

HARYANA VIDHAN SABHA

Bill No. 20— HLA of 2024

THE HARYANA CONTRACTUAL EMPLOYEES (SECURITY OF SERVICE) BILL, 2024

A

Bill

to provide security of service to contractual employees and for the matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Seventy-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Haryana Contractual Employees (Security of Service) Act, 2024. Short title,
commencement
and extent.
- (2) It shall be deemed to have come into force with effect from the 14th August, 2024.
- (3) It shall extend to the whole of the State of Haryana.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (a) "appointed date" means the 15th August, 2024;
 - (b) "appropriate authority" means such appointing authority, as may be notified by the Government for the Government Organization;
 - (c) "appellate authority" means such appellate authority, as may be notified by the Government for the Government Organization;
 - (d) "eligible contractual employee" means an employee engaged on contract, adhoc or outsource basis in the Government Organization on the appointed date;
 - (e) "Government" means the Government of the State of Haryana in the Human Resources Department;
 - (f) "Government Organization" means a department, board, corporation or authority under which the eligible contractual employee was working on the date of the commencement of this Act;
 - (g) "prescribed" means prescribed by the rules made under this Act;
 - (h) "Schedule" means the Schedule appended to this Act;
 - (i) "superannuation" means such age of superannuation, as may be notified by the Government.

Eligibility conditions.

3. The eligible contractual employee shall be an employee who,-
- (i) (a) has been engaged on contract by the Government Organization and is in the service of such Government Organization on the appointed date and receiving remuneration upto Rs. 50,000/- per month; or
 - (b) is deployed by the Haryana Kaushal Rozgar Nigam under the Deployment of Contractual Persons Policy, 2022 and is in the service of a Government Organization on the appointed date;
 - (ii) has completed at least five years service in the Government Organization on full time basis as on the appointed date.

Explanation 1.- The period of service shall be considered as the period for which remuneration was made, directly or indirectly, by the Government Organization to the eligible contractual employee and shall include the period of any leave approved by the competent authority.

Explanation 2.- For the purposes of calculation of the number of years of engagement, a contractual employee who has received remuneration for at least 240 days in a calendar year shall be deemed to have worked for the entire year,

but shall not include an employee who,-

- (i) has been engaged under Centrally Sponsored Schemes paid in part or full by the Central Government; or
- (ii) has been engaged on honorarium basis; or
- (iii) has been paid remuneration for service rendered on a part time basis by the Government Organization; or
- (iv) has attained the age of fifty-eight years on the appointed date; or
- (v) has been terminated or removed by the appropriate authority on or before the date of commencement of this Act.

Tenure of engagement.

4. The eligible contractual employee shall continue to work in the Government Organization till he attains the age of superannuation.

Remuneration.

5. (1) The eligible contractual employee shall receive a consolidated monthly remuneration equal to the entry pay in the pay level of the corresponding post along with additional remuneration as specified in the First Schedule based on the year of service rendered in the Government Organization:

Provided that where the Government Organization is unable to determine the corresponding post, the matter shall be referred to the Chief Secretary, who in consultation with the Additional Chief Secretary to Government, Haryana, Finance Department, shall determine the corresponding post for the purposes of this sub-section.

- (2) Notwithstanding anything contained in sub-section (1), the consolidated monthly remuneration including the additional remuneration specified

in the First Schedule shall not be less than the remuneration drawn by the eligible contractual employee on the appointed date.

(3) The eligible contractual employee shall also receive such additional benefits, as specified in the First Schedule.

(4) The consolidated monthly remuneration shall be increased with effect from the first day of January and the first day of July every year corresponding to the increase in Dearness Allowance.

(5) The Government may notify an increment on the consolidated monthly remuneration on the completion of the first year from the date of commencement of this Act and every year thereafter.

6. (1) The Government may, by notification in the Official Gazette, amend or revise the Schedule. Power to amend Schedule.

(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before the State Legislature.

7. In the matters relating to discipline, penalties, appeals and other matters not specifically provided under this Act, an eligible contractual employee shall be governed by such rules, as may be prescribed. Discipline, penalties, appeals and other matters.

8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty: Power to remove difficulty.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

9. No suit, prosecution or other legal proceeding shall lie against the Government or any officer or employee of the Government or any other person or authority authorized by the Government for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder. Protection of action taken in good faith.

10. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power to make rules.

