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GOVERNMENT OF RAJASTHAN  
MINES & GEOLOGY DEPARTMENT, RAJASTHAN.

Mines & Geology Department Work-Charged Employees  
(Service Conditions) Order, 1974.

Short title, commencement & application.(1) This order shall be called The Rajasthan Mines & Geology Department Work-Charged Employees (Service Conditions) Order, 1974.

It shall come into force at once and shall apply to all workmen employed in the Mines & Geology Department, Government of Rajasthan on work charged basis except those whose terms of service are regulated by the Rajasthan Service Rules, Classification Control and Appeal Rules and other rules framed under Article 309 of the Constitution of India or where separate "Standing Orders or Model Standing Orders" are applicable on account of statutory obligations.

**DEFINITIONS:-** In this order, unless the subject or context otherwise requires : -

- (a) "Work-Charged employee" means any person actually employed for or on the execution and/or supervision of work both original and maintenance, supervision of departmental labour, stores, machinery and works etc. and paid on daily or monthly basis.
- (b) "Competent authority" means an authority empowered to appoint a person as work-charged employee in the department of Mines & Geology (The Director Mines & Geology will declare competent authority for this purpose.)
- (c) "Employee" means any person employed in a work-charged establishment to do any skilled, semi-skilled, unskilled, manual, supervisory or technical work for hire or reward and shall include helpers, attendants, fieldmen, watchman, labour (skilled & Unskilled), Mates, carpenters, fitters, machine operators, drivers, mechanics, chowkidars, nakedars, Gardner, Waterman, D.C. Typist, computers, timekeepers, sweepers, masons, blacksmiths and any other category on work-charged basis in the department.
- (d) "Employee" means the Head of the Department and Heads of Offices as appointed by the Government from time to time in respect of the Mines & Geology Department.
- (e) "Family" in relation to an employee means husband or wife, son, daughter, father, mother, brother and sister, who live with him or her and who are solely dependent on him or her.
- (f) "Government" means the Government of the State of Rajasthan.
- (g) "Period of Work" means the working hours as prescribed under the Minimum Wages Act, 1948, and the Rules framed thereunder or the "Factories Act, 1948", and the rules framed thereunder as the case may be.

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(h) "Week" means a period of seven days beginning at midnight of Saturday.

(i) "Year" means a year commencing from 1st day of April.

(j) "Leave" means the leave provided for in those rules.

(k) "Wages" means all remunerations whether by way of salary allowances or otherwise expressed in terms of money or capable of being so expressed or implied were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment and includes any remuneration to which a person employed may be entitled to in respect of over-time work or holidays or any leave period;

(l) "Continuous Service" means uninterrupted service and includes service which may be interrupted merely on account of sickness or authorised leave or any accident or a strike which is not illegal, strike or a lock-out or cessation of work which is not due to any fault on the part of the employed.

### PART-II GENERAL SERVICE CONDITIONS.

3. Categorisation:- 1. Work-Charged employees for the purpose of this order shall be divided into the following three categories :-

- (i) Permanent status,
- (ii) Semi-permanent status, and
- (iii) Casual:

provided, however, that nothing in this order shall entitle any work-charged employee, categorised as permanent or semi-permanent, to claim the status or benefits of permanency or semi-permanency to which a regular Government employee is entitled under the Rajasthan Service Rules.

(2) Employees, who have been in continuous service for ten years or more, shall be eligible for the status of permanent work-charged employees provided their record of service, in the opinion of the Competent authority, is satisfactory.

(3) Employees in continuous service for three years or more except those covered by Sub-clause (2) shall be eligible for the status of semi-permanent work-charged employees or of semi-permanent regular technical staff, provided their record of service, in the opinion of the Competent Authority, is satisfactory.

(4) No employee shall acquire the status specified in sub-clauses (2) & (3) without the prior sanction of the Competent authority, as may be notified by the Head of the Department from time to time.

4. Recruitment and Promotion:- (1) A Division or Sub-division or a Geological circle or a specified prospecting project or Mineral Survey operations or a mining project where separate standing orders are not in force will be regarded as a unit for the purpose of establishment of the work-charged employees.

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Appointment on the work-charged basis shall be made either by promotion or by direct recruitment. Preference may be given to the retrenched employees in the matter of appointment.

