

**NOTE ON THE OBSERVATIONS OF DEPARTMENT OF EXPENDITURE (DOE) IN THE  
MATTER OF CONVERSION OF EXISTING WORK-CHARGED ESTABLISHMENT OF  
CENTRAL WATER COMMISSION TO REGULAR ESTABLISHMENT**

Central Water Commission (CWC), through its field offices spread all over the length and breadth of India, is presently engaged in works like collection, collation & analysis of hydro-meteorological data, survey & investigation of water resources projects, flood forecasting, reservoir monitoring, monitoring of major/medium/minor irrigation projects, collection of water quality & sediment samples and testing at its country wide network of water quality network etc.

**A. Year since when the Work-Charged establishment was first initiated in CWC and reasons for such initiation.**

In the year 1945 Central Water-Power Irrigation and Navigation Commission (CWINC) came into existence and in year 1951 Central Water-Power Irrigation and Navigation Commission (CWINC) and Central Electricity Commission were merged to form Central Water and Power Commission (CWPC). The practice of having Work Charged staff must have been started long time back. The HO & FF works were first started in 1958-59 by CWPC at Delhi. However, CWPC was involved in construction of number of water resources projects in India, some of which located in Bhutan & Nepal also. Those projects were constructed departmentally which also involves survey & investigation works related to those projects. The requirement of execution of those projects departmentally must have prompted to recruit work charged staff following the CPWD manual. In addition, It is stated in CWPC Manual-1972 that *The monthly rated work-charged staff employed in the various offices under the Water Wing in the Central Water & Power Commission are entitled to the same terms and conditions of service and other concessions as are admissible to the work-charged staff of CPWD vide Government of India, Ministry of I & P letter no. 50(20)/58-Adm.I dated 6<sup>th</sup> February, 1960 and 50/16/60-Adm.I(A), dated 1<sup>st</sup> December, 1960.* So, it can be said that there were institutional mechanism in recruitment of work charged staff. Further, these WC staffs were getting their salaries from budget provided under various plan schemes and after retirement, they were/are getting pensionary benefits.

With the expansion of HO & FF works, WC staff were further expanded as it was not possible to do all these works with the regular establishment. Work Charged staffs were starting getting recruited as per these requirement through various Plan schemes viz. National Network Sites (NNW), Key Stations & FF Plan, Krishna Godavari Commission etc. By 1966, this practice was fully developed. As per the Shah Committee Report on WC Staff of 1986 (**Annexure-1**), there existed a Categorization Committee for WC staff in CW&PC in year 1966 which had mentioned 147 categories & group of work charged staff under skilled, semi-skilled, highly skilled & super-skilled/ supervisory on the pattern of CPWD. The Shah Committee further drafted recruitment rules on the lines of CPWD Manual. It was the Shah Committee Recommendation, based on which the WC Staff of CWC were categorized as "Non-Industrial Workers".

Accordingly, CWC field offices have been utilizing the services of Work-Charged employees who play an indispensable role in assisting the Junior Engineers at Hydrological Observation (HO) & Flood Forecasting (FF) sites in daily gauge observation, river water discharge measurement, sediment analysis, collection of river water samples for water quality analysis etc. Apart from this, they also form an integral part of teams which carry out survey & investigation works in the interiors of the country. Since these works are of continuous nature

and have to be carried out on a regular basis, it was important to have dedicated staff at the disposal of Junior Engineer.

As very long period elapsed, it may not be possible to trace the records to ascertain the exact date/year when the Work-Charged establishment was first initiated in CWC.

**B. Officer(s) under whose approval (Chairman/Member/Chief Engineer etc.) the proposal was approved.**

Ever since the inception of the Work-Charged establishment in CWC, rules and regulations mentioned in the CPWD Manual Vol. III (1984) are being followed along with relevant Orders/ Notifications/ Circulars issued by various Ministries/ Departments time-to-time. The terms and conditions are also being followed for governing the service conditions of Work-Charged establishment of CWC.