(2) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

11. The provisions of the Haryana Guest Teachers Service Act, 2019 (13 of 2019) shall be amended as specified in the Second Schedule. Amendment of Haryana Act 13 of 2019.

12. (1) The Haryana Contractual Employees (Security of Service) Ordinance, 2024 (Haryana Ordinance No. 1 of 2024), is hereby repealed. Repeal and savings.

(2) Notwithstanding such repeal, anything done or action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

FIRST SCHEDULE

(see section 5)

1.	The additional remuneration shall be fixed as follows, namely:-		
	Serial Number	Number of years of engagement on the appointed date	Additional remuneration over and above the entry pay in the pay level on the appointed date
	(i)	Over 10 years	15 percent of entry pay in the pay level
	(ii)	Over 8 years but upto 10 years	10 percent of entry pay in the pay level
	(iii)	Over 5 years but upto 8 years	5 percent of entry pay in the pay level
2.	Healthcare benefits as notified under the Pradhan Mantri-Jan Arogya Yojna (PM-JAY) CHIRAYU Extension Scheme or as revised by the Government.		
3.	Death-cum-Retirement Gratuity at equivalent rates specified in the Code on Social Security, 2020 (Central Act 36 of 2020).		
4.	Maternity Benefit as per the provisions of the Code on Social Security, 2020 (Central Act 36 of 2020).		
5.	Benefit of ex-gratia compassionate financial assistance or compassionate appointment in Haryana Kaushal Rozgar Nigam in accordance with such policy, as may be notified by Government.		

SECOND SCHEDULE

(see section 11)

**AMENDMENT OF THE HARYANA GUEST TEACHERS
SERVICE ACT, 2019**

(13 of 2019)

1. In section 4 of the Haryana Guest Teachers Service Act, 2019 (13 of 2019) (hereinafter called the principal Act), the words and sign "However, such consolidated honorarium shall not exceed the minimum of the pay-scale (at the lowest grade, in the regular pay scale), extended to corresponding regular teacher of the Department.", shall be omitted.

2. After section 4 of the principal Act, the following section shall be inserted, namely:-

"4A, Other benefits.-A guest teacher shall be eligible to receive the benefits under items (2), (3), (4) and (5) of the First Schedule to the Haryana Contractual Employees (Security of Service) Act, 2024, with effect from the appointed date."

STATEMENT OF OBJECTS & REASONS

There are a significant number of employees engaged on contractual ad-hoc, and outsource basis who are working in various Government Organizations. These employees, who have dedicated many years of their lives to serving the State, are now facing a precarious future, compounded by their overage status for regular employment. The situation has led to numerous representations from the affected individuals and escalating litigation in courts causing significant administrative and legal challenges for the Government.

Moreover, the Hon'ble Courts have repeatedly emphasized the injustice in relieving these employees or replacing them with new personnel after years of dedicated service. In the High Court case LPA 576 of 2023 (Darshana Devi Vs State of Haryana), the Government committed to formulating a policy for the regularization of such employees who could not be regularized earlier due to the absence of sanctioned posts. There is need to remove the distress and uncertainty among these employees, leading to potential disruptions in various Government functions and further legal entanglements in Hon'ble Courts. The commitment along with the ongoing legal battles, necessitates immediate action to uphold the State's assurance and prevent further legal complications.

It is proposed to remove the distress and uncertainty among the contractual employees and fulfil the commitment made before the Hon'ble Courts by promulgating an Act to provide Security of Service to such employees who have rendered long years of service. The Ordinance in this regard was notified on 14.08.2024 i.e. Haryana Contractual Employees (Security of Service), Ordinance, 2024.

The proposed Haryana Contractual Employees (Security of Service), Act, 2024 seeks to provide the necessary security of service, improve service conditions of contractual employees and fulfil the Government's commitment, thereby ensuring stability and continuity in the functioning of Government departments and the welfare of the long-serving contractual workforce.

Hence this Bill.

NAYAB SINGH,
Chief Minister, Haryana.

Chandigarh :
The 8th November, 2024.

Dr. Satish Kumar,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 8th November, 2024, under proviso to Rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 10 of the proposed Bill empowers the State Government to make Rules for carrying out the purposes of the Act. This delegation of powers to the Executive is of a normal character. Hence, the memorandum regarding delegated Legislation as required under Rule 126 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly is enclosed.