(3) Promotion shall be made in accordance with instructions issued by the Head of the Department.

(5) Age and Qualifications: In the employment of the staff covered by these orders, the same rules, conditions and principles regarding age and qualifications should be applied as are applicable to the employees of corresponding categories on regular establishment. In case of experienced candidates and the candidates of S.C. and ST the upper age limit may be relaxed by the Head of Department upto a period of 5 years.

(6) Physical fitness of new entrants:- No one shall be appointed on the establishment unless he is found physically fit. Competent authority, while filling up posts, shall see that to the best of his judgement, the new entrant is in sound health and does not show any sign of disease. The Medical Officer of the area may be requested to examine candidates in cases where the competent authority considers such examination necessary.

(7) Seniority:- Seniority in each grade/category shall be reckoned with reference to the date of appointment to that grade/category. Seniority lists of each category of employees shall be maintained in each unit for purposes of promotion as well as retrenchment. When an employee is transferred from one unit to another, in the interest of Government work, his continuity of service in the parent unit shall be taken into account, in the matter of promotion or retrenchment, as the case may be.

(8) Compulsory retirement:- Except as otherwise provided in these orders :-

1. the date of compulsory retirement of the employees of the categories specified in schedule I appended to these Orders, shall be the date on which the employee attains the age of 58 years; and

2. the date of compulsory retirement of the employees of the categories specified in Schedule II shall be the date on which such employees attain the age of 55 years.

(9) Verification of age:- (1) Where the date of birth is not recorded in the service record or where service record is not available, a date of birth entered in the Municipal Birth Register/School Leaving Certificate/High School Certificate/Horoscope prepared at the time of birth, as the case may be, shall be accepted as date of birth in all cases in which intimation regarding date of birth on the basis of the above mentioned record has been furnished by the employee.

(2) In the absence of any record of the nature referred in sub-clause (1) the age of the employee shall be accepted on the basis of a certificate obtained from a Magistrate duly supported by an affidavit from the worker that the date of birth as declared by him is correct.

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Service Record:- Proper service record of employees permanent and semi-permanent, shall be kept duly verified at different levels in the proforma as may be prescribed by Head Department from time to time.

Discharge Certificate:- Discharge certificate may be issued on demand to the employees by the Competent Authority. The certificate shall be in the following form :

1. Name .....
2. Father's Name .....
3. Identification Mark(if any) .....
4. Total service and date of appointment, from ..... to .....
5. Appointment held when leaving or on retrenchment.
6. Rate and scale of pay(if any) .....
7. Reason for quitting service .....

Worker's signature or Left Hand Thumb Impression.

Seal and Designation of the competent Officer.

#### PART-III-Pay and Other Emoluments:-

(1) Pay Scales:- (1) In the case of work-charged staff, whose emoluments have separate elements of pay and dearness allowance as are admissible to regular employees of Government, pay should be allowed in the pay scale applicable to a regular employees of the Government performing similar duties.

(2) Work-charged staff, who are given consolidated wages without a separate element of dearness allowance, but whose consolidated wages are fixed on the analogy of total emoluments admissible to regular Government employees together with provision for regular increments, shall also have wages at the rate of consolidated wages corresponding to the pay scale applicable to a regular employee of the Govt. performing similar duties plus dearness allowance.

(3) The consolidated wages, admissible to person engaged purely on temporary basis, may continue to be determined ad hoc by the competent Authority but should not exceed the pay admissible to similar categories in regular establishment.

(13) Rate of Increment:- In the case of categories mentioned in clause 12(1) and (2) above, initial pay on fresh recruitment should always be the minimum except in the case of technicians, who may have to be given higher initial pay in view of experience.

As in the case of regular employees of Government, advance increments shall not be granted to employees mentioned in these categories without the sanction of Government.

**NOTE:-** Sub-clause(3) of clause 12 of the Orders, gives full powers to the competent Authority to sanction any consolidated pay to purely temporary staff and this clause gives full powers to the Competent Authority to give higher initial consolidated pay to technicians. The restrictions imposed are that :-

- (1) a non-technical person should not be appointed at an initial pay higher than the minimum and should not be given advance increments during his career;
- (2) a technical person may be given higher initial pay not exceeding the maximum emoluments of a regular employee performing similar duties;
- (3) a technical person though appointed on a higher initial pay should not be given advance increments in his career.