Earlier, in accordance with the para 1.03 of CWPC Manual-1972 (**Annexure-2**), Executive Engineers and Superintending Engineers were the competent authority for creating the temporary posts in the Work-Charged establishment, depending on the pay-scale of the posts. Later on, it was decided and conveyed to the field offices of CWC, vide letter dated 03.08.1995 (**Annexure-3**), that no fresh post may be created without the approval of the Chairman, CWC. Further, vide OM dated 24.03.1976, DOE (Ministry of Finance) (**Annexure-4**) conveyed conversion of 90% of all temporary posts which have been in existence for a continuous period of at least 3 years into permanent posts, including Class-IV posts in the departments of Government of India.

CWC, vide circular dated 26.02.1997 (**Annexure-5**), conveyed the approval of Chairman, CWC towards filling of vacant posts in the Work-Charged establishment.

**C. Initial strength and categories of Work-Charged staff.**

Prior to 1995, temporary posts in the Work-Charged establishment were created in the field offices of CWC by the Executive Engineers and Superintending Engineers, in-line with the para 1.03 of CPWD Manual Vol. III (1984). However, copy of such orders vide which temporary posts were created by the Executive Engineers and Superintending Engineers, while exercising their powers given in CPWD Manual Vol. III (1984), are not available.

In 1994, an exercise was undertaken to establish the total no. of posts in the Work-Charged category in CWC by collecting data from all the field offices of CWC. The total no. of sanctioned posts in the Work-Charged establishment of CWC, at that time, was arrived at 5311. The same was conveyed to DoWR, RD & GR vide letter dated 13.12.1994 of Director (Admn), CWC (**Annexure-6**). The no. of categories in Work-Charged establishment of CWC existing during that time was 34.

DoWR, RD & GR, vide letters dated 04.04.1995 (**Annexure-7**) and 02.05.1995 (**Annexure-8**), abolished a total of 667 (586+81) posts in the Work-Charged establishment. This resulted in net sanctioned posts under Work-Charged establishment of CWC as  $5311 - 667 = 4644$ .

As stated earlier, the power of creation of temporary posts in Work-Charged establishment were already withdrawn from the Executive Engineers and Superintending Engineers of

CWC in 1995. Due to opening of a new division office 3 sub-divisions under it in Chennai, vide approval of DoWR, RD & GR, 182 new posts were created in the Work-Charged establishment with the approval of the Chairman, CWC and the concerned order was issued vide letter dated 28.01.1998 of RDC Directorate, CWC (HQ) **(Annexure-9)**. This resulted in total sanctioned posts Work-Charged establishment of CWC as 4644 + 182 = 4826. The total no. of categories in Work-Charged establishment was still 34.

To assess the actual requirement of Work Charged Staff and to streamline their cadre management, Jyothi Committee was constituted by CWC in August, 2004. In the Jyothi Committee Report published in 2004, there is mention of a total sanctioned strength of 4863 posts in Work-Charged establishment of CWC, which is also the current sanctioned strength. The Committee recommended “norms for deployment of WC staff for various works of CWC, reduced the categories in Work-Charged establishment to 23, requirement of 4909 regular WC staff besides 2389 seasonal WC staff during monsoon” etc. **(Annexure-10)**.

CWC, vide letter dated 24.03.2011 **(Annexure-11)**, issued amendment in service/recruitment rules (RR) in respect of all posts in the Work-Charged establishment of CWC. Several posts were merged and total of 19 categories in Work-Charged establishment were formed. During 2017-18, the category of Pattern Maker-cum-Re-toucher was merged with Work Sarkar Grade I after retirement of the lone incumbent. As a result, total of 18 categories exist in the Work-Charged establishment of CWC today.

**D. Total no. of persons of position, in Work-Charged establishment of CWC, category wise, as on 30.09.2020.**

The category wise staff position in Work-Charged establishment of CWC, as on 30.09.2020, is enclosed at **Annexure-12**.

**E. Year of last recruitment made in this establishment.**

The year of last recruitment made in Work-Charged establishment of CWC, organization-wise, is enclosed at **Annexure-13**.

**F. Authority on whose approval the last recruitment was made (Chairman, Member, Chief Engineer etc.)**

Due to regular superannuation in the cadre, it had created a large vacancy in WC establishment in CWC which started impacting normal activities of CWC. Filling of such vacant posts in WC establishment was considered necessary so as not to affect important activities of Flood Forecasting & HO as well as survey & investigation works undertaken by CWC. As per the amendment in Service/Recruitment Rules in respect of Work-Charged establishment of CWC, circulated vide letter dated 24.03.2011, Superintending Engineer/Director is the appointing authority for recruitment of Work-Charged staff.

