the other fixed by the local civil authorities the higher of the two rates should be adopted.**

[Ref: Board's letters No. [PC-76/RLT/69/7 dated 21.8.1976](#) and [PC-75/RLT/69/7 dated 13.7.1977](#)]

- 9.5 Where such local rates are either not available or are not ascertained or cannot be ascertained for a period of more than 18 months the Casual Labour should be paid at the rate of $\frac{1}{30}$ th of the minimum of the time scale of pay plus Dearness allowance thereon as payable to a corresponding category of Railway servant.**

[Ref: Board's letter No. [PC-72/RLT/69/3 dated 19.11.1973](#)]

- 9.6 To ensure than the rates fixed by the local authorities from time to time are not lost sight of, a review of the rates adopted by the Railway should be undertaken annually, after ascertaining the rates from the local authorities/ State Government. Rates as fixed or revised by the local authorities/State Govt. should be adopted promptly for remunerating the casual Labour on the Railways and in any case within three months from the date of such fixation/revision by the local authorities. If due to unavoidable factors/ reasons, more than 3 months' time is taken on the Railways to revise or refix the wages, the same at the revised rates should be paid from the date, immediately following the prescribed three months'**