(4) **Dearness Allowance:-** The payment of dearness allowance to employees in category mentioned in clause 12(1) above shall be regulated in accordance with F.D.Memo No. F.11(26)F.II/53 dated the 9th February, 1954 as may be amended from time to time.

#### **PART IV-LEAVE:**

(15) **Casual Leave:-** Ten days casual leave with pay in a year may be allowed to all employees with permanent and semi-permanent status. Provided that not more than seven days casual leave shall be allowed at a time.

(16) **Earned Leave:-** (1) Employees with permanent and semi-permanent status (excluding employees governed by the Factories Act, 1948 and the Mines Act, 1952) shall be entitled to earned leave at the rate of 1/36 of the period spent on duty:

Provided that :

i) When earned leave of 20 days has accumulated further leave shall cease to be earned;

ii) earned leave would not be allowed for more than 30 days at a time;

iii) earned leave shall not be permitted to employees in conjunction with casual leave.

iv) an employee proceeding on earned leave shall apply at least one month in advance of the date on which he wants to proceed on leave.

v) leave cannot be claimed as a matter of right. Discretion is reserved with the authority empowered to grant or refuse leave at any time according to the exigencies of service.

Employees governed by the Factories Act, 1948 and the Mines Act, 1952 shall be entitled to earned leave under that law or under any special leave rules approved by Government in their case.

(17) Paid holidays: - Ten paid holidays (Festival and National) shall be admissible to employees as under:-

1. Independence day.
2. Republic day.
3. Mahatma Gandhi's Birth day.
4. Holi.
5. Dowali.
6. Deshara.
7. Id-ul-Fitr.

The remaining three holidays shall be given at the discretion of the Controlling Authority of the Unit concerned.

Provided that an employee may be required to work on such a holiday for which day he shall be allowed a compensatory holiday within a period of ten days immediately following that day.

#### PART V-OTHER FACILITIES.

(18) Travelling Allowance and Daily Allowance: - Travelling allowance and daily allowance to all work-charged employees shall be allowed according to the Rajasthan Travelling Allowance Rules. Total pay excluding the element of dearness allowance drawn on monthly basis or calculated for the month if paid at daily rates, shall form the basis of the payment of railway fare, road mileage and daily allowance to such employees.

(19) Educational Facilities: - Educational facilities shall be allowed to the employees with permanent and semi-permanent status as are admissible to regular Government servants of Rajasthan so long as they continue as employees on the establishment.

(20) Medical Facilities: - Medical facilities shall be available to the employees with permanent and semi-permanent status as are admissible to regular Government servants of Rajasthan so long as they continue as employees on the establishment.

Provided that the annual limit of reimbursement of medical bills and fee etc. in case of any such employee will not exceed his one month's salary (basic).)

Provided further that medical facilities shall also be admissible to casual employees in workshop/Mines and other similar establishments as are provided under the Factories Act, 1948/Mines Act, 1952.)

(21) Provident Fund: - (1) Every employee with a permanent or a semi-permanent status shall be required to subscribe to a contributory provident fund as per provision of employees provident fund scheme, 1952, if applicable.)

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(2) Every employee taking up employment whether before or after the commencement of these orders, shall become a subscriber to the said fund from the month following that in which he completes two year's continuous service. The scheme of Contributory provident fund shall be governed, as may be prescribed by the Government from time to time.

#### PART VI-PROCEDURE FOR RETRENCHMENT, CLOSURE ETC.

(22) Procedure for retrenchment:- The surplus staff of one unit may be adjusted against vacancies existing in another Unit. While retrenching the staff, it shall be ensured that the person retrenched is the junior most in the particular cadre at his unit level. When retrenchment is necessary, a person who has been promoted from a lower post to a higher post may be reverted to his lower post. Such reversion shall be regulated according to seniority list maintained in the Unit.

(23) Serving of notices:- If retrenchment of a permanent or semi-permanent employee is necessary, he shall be served with a notice by the Competent Authority. In the event of mass-retrenchment, no individual notice shall be necessary and notice on the notice Board shall be deemed sufficient for the purpose. List of retrenched employees together with their home address shall be maintained in each unit, so that in the event of future vacancies, preference may, as far as possible, be given to the retrenched employees.

