

No. 01-07/2016-SPB-I
Government of India
Ministry of Communications & IT
Department of Posts

Dak Bhawan, Sansad Marg,
New Delhi-110001.

Dated: 12th September, 2016

To,

1. All CPMsG
- ✓ 2. All PMsG
3. Director, Rafi Ahmed Kidwai National postal Academy, Ghaziabad
4. All Directors, PTC
5. All Directors, Postal Accounts
6. Controller, Foreign Mails, Mumbai
7. Heads of all other Administrative Offices.

Subject: One day paid weekly off for casual workers-implementation of the Order of Hon'ble CAT, Ahmedabad bench in the OA No. 214 of 2003 filed by Smt. Bhikaben Pratapbhai Prajapati

Sir,

I am directed to enclose herewith a copy of Department of Personnel and Training O.M. No. F.49019/1/95-Estt-(C) dated 19.07.2016 on the subject cited above for compliance.

Yours faithfully,




(Abhay Kumar)

Assistant Director General (SPN)

Encl: As above

Copy to:

1. CGM(PLI) / CGM(BD&M) / JS&FA / DDG(PAF)
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4. Guard File (SPB.I)
5. All Recognized Unions / Associations as per standard list
6. Director, CEPT, Mysore for uploading on the Indiapost website.



(Abhay Kumar)

Assistant Director General (SPN)

Centre for Excellence in Postal Technology, Mysore-570010		
19 SEP 2016		
G.A.	Director	A.D.(A)

No. F. 49019/1/95-Estt-(C)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

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North Block, New Delhi-110 001
Dated: 19th July, 2016

OFFICE MEMORANDUM

Subject: One day paid weekly off for casual workers-implementation of the Order of Hon'ble CAT, Ahmedabad bench in the OA No. 214 of 2003 filed by Smt. Bhikaben Pratapbhai Prajapati

The undersigned is directed to refer to the provisions of the of Department of Personnel and Training OM No.49014/2/86-Estt (C)dated 7th June, 1988 on recruitment of Casual Workers and daily wagers. As per para 1 (vi) of the above referred O.M, the Casual workers may be given one paid weekly off after six days of continuous work.

2. The issue of paid weekly day off for casual workers employed in offices observing five day week has been examined in the light of dismissal of the SLP by the Hon'ble Supreme Court in the *Bhikaben Pratapbhai Prajapati* case .The issue of paid weekly off had come up for consideration in the OA No. 214 of 2003 filed by Smt Bhikaben Pratapbhai Prajapati in the Ahmedabad bench of Hon'ble CAT. The Tribunal observed:

23. What is important is that when offices work for a five days week and not for six days week, it is not at the behest of the causal workers where they can be treated differently. In our considered opinion, those workers should not be discriminated.

3. The Hon'ble CAT had directed that the respondents should draw a Scheme keeping the scales even pertaining to those who are working in an office having five days week preferably within four months, taking stock of the totality of the facts and also considering that those who are working in six days week are being given one weekly off.

4. At present, the weekly paid off day is allowed to casual workers employed in the offices observing six day week only. The issue has been reconsidered in consultation with Department of Expenditure in the light of the Court orders. It has been decided that casual workers

working in offices having a five day week may be allowed one day paid weekly off provided they have worked for a minimum of 40 hours during the said week. The relevant provisions of the Department of Personnel and Training OM No.49014/2/86-Estt (C) 7th June, 1988 are amended to this extent.


(Mukesh Chaturvedi)
Director (E)
Ph: 23093176

To

All Ministries/ Departments of the Government of India.

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1. President's Secretariat, New Delhi.
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6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. Secretary, Central Vigilance Commission, New Delhi.
10. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
12. Chief Vigilance Officers of all Ministries/Departments.
13. ADG (M&C), Press Information Bureau, DoP&T
- ✓ 14. NIC, Department of Personnel & Training, North Block, New Delhi
(for uploading the same on the website of this Ministry under the
Head OMs & Orders → Establishment Daily Wage Casual
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15. Hindi Section