



## The Nagaland Work-Charged and Casual Employees Regulation Act, 2001

Act 1 of 2001

### Keyword(s):

Casual Employee, Work Charged Employee, Work Charged Establishment

Amendments appended: 9 of 2024, 10 of 2025

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# **The Nagaland Work-charge and Casual employees regulation Act, 2001 (Act No. 1 of 2001)**

*[Received the assent of the Governor of Nagaland on 26.3.2001 and published in the Gazette Extra-ordinary dated 11th April 2001.]*

**An Act to regulate appointment and conditions of service of persons appointed as work charged employees and casual employees.**

Be it enacted in the fifty Second year of the Republic of India as follows:

## **CHAPTER - I**

### **PRELIMINARY**

#### **1. Short title, extent and commencement:**

- (1) The Act may be called the Nagaland Work-Charged and Casual Employees Act, 2001.
- (2) It shall extend to the whole of the State of Nagaland.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

#### **2. Definitions:**

- (a) 'Appointing authority' means the appointing authority as may be authorised by the State Government for any department in this behalf.
- (b) 'Commission' means the Commission constituted under Section 3.

- (c) 'Casual employee' means an employee engaged without sanctioned post.
- (d) 'Work-charged employee' means an employee engaged without sanctioned post under work charge establishment.
- (e) 'Work-charged establishment' means and includes such establishment in any department under which a person is employed upon the actual execution, as distinct from the general supervision, of a specific work or of sub-works of a specific project or upon the subordinate supervision of departmental labour, stores and machinery in connection with such work or sub-works.

## **CHAPTER - II**

### **WORK-CHARGED AND CASUAL EMPLOYEES COMMISSION**

#### **3. Constitution of Commission :**

- (1) The State Government shall constitute the Work-charged and Casual Employees Commission to exercise the Powers and to perform the functions conferred under this Act.
- (2) The Commission shall consist of :
  - (a) An Officer of the State Government not below the rank of Commissioner & Secretary who shall be the Chairperson of the Commission.
  - (b) Engineer - in - Chief, Works & Housing
  - (c) A person, having special knowledge and experience connected with public service, nominated by the State Government.
  - (d) An officer of the State Government not below the rank of Joint Secretary, who shall be the Member Secretary.

The Commission may co-opt the Head of a department as Member where the Commission may be called upon to exercise powers and perform functions under this Act in respect of that department.

#### **4. Functions of the Commission :**

The Commission shall, subject to the general directions of the State Government, perform any of the following functions, namely :-

- (a) recommend the norms and the number of Work-Charged Employees and Casual employees for any department with due regard to workload, budgetary resources and such other factors as may be considered relevant.
- (b) recommend for fixing wage and other conditions of service.
- (c) recommend on any other matter as may be assigned by the State Government for the purpose of giving effect to the provisions of this Act.

### **CHAPTER - III**

### **WORK CHARGED ESTABLISHMENT**

#### **5. Appointment and Discharge of work charge Employees.**

- (1) The Work-Charged employees shall be entitled to the respective conditions of service as existing on the commencement of this Act except as hereinafter provided in this Act.
- (2) The appointing Authority shall review the appointment of Work-Charged Employees within six (6) months from the date of the order issued by the State Government prescribing the number of work-charged

employees on consideration of the recommendation of the Commission and shall also issue order re-appointing or discharging the service of work-charged employees on the basis of the recommendation of the Recruitment Board.

Provided that no person shall be appointed beyond the age of 60 years.

(3) The Work-Charged employees, whose services are discontinued under sub-section (2) above and who have completed 3 (three) years of service in Work-Charged establishment, shall be granted a gratuity equivalent to  $\frac{1}{2}$  (half) month's pay excluding special compensatory allowance for each completed years of service as provided under the Nagaland Public Works Department Code.

**6. Wage :**

The Work charged employees shall be paid wage as may be prescribed by the State Government on the consideration of the recommendation of the Commission.

Provided that the wage of the work-charged employee, who was paid a scale of pay at the commencement of this Act and who is re-appointed under subsection 2 of Section 5 of this Act, shall be not less than the last pay as may be determined at the time of prescribing fixed wage.

**7. Terms of appointment :**

The appointing authority shall specify a period of appointment not beyond the financial year in which the appointment is made.

**8. Restriction on appointment :**

No appointment of work charged employees shall be made in any department in excess of the number prescribed by the State Government under sub section 2 of Section 5 and outside the panel prepared under Section 9.