(24) Stoppage of work:- (1) The employer or the competent authority at any time in the event of fire, catastrophe, break down of machinery or any other cause beyond the control of management, may stop work of any section or sections of the establishment or Department, wholly or partially for any period or periods without notice.

(2) In the event of such stoppage during working hours, the employees affected shall be notified, by notices put up on Notice Board in the department concerned, or at the office of the Competent Authority as soon as practicable informing when the work will be resumed and whether they are to remain at their place of work. The employees shall not ordinarily be required to remain for more than two hours after commencement of the stoppage. If the period of detention does not exceed one hour, the employees so detained shall not be paid for the period of detention. If the period of detention exceeds one hour, the employees so detained shall not be paid wages for the whole of the time during which they are so detained as a result of the stoppage. In the case of piece rates employees, the average daily earnings for the previous month shall be taken to be the daily wages. No other compensation shall be admissible in the case of such stoppages, whenever practicable reasonable notices shall be given for resumption of normal work.

(3) The employer or the competent authority may in the event of strike, work to rule or go slow affecting either wholly or partially any section or sections of the establishment or the department or the unit, close down either wholly or partially such section or sections affected by such strike, work to rule or go slow. The fact of such

sure shall be notified by notice on the Notice-Board in the section or department concerned, as soon as practicable. The employees concerned shall also be notified as far as practicable by a general notice prior to resumption of work, as to when the work shall be resumed.

(25) Termination of employment:

(1) The services of an employee with a permanent or semi-permanent status shall be liable to termination at any time by notice in writing, showing therein the circumstances, under which the services have been terminated, given by the competent authority to the employee. An employee may also resign from his service by giving notice to the competent authority.

(2) The period of notice under sub-clause (1) shall be one month. Provided that the service of such an employee may be terminated forthwith by payment to him of a sum equivalent to the amount of his wages for the period of the notice or for the period by which such notice falls short of the period prescribed above as the case may be.

(3) Services, however, of casual employee of cadre other than permanent or semi-permanent engaged wholly on a specific piece of work may be terminated on the completion of such work. Employees so engaged shall not be entitled to any notice or notice pay in lieu thereof.

PART VII-DISCIPLINE:

(26) Conduct and discipline:

The following acts and commissions on the part of employees shall be treated as misconduct:-

a) Theft, fraud, or dishonesty in connection with the employer's business or property or the theft of the property of other staff or workman within the premises of the employer's establishment.

b) Wilful insubordination or disobedience whether alone or in combination with others to any lawful or reasonable order of a superior.

c) Wilful damage to or loss of employer's goods or property.

d) Taking or giving bribes or illegal gratifications.

e) Habitual absence without leave or absence without leave for more than ten days.

f) Habitual breach of any law applicable to the establishment or Department.

g) Habitual late attendance.

h) Riotous or disorderly behaviour during working hours at the establishment or department or any act subversive of discipline;

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- i) Habitual negligence or neglect or work including sleeping during working hours.
  - j) Wilful slowing down in the performance of work; or loitering during the duty hours.
  - k) Disclosing to an unauthorised person any information in regard to the process of the establishment or department which may come into the possession of the employee in the course of his work.
  - l) Gambling in the premises of the establishment or the department.
  - m) Striking work or inciting others to strike work in contravention of the provisions of any law or rules having the force of law for the time being in force.
  - n) Drinking or being found drunk during working hours at the establishment.
  - o) Action against the security of the State.
  - p) Holding meetings in the premises of the establishment without permission of the Officer-in-charge.

(27) PENALTIES:

The following penalties may, for good and sufficient reasons, be imposed on an employee, namely : -

- 1. Censure.
- 2. Withholding of increments or promotion.
- 3. Recovery from pay of the whole or part of any pecuniary loss caused to the employer by negligence or breach of any law.
- 4. Suspension for a period not exceeding 14 days at a time (without being entitled to any wages).
- 5. Reduction to a lower post or grade.
- 6. Removal from service which shall not be a disqualification for future employment.
- 7. Dismissal from service which shall be a disqualification for future employment.

EXPLANATION:- Three consursus in a period of one year will involve with-holding of one increment.