In this backdrop, 23<sup>rd</sup> RM Co-ordination Meeting was held during 28<sup>th</sup> – 29<sup>th</sup> April-2014, in CWC Headquarters, under the chairmanship of Sh. K.N. Keshri, then Member (RM), CWC. **Sh. Alok Rawat, the then Secretary, DoWR, RD & GR and Sh. A.B. Pandya, the then Chairman, CWC, along with other senior officers of CWC and DoWR, RD & GR, also participated in the said meeting.** Filling up of 2551 vacant posts in Work-Charged

establishment of CWC, under the approved DWRIS Scheme, was discussed in the meeting. As per the Record Note of discussions of the meeting (**Annexure-14**), Guidelines for filling up of the vacant posts of Skilled Work Assistants (SWA) (item no. 23.2.9) were finalized and circulated to all field units of CWC.

Accordingly, recruitments were carried out by the concerned circles/directorates, in line with the Service/Recruitment Rules of 2011 and CCS (CCA) rules, 1965 and as per the decision taken in the 23<sup>rd</sup> RM Co-ordination Meeting.

As regards to compassionate appointments, CWC has been following the 'Consolidated Instructions on Compassionate Appointments' issued by DoPT from time to time. As per the OM dated 09.10.1998 of DoPT, wherein the scheme for compassionate appointment was circulated to all ministries/departments of Govt. of India, the competent authority to make compassionate appointment in the attached and subordinate offices of ministries is the 'Head of Department under the Supplementary Rule 2(10)'.

**G. Detailed reasons for not securing approval of the then Ministry (now Department) for making recruitment and circumstances under which Recruitment Rules and method of recruitment were not published through the then Ministry (now Department) in the Gazette of India.**

Before recruitments in Work-Charged establishment of CWC were put on hold in March, 2018 on the advice of DoWR, RD & GR, various circles/directorates of CWC had been filling the vacant posts in the Work-Charged establishment by means of fresh recruitment through notices in Employment News (since 1968 as per OM dated 12.6.1968 of Ministry of Home Affairs (**Annexure-15**) and compassionate appointment. This was done in line with the letter dated 24.03.2011, wherein Superintending Engineer/Director was made the appointing authority for recruitment of Work-Charged staff. It is worth mentioning that the field offices of CWC had only carried out filling of the vacant posts in the Work-Charged establishment, as per the revised sanctioned strength circulated vide letter dated 29.06.2016 of CWC duly following the due procedures (**Annexure-16**). No new posts were created in any category of the Work-Charged establishment which would have required the concurrence of Ministry (now department).

Further, the process of amendment of Recruitment Rules in respect of Work-Charged establishment was done in accordance with (i) the gazette notification dated 29.08.2008 of DOE, Ministry of Finance regarding CCS (Revised Pay Rules), 2008 (**Annexure-17**), (ii) DOPT's OM dated 24.03.2009 regarding steps to be taken, on priority basis, by government departments to amend the Service Rules/Recruitment Rules that existed during that time (**Annexure-18**) and (iii) DOPT's OM dated 17.04.2009 regarding classification of posts according to the Grade Pay as prescribed by the 6<sup>th</sup> Pay Commission that time (**Annexure-19**). All the rules laid out in the above mentioned notifications/OMs were followed while issuing the amended Recruitment Rules in respect of Work-Charged establishment of CWC and it did not seem necessary to publish the same through the then Ministry (now department) considering nature of establishment being Work-Charged only, not the regular establishment.

**H. Whether at any stage (year) information about this Establishment was formally informed to the then Ministry (now Department). Please provide a copy of communications in case any communications were exchanged.**

Information about the Work-Charged establishment, like sanctioned strength, staff position, nature of work being done by the Work-Charged staff in the field offices of CWC etc. used to be regularly shared with Ministry (now DoWR, RD & GR). The Ministry (earlier Irrigation then Water Resources and now DoWR, RD & GR) too conveyed various directions/ instructions etc with regard to establishment of Work Charged Establishment.