**9. Constitution of Recruitment Boards :**

(1) The respective department, having work-charged establishment, may constitute one or more recruitment Boards consisting of not less than 3 members at the centralised

level of circle or division as may be considered necessary for making recruitment to the work-charged establishment under it's respective jurisdiction.

(2) The Board shall, having regard to the qualifications and skill required for the jobs and also service experience, screen all the work-charged employees for the purpose of making orders under section (5) above and also prepare a panel for making appointment of work-charged employees.

**10. Other conditions of service :**

The work-charged employee shall be entitle to casual leave, holidays, working hours as may be prescribed in this behalf.

**11. Power to review the scale of work charged employees :**

The Commission constituted under Section (3) above shall review the wage, norm and scale of work-charged establishment or work-charged employees of any department from time to time as may be directed by the State Government.

**12. Scheme for absorption of Service :**

The State Government may draw up a scheme for absorption of service of work-charged employees into regular Government service.

**13. Power to reserve the vacancies :**

The State Government may, with due regard to the identification of posts and jobs, make an appropriate order to any Department for reserving the vacancies as may be specified for implementing the scheme formulated under Section (12).

## **CHAPTER - IV**

### **CASUAL EMPLOYEE**

#### **14. Appointment and discharge of casual employees.**

- (1) The appointing authority shall review the appointment of all casual employees and shall issue order re-appointing or discharging the service of casual employees in accordance with the procedure that may be prescribed in this behalf.
- (2) No appointment of casual employees shall be made in any department in excess of the norm as may be prescribed by the State Government for such department on consideration of the recommendation of the Commission.

#### **15. Wage :**

The casual employee shall be paid a wage as may be prescribed by the State Government on consideration of the recommendation of the Commission constituted under Section (3).

#### **16. Terms of appointment :**

The appointing authority shall specify a period of appointment not exceeding beyond the Financial year in which the appointment is made.

#### **17. Other conditions of service :**

The casual employee shall be entitled to casual leave, holidays working hours as may be prescribed in this behalf.

## **CHAPTER - V**

## **MISCELLANEOUS**

### **18. Penalty :**

Any official acting in contravention of this Act or the Rules made under this Act shall be liable to a punishment of fine which may extend to Rs. 1000 (Rupees one thousand) and shall also be liable to disciplinary action for any of the penalties specified under the Nagaland Services (Discipline and Appeal) Rules, 1967.

Provided that no court shall take cognizance of the offence under this section except on a complaint made by an authority as may be prescribed in this behalf.

### **19. Relaxation :**

The work-charged employees and casual employees applying for appointment to regular service under the State Government shall be entitled to relaxation of age to the extent they have secured as work-charged employees and casual employees.

Provided further that the Governor may make order relaxing the age prescribed for initial entry into public employment in any particular case where the Governor is satisfied that undue hardship is likely to be caused.

### **20. Power to make Rules :**

The State Government may, for the purpose of giving effect to the provisions of this Act, make rules.

### **21. Repeal :**

The Rules, regulations and orders in force are hereby repealed to the extent provided in this Act.

**The Nagaland Professions, Trades, Callings and**



Registration No. NE/RN -646

THE NAGALAND GAZETTE  
EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 219 Kohima

Friday, October 25, 2024

Kartika 03, 1946 (Saka)

**NOTIFICATION**

**Dated Kohima, the 25<sup>th</sup> October, 2024.**

**NO.LAW/BILL/23-28/2024** : : The Nagaland Work-Charged and Casual Employees Regulation (First Amendment) Act, 2024 Act No. 9 of 2024 duly assented by the Hon'ble Governor on 8<sup>th</sup> Oct. 2024 is hereby published for general information.

**Sd/-**

**Y. KIKHETO SEMA, IAS**

Commissioner & Secretary to the Govt. of Nagaland.

**THE NAGALAND WORK-CHARGED AND CASUAL EMPLOYEES  
REGULATION (FIRST AMENDMENT) ACT, 2024**

To incorporate the terms and conditions of appointment and regulation of service of Operation and Maintenance Staff who were erstwhile called Work-Charged and Casual employees under Public Health Engineering Department (PHED) and Power Department, into the existing Act of 2001 and to provide for matters connected therewith or incidental thereto

An

Act

to amend the Nagaland Work-charged and Casual Employees Regulation Act, 2001.