(28) Procedure for imposing penalties:-

- i) No order imposing any of the penalties specified in clauses (5), (6) and (7) of the Clause 27 shall be passed except after ;

- i) The employee is informed in writing, where possible to do so, of the proposal to take action against him, and of the allegations on which it is proposed to be taken.
- ii) The employee is, as far as possible given an opportunity to explain the circumstances surrounding the allegations against him.
- iii) Such explanation, if any, has been taken into consideration; provided that no person shall be dismissed from service without the orders of the competent authority.
- Provide further that it shall not be necessary to follow the procedure prescribed herein where the head of the department is satisfied that it would be prejudicial to the security of the State.
- 2) An order in writing referred to in sub clause(1) above shall take effect immediately on delivery to the employee, and in the event of the refusal by the employee to accept delivery of the said order served upon him, the affixing of the same on a notice board of the establishment will be deemed to be sufficient service on him.

**(29) Payment of wages:-**

1) The wages of every employee:

- a) In an establishment in which less than 1000 persons are employed shall be paid before the expiry of the seventh day; and .
- b) in an establishment in which more than 1000 persons are employed shall be paid before the expiry of the tenth day, after the last day of wage period in respect of which the wages are payable,

**(30) Deductions from wages:**

Deductions from the wages of an employee shall be of the following kinds only: namely :-

- a) fines.
- b) deductions for absence from duty,
- c) deductions for damage to or loss of goods expressly entrusted to the employee for custody or for loss of money for which he is required to account, where such damages or loss is directly attributable to his neglect or default.
- d) deductions for house accommodation supplied by the Government or under the subsidized industrial housing scheme.
- e) deductions for any amenities and services supplied by the Government.

- (f) deductions for recovery of advances or for adjustment of over payment of wages;
- (g) deductions of income tax payable by the employee;
- (h) deductions required to be made by order of a court or other authority competent to make such order under any law for the time being in force, and
- (i) deduction for subscription or for re-payment of advance from the provident fund scheme.

PART VIII - MISCELLANEOUS:

(31) Attendance:

- (1) All employees shall work at the establishment at the time fixed and notified. Employees reporting late for duty shall be liable to deduction of wages subject to the concession of late attendance, as specified in sub-clause(2).
- (2) The concession for late coming shall be restricted to fifteen minutes, subject to a maximum of half an-hour, after which, it shall be at the discretion of the competent authority or any other officer duly authorized by him in that behalf to refuse entry to the employee in the establishment or the department.

(32) Display of Orders:

A copy of these orders in Hindi and English shall be posted at the office of the competent authority or on the Notice Board maintained near the main entrance of the establishment or department and shall be kept in legible condition.

(33) Observance of Order:

The employees will faithfully observe the provisions of this order.

(34). Repeal:

previous instructions/orders governing the conditions of the work-charged employees of the Service of Mines & Geology are hereby repealed.  
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( A.C. MITTER )  
Director of Mines & Geology,  
Rajasthan, Udaipur.

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SCHEDULE-I

( See Clause 8 (1) )

1. Blacksmith. ✓
2. Turner. ✓
3. Jamadar. ✓
4. Moulder.
5. Carpenter. ✓
6. Welder.
7. Painter. ✓
8. Helper other than of the lowest grade.
9. Tailor.
10. Fitter. ✓
11. Upholster. ✗
12. Drivers of vehicles and machinery including heavy Earth Moving Machinery. ✓
13. Electrician.
14. Wireman. ✓ ✗
15. Stone cutter or Dresser. ✗
16. Mechanic. ✓ ✓
17. Modeler. ✗
18. Mason. ✓ ✓
19. Plumber. ✗
20. Coneman. ✗
21. Dhobi. ✗

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SCHEDULE-II

( See Clause 8 (ii) )

1. Nakedar ✓
2. Computer ✓
3. L.D.C. ✓ +
4. Loading Supervisor ✓ X
5. Weigh-Bridge Clerk ✓ ✓
6. Mate ✓
7. Mistri ✓ X
8. Driver ✓
9. Waterman ✓
10. Gardner ✓
11. Chairman ✓
12. Fieldman ✓
13. Camp Attendant ✓
14. Khalasi ✓
15. Cleaner ✓
16. Farrash ✓ +
17. Lab. Boy ✓
18. Samples ✓
19. Dakman ✓
20. Sweeper ✓