Ministry of Irrigation vide its OM No. Am.IV-54(273)/61 dated 4.1.1962 conveyed to Central Water & Power Commission (Water Wing) that order contained in Ministry of Finance OM regarding Compensatory (City) and House Rent Allowance are applicable to work charged staff of CW&PC (**Annexure-20**). Many such letters are enclosed in the said annexure. Further, in replies to various Parliament Questions pertaining to WC Establishment, information was provided to Ministry (now department) since long (a 1984 letter is enclosed as **Annexure-21**).

In 1994, Ministry (now DoWR, RD & GR) had proposed 10% cut in the sanctioned strength of Work-Charged establishment of CWC. In this regard, CWC, vide letter dated 13.12.1994 (**Annexure-6**) of Director (Admn.), CWC, apprised Ministry about the position of the Work-Charged establishment which existed that time.

Ministry (DoWR, RD & GR) vide letter dated 20.06.1997 of Director, E-I (**Annexure-22**), conveyed to CWC the decision to implement the scheme for grant of temporary status and regularization of Seasonal Khalasis working in the Work-Charged establishment. Ministry (DoWR, RD & GR) directed to bring the scheme to the notice of all the appointing authorities of CWC and ensure implementation of the provisions of the same.

In 2018, Ministry (DoWR, RD & GR) had sought clarification from CWC regarding creation of posts in Work-Charged establishment and details of vacant posts in the same. The consolidated reply was sent to Ministry vide letter dated 18.05.2018 of Under Secretary, Estt. XII Section, CWC (**Annexure-23**).

Further, vide letter dated 10.08.2018 of Under Secretary, Estt. XII Section, CWC (**Annexure-24**), information sought by the officers of the Work Study Team of ISTM, regarding Work-Charged establishment of CWC, was furnished to ISTM. A copy of the same was also given to E-I Section, DoWR, RD & GR.

It is also worth mentioning that the provision for salaries of work charged establishment had continuously been made under head "Minor Works" of various Plan Schemes & EFC since long. These plan schemes & EFC had been scrutinized & approved by Ministry of Water Resources (now DoWR, RD & GR), Planning Commission (now Niti Aayog), Deptt. of Expenditure etc. Based upon such provisions of Plan schemes & EFC, Ministry (DoWR, RD & GR) has been allocating funds annually in the Budget to CWC for salaries of the Work-Charged staff against the sanctioned strength.

It can, thus, be concluded that Ministry (now DoWR, RD & GR) was well informed in the matter of existence of Work Charged Establishment in CWC along with Deptt. of Expenditure

and various rules & regulations of DoPT were being applied on maintaining their service condition.

**I. Details of officers involved in decision making process regarding “creation and recruitment” of “posts” in the Work-Charged establishment of CWC. In case of retired officers, their date of retirement may be indicated in tabular form.**

As stated above, since its inception CWC had been executing various works viz., construction, Hydro-meteorological observation & Flood Forecasting activities, collection, testing & analyzing water quality and sediment, survey & investigation etc. For execution of such works, CWC had been following CPWD Manual since long. As per the definition of Work Charged Establishment of CPWD manual, such establishment whose pay, allowances etc are directly chargeable to “Works”. This staffs are employed on actual execution of a specific work, sub-work of specific work etc. Further, temporary posts in the Work charged establishment can be created by Executive Engineer/ Superintending Engineers as per the CPWD Manuals. However, vide OM dated 24.03.1976, DOE (Ministry of Finance) **(Annexure-4)** conveyed conversion of 90% of all temporary posts which have been in existence for a continuous period of at least 3 years into permanent posts, including Class-IV posts in the departments of Government of India. Later on, it was decided and conveyed to the field offices of CWC, vide letter dated 03.08.1995 **(Annexure-3)**, that no fresh post may be created without the approval of the Chairman, CWC. However, Ministry (DoWR, RD & GR) vide its letter dated 20.06.1997 of Director, E-I **(Annexure-22)** conveyed to CWC the decision to implement the scheme for grant of temporary status and regularization of Seasonal Khalasis working in the Work-Charged establishment. From the above, it can be concluded that creation & recruitment under WC Establishment and maintaining their service conditions were a continuous activity involving field as well as HQ officers of CWC as per works power enshrined in CPWD Manual and Ministry was well informed of such processes. Therefore, it will not be reasonable as well as feasible to mention about any such officer(s) involved in decision making process regarding “Creation & Recruitment” of posts under WC Establishment.