BE it enacted by the Nagaland Legislative Assembly in the Seventy-fifth year of the Republic of India as follows:

**1. Short title and commencement**

(1) This Act may be called the Nagaland Work-charged and Casual Employees Regulation (First Amendment) Act, 2024.

(2) They shall come in to force with effect from the date of notification in the Nagaland Gazette.

**2. Amendment of section 2**

After clause (e) in section 2 of the Nagaland Work-charged and Casual Employees Regulation Act, 2001, (hereinafter referred to as the principal Act), the following clauses shall be inserted: namely,-

"(f) 'Operation and Maintenance Staff' means those erstwhile Work-Charge Employees under Power Department and Public Health Engineering

Department who are exempted from being phased out and will continue to be maintained by the concerned Departments until such time the Government decides otherwise.

(g) 'OMS' means Operation and Maintenance Staff."

### **3. Insertion of Chapter IIIA**

After section 13, of Chapter III of the principal Act, the following chapter shall be inserted: namely,-

## **"CHAPTER IIIA**

### **OPERATION AND MAINTENANCE STAFF (OMS)**

#### **13A. Appointment and Discharge of OMS**

- (1) Recruitment of OMS shall be made through the Boards constituted under section 13E (of Chapter IIIA) below.
- (2) The Appointing Authority shall be the Head of Department (HOD) with the approval of the Administrative Head of Department (AHOD)

#### **13B. Wage**

The OMS shall be paid wage and allowance as may be prescribed by the Government from time to time.

#### **13C. Terms of appointment**

- (1) All appointees shall be subjected to an observation period of 1 (one) year after which they shall undergo a Suitability Test.
- (2) The Suitability Test shall be conducted by the Department at the Division level; however a common seniority list of OMS shall be maintained

centrally at the Directorate level for the purpose of empanelment for regularization under sub- section (3) below.

(3) Appointees who qualify the Suitability Test shall be empanelled for integration to the department by regularization on seniority basis against vacant sanctioned posts of field staff:

Provided that those who do not qualify the suitability test conducted under sub-section (2) above shall be terminated immediately.

(4) Vacancies against sanctioned posts of field staff in Public Health Engineering and Power Departments shall be filled by OMS through the provisions of this Act except the posts reserved for Compassionate Appointments.

(5) Irrespective of having passed the suitability test, OMS appointed under the provisions of this Act shall be terminated at any point if they do not meet the requisite criteria of health, performance and integrity which shall be notified by the department.

#### **13D. Restriction on appointment**

(1) The Strength of OMS shall be maintained within the Ceiling Limit prescribed by Government through the Commission.

(2) The Appointing Authority shall be held liable for any appointment of OMS in the department in excess of the number prescribed by the State Government. Such excess appointments shall be treated as illegal.

#### **13E. Constitution of Recruitment Boards**

(1) The respective department, having OMS establishment, shall constitute a recruitment Board consisting of not less than 3 (three) members at the centralized level of Directorate for making recruitment to the OMS.

(2) The Board shall, having regard to the qualifications and skills required for the job and also service experience, invite applications from the indigenous residents of the area/division/district where the work is going

to be operated and maintained. Thereafter it shall screen all the OMS for the purpose of appointments under section 13A (of Chapter-IIIA)

(3) The Recruitment Board shall give preference to the indigenous residents of the area/ division/ district where the projects/ works are to be operated and maintained when making recommendations for appointment under this Act:

Provided that parity between divisions and villages under their jurisdiction shall be maintained as per the requirement.

(4) The names of the candidates nominated by the Board shall be forwarded to the Government with all necessary documents and procedure for approval of the Government.

#### **13F. Other conditions of service**

The OMS shall be entitled to casual leave, holidays, working hours as may be prescribed in this behalf.

#### **13G. Power to review the scale and terms of appointment of OMS**

The Commission constituted under Chapter II of the principal Act shall review the wage, norm and scale of OMS or OMS of any department from time to time as may be directed by the State Government.

#### **13H. Power to reserve the vacancies**

The State Government may, with due regard to the identification of posts and jobs, make an appropriate order to any Department for reserving the vacancies as may be specified for implementing the scheme formulated under section 13C (of Chapter IIIA)"

**THE NAGALAND WORK-CHARGED AND CASUAL  
EMPLOYEES REGULATION (FIRST AMENDMENT)  
BILL, 2024**

**(As passed by the Nagaland Legislative Assembly on the 29<sup>th</sup> August, 2024)**

This Bill was passed by the Nagaland Legislative Assembly on 29.08.2024.

