

BSNL CASUAL & CONTRACT WORKERS' FEDERATION

K. G. BOSE SMRITEE BHAWAN

20A, Adwaita Mullick Lane, Kolkata – 700 006

Phone: (033) 2237-9450, 2530–2424, Mob: 09434759450

President: Com. V. A. N. Namboodiri

Secretary General: Com. Tapas Kr. Ghosh

Ref. No. BSNLCCWF-4/CMD/2008

08.10., 2008

To

**The Chairman & Managing Director
Bharat Sanchar Nigam Limited
Corporate office
New Delhi**

Sub: - Uniformity in respect of payment of Wages to the Casual Labour/Contractual Labourers in BSNL all over the country – Implementation of Labour Laws – reg.

Sir,

You are perhaps aware of the fact that there are more than one lakh casual and contract workers in BSNL all over India. They are engaged in various jobs including high technology area for maintaining exchanges and offices with a view to run the department smoothly. A good portion of workload is being shouldered by these casual and contract workers. The service rendered by these workers are not at all less than that the jobs performed by the Group 'D' employees of BSNL. It is not out of place to be mentioned here that in many places, there are good number of casual and contract workers engaged in performing the duties meant for Group 'C' staff. It is expected and you will appreciate that these casual and contract workers should be paid wages as per the instructions issued by the Government of India as well as DoT in this regard in force. It has come to our knowledge that the guidelines / instructions issued by the department from time to time regarding norms for calculating wages of casual and contract workers are not followed.

We have seen the dreadful picture while on tour in different circles. The casual and contract workers have become the victim of intense exploitation. In some places they are being paid low wages even @ Rs.500/- per month. The question of implementation of the provisions of Labour Law i.e. Minimum Wages, Social Security Schemes etc is far off. They are forced to lead a life as bonded labour of middle ages.

In view of the above, it is requested that each and every Head of Circles may be instructed to ensure payment of actual wages as per the law. Further, uniformity has to be ensured.

I am enclosing herewith copy of some important instructions issued by the Govt. of India as well as BSNL (the then DoT) in this regard for ready reference:

1. (a) In the letter No. 10-13/87 dated 23.02.1988 issued by ADG (STN) Department of Telecom, New Delhi, it has been clearly stated that the casual labourers are to be paid wages worked out on the basis of minimum pay in the pay scale of regularly employed officials in the corresponding cadre without any increment. However, they will be entitled to DA, ADA on the minimum of the pay scale. (copy enclosed)
- (b) This is further reiterated by ADG (STN) Department of Telecom vide letter No. 269-33/90-STN dated 04.12.1990. (Copy enclosed)
- (c) In the letter No. 269-II/98-STN-II dated 15.09.1998 from DoT, New Delhi, it is clearly stated that all the casual labourers working in the department may be paid at the rate of 1/30th of pay at the minimum of the relevant pay scale plus DA for work of 8 hours. This decision has been taken in the light of recommendation of 5th CPC. (Copy enclosed)
2. In this regard to fixation / revision of daily rates of wages for casual workers who are performing the work similarly situated to the regularly employed official in the respective departments, Ministry of Labour, Government of India had issued instruction vide their O.M.No.S.32021/16/86-WC(MW) dated 23.08.1988.
3. Further, DoT vide their O.M.No. 49014/5/2004 Estt.(C) dated 31.05.2004 issued instruction in which it is clearly stated that 50% of the DA merged with the basic pay will be admissible to casual labourers who are similarly situated to the regularly employed Group 'D' official with reference to the minimum of the pay w.e.f. 1st April, 2004 for the purpose of computation of their daily rates of wages. (copy enclosed)

Considering the guidelines cited in the above three letters, the daily rates of wages of casual labourer prior to implementation of 6th CPC will be as follows:

Minimum Basic Pay of Group 'D' official in CDA Scale	Rs. 2550/-
Add: 50% of DA merged to Basic	Rs. 1275/-
Add: 47% DA on pay as on 01.01.2008	Rs. 1798/-
Total wage per month	Rs. 5623/-

Daily rates of wages = Rs.5623.00 / 30, i.e. Rs.187.40

Therefore, the daily rate of wage of casual labour prior to implementation of 6th Pay Commission recommendation should be fixed Rs.187.40. But, by this time the recommendations of 6th CPC have been accepted and implemented by Government with some minor changes where the minimum basic pay of the Pay Scale of Group 'D' Staff has been revised to Rs.6050/- by adding 16% of DA for Rs.968/-. The total amount will be Rs.7018/-. Therefore, the minimum daily rate of wages will be Rs.7018.00 / 30 = Rs.233.93, R/0. Rs.234.00 per day.

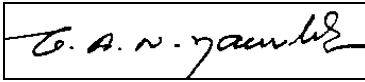
We are of the view that as the contract labourers are performing same nature of work as done by the regular Group 'D' employees, they are also eligible for Rs.234/- per day.

I hope being the Principal Employer, you will seriously look into the matter and take effective steps, so that the casual and contract labourers are able to come out the exploitation and get minimum wages as per law uniformly throughout the country which was also appreciated by the learned Constitution Bench of Hon'ble Supreme Court of India.

Eagerly waiting for your positive action and reply.

Thanking you,

Yours sincerely,

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'V.A.N. Namboodiri' written in a cursive style.

(V.A.N.Namboodiri)
President

Encl. As above