

PART-V

NOTIFICATION

NO.AS/LEG-23/Bill/NWCER-1/2024/3381

Dated Kohima, the 27th August, 2024.

The Nagaland Work-Charged and Casual Employees Regulation (First Amendment) Bill, 2024 together with the Statement of Objects and Reasons and the Financial Memorandum which was introduced in the Nagaland Legislative Assembly on Tuesday, the 27th August, 2024, is published for general information as required under Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-

KHRUOHITUONUO RIO

Secretary-In-Charge

Nagaland Legislative Assembly

Secretariat: Kohima

AMENDMENT BILL

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

A

Bill

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-III A)

(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)”

STATEMENT OF OBJECT AND REASONS.

The object of this bill is to amend The Nagaland Work Charged and Casual Employees Regulation Act, 2001 by inserting Chapter-III A after section 13, of Chapter III of the principal Act to regulate the appointment and service conditions of the Operation and Maintenance Staff under the Public Health Engineering Department (PHED) and Power Department.

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 (First Amendment) Bill, 2024 does not involve any recurring or non-recurring expenditure from the consolidated fund of the State of Nagaland.

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