Kohima,  
The 29-8-2024

**Sd/-**  
**SHARINGAIN LONGKUMER**  
**SPEAKER**  
Nagaland Legislative Assembly

**I assent to this Bill**

Kohima,  
The 8-10-2024

**Sd/-**  
**LA GANESAN**  
**GOVERNOR**

**PART-V****DEPARTMENT OF LAW AND JUSTICE**

Dated Kohima, the 11<sup>th</sup> November, 2025.

The Nagaland Work-Charged and Casual Employees Regulation (Second Amendment) Act, 2025 received the assent of the Governor on 26<sup>th</sup> September 2025 and is hereby published for general information.

**The Nagaland Work-Charged and Casual Employees Regulation (Second Amendment) Act, 2025**  
**Act No. 10 of 2025**

**THE NAGALAND WORK-CHARGED AND CASUAL EMPLOYEES REGULATION (SECOND AMENDMENT) ACT, 2025**

To amend the terms and conditions of appointment of Chairperson and Member Secretary in the existing Act of 2001 and to provide for matters connected therewith or incidental thereto

An

Act

to amend the Nagaland Work-charged and Casual Employees Regulation Act, 2001.

BE it enacted by the Nagaland Legislative Assembly in the Seventy-sixth year of the Republic of India as follows:

**1. Short title and commencement**

(1) This Act may be called the Nagaland Work-charged and Casual Employees Regulation (Second Amendment) Act, 2025.

(2) They shall come in to force with effect from the date of notification in the Nagaland Gazette.

**2. Amendment of Section 3 (2) {a} & {d}**

In clause (2) (a) & (d) in section 3 of the Nagaland Work-charged and Casual Employees Regulation Act, 2001, (hereinafter referred to as the principal Act), the following clauses shall be amended: namely,-

"2 (a)' A retired Officer not below the rank of Commissioner & Secretary who shall be the Chairperson of the Commission. The tenure shall be 3(three) or 65 (sixty five) years of age whichever is earlier.

"2 (d)' An Officer of the Finance Department not below the rank of Joint Secretary, who shall be the Member Secretary.

Sd/-

**THEJANGU-U KIRE**

Secretary to the Government of Nagaland.

**STATEMENT OF OBJECT AND REASONS.**

The object of this Bill is to amend The Nagaland Work Charged and Casual Employees Regulation Act, 2001 by amending Chapter-II (3) {2} [a] & [d] after section 3 (1), of Chapter II of the principal Act regarding the constitution of the Work-Charged and Casual Employees Commission.

Sd/-  
**NEIPHIU RIO**  
**CHIEF MINISTER**  
**& Minister i/c of P&AR Department**  
**Nagaland**

**FINANCIAL MEMORANDUM**

The implementation of The Nagaland Work-Charged and Casual Employees Regulation (Second Amendment) Bill, 2025 seeks to re-appoint a retired Officer as the Chairperson of the Commission.

On the account of this new re-appointment, financial liability will be incurred from the Consolidated Fund of the State of Nagaland.

Sd/-  
**NEIPHIU RIO**  
**CHIEF MINISTER**  
**& Minister i/c of P&AR Department**  
**Nagaland**

**MEMORANDUM OF DELEGATED LEGISLATION**

The Nagaland Work-Charged and Casual Employees Regulation (Second Amendment) Bill, 2025 delegates power to the Work-Charged and Casual Employees Commission to make rules and regulations.

Delegation of power is of normal nature.

Sd/-  
**NEIPHIU RIO**  
**CHIEF MINISTER**  
**& Minister i/c of P&AR Department**  
**Nagaland**

**THE NAGALAND WORK-CHARGED AND CASUAL  
EMPLOYEES REGULATION (SECOND AMENDMENT)  
BILL, 2025**

**(As passed by the Nagaland Legislative Assembly on Friday, the 7<sup>th</sup> March, 2025)**

This Bill was passed by the Nagaland Legislative Assembly on 07.03.2025.

Kohima,  
The 07.03.2025

Sd/-  
**SHARINGAIN LONGKUMER**  
**SPEAKER**  
Nagaland Legislative Assembly

**I assent to this Bill**

Kohima,  
The 04.06.2025

Sd/-  
**LA GANESAN**  
GOVERNOR