


MANIPUR GAZETTE
सत्यमेव जयते

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**JOINT ELECTRICITY REGULATORY COMMISSION
FOR MANIPUR AND MIZORAM
AIZAWL : MIZORAM**

NOTIFICATION

No. A.12031/4/21-JERC , the 13th September, 2023 : Whereas the Joint Electricity Regulatory Commission have been engaging the services of Muster Roll employees for different categories of posts, with employees performing multiple tasks ranging from field duties to clerical work without definite conditions of service as applicable to the regular employees under the Commission.

Whereas the remuneration of Muster Roll employees is generally paid in terms of the wages for Unskilled, Semi-skilled and Skilled labour notified from time to time by Labour, Employment, Skill Development and Entrepreneurship Department although they cannot be regarded technically as "labour" in terms of the various Labour Laws.

Whereas the Commission considered it imperative to ascertain the applicability or otherwise of various rules/ welfare schemes to the Muster Roll employees so that benefits which are applicable to them are duly extended to them, the Guidelines for engagement of Provisional-employees under the Government of Mizoram issued vide Notification No. A.12034/48/2018-P&AR(GSW) dt. 4-3-2020 has been adopted by the Commission vide Commission's Order No. A.12031/3/17-JERC dt. 2-9-2021.

Whereas the Joint Electricity Regulatory Commission is a Statutory Autonomous Body constituted under the Ministry of Power, Government of India as per the provisions given in Section 83 of the Electricity Act, 2003 and all the terms and conditions mentioned in the "Guidelines for engagement of Provisional-employees under the Government of Mizoram" adopted by the Commission are not relevant to the Commission.

Considering the above factors, the Joint Electricity Regulatory Commission for Manipur and Mizoram hereby issued the "Guidelines for engagement of Provisional-employee under the Joint Electricity Regulatory Commission for Manipur & Mizoram" which will come into force with immediate effect and until further orders.

By Order of the Commission

RICHARD ZOTHANKIMA,
Secretary,
JERC for Manipur & Mizoram.

**GUIDELINES FOR ENGAGEMENT OF PROVISIONAL EMPLOYEE UNDER JOINT
ELECTRICITY REGULATORY COMMISSION FOR THE STATES OF MANIPUR &
MIZORAM**

1. DEFINITIONS :

- (1) **Provisional Employee :** The term "Provisional –employee" means those who are engaged under the Joint Electricity Regulatory Commission for Manipur & Mizoram from time to time outside the regular employment.
- (2) **Appropriate Authority :** "Appropriate Authority" means the authority specified by the Commission.
- (3) **Commission :** "Commission" means The Joint Electricity Regulatory Commission for the States of Manipur & Mizoram.
- (4) **Government :** "Government" means The Government of Mizoram
- (5) **Tenure :** the term 'tenure' implies the length of engagement of Provisional-employee.

2. GENERAL CONDITIONS FOR ENGAGEMENT OF PROVISIONAL EMPLOYEE

(1) Eligibility :

- (a) Provisional-employee status is to be conferred to Muster Roll labourers who are in employment on the date of issue of adoption Order of the Govt. of Mizoram Notification No. A.12034/48/2018 – P&AR(GSW) dt. 4-3-2020 – Guidelines for engagement of Provisional Employee under the Government of Mizoram vide this Office Order No.A.12031/3/17-JERC dt. 2-9-2021 and who have rendered a continuous service of at least 2(two) years as Muster Roll labourers in the Commission.
 - (b) Such conferment of provisional employee status is to be without reference to the creation/ availability of regular posts.
 - (c) Conferment of provisional employee status on a casual or Muster Roll labourer does not involve any change in his duties and responsibilities. He may be deployed anywhere within the recruitment unit on the basis of availability of work.
 - (d) **Age limit:** No age limit has been prescribed for grant of provisional employee status. However, for the purpose of subsequent regularization, the conditions regarding age and educational qualifications prescribed in the relevant recruitment rules will apply.
 - (e) **Qualifications:** The educational and other qualifications for engagement of Provisional employee shall be as per the provisions in the relevant Recruitment Rules for the corresponding post.
- (2) **Period :** The length of engagement will normally be one (1) year subject to extension by appropriate authorities from time to time.
 - (3) **Nature of engagement :** The nature of engagement shall ordinarily be of temporary/ provisional in nature.
 - (4) **Recruitment Rules :** Separate Recruitment Rules shall not be framed for the sole engagement of Provisional employee. However engagement at the initial stage should

be in a manner in which regular recruitment is done and in accordance with relevant Recruitment Rules, Guidelines & Instructions towards direct recruitment as notified by the Commission from time to time.

- (5) **Departmental Promotion Committee (Selection Committee)** : The selection Committee shall be similar to the Selection Committee as constituted at 15(c) of the JERC for Manipur & Mizoram (Recruitment, Control & Service Conditions of Officers & Staff) Regulations, 2008.
- (6) **Removal** : In an event of failure of a Provisional employee in performing his official duties or any short-comings in his performances as assessed by the concerned authority after giving an opportunity of being heard, his service may be terminated by giving 30 days' notice in writing or payment of one month's remuneration in lieu of 30 (thirty) days' notice:-
 - (a) By the competent Authority if he/she is satisfied with medical evidence that the Provisional employee is medically unfit for further service.
 - (b) By the competent Authority if the party of the first part commits any misconduct (including indiscipline, insubordination, negligence of duty or criminal act, etc. or of any breach of any of the provision of these present or of any rules pertaining to the office of the public service in which he/ she served.
- (7) **Notice of Resignation** : Provisional employee shall be under obligation to serve 30(thirty) days' notice of resignation in writing to the authority and the resignation of such Provisional employee shall be effective on the expiry of 30 days regardless of an acceptance of such resignation.

3. LIMITATIONS OF PROVISIONAL EMPLOYEE :

- (1) Every Provisional employee shall be de-barred from being a member of a registered Trade Union which also includes:
 - (a) Taking part in the formation and activities of registered Trade Union against the Government.
 - (b) Seeking and holding membership in any registered Trade Union.
- (2) No Provisional employee shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- (3) No Provisional employee shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any legislature or local authority.

4. AGREEMENT DEED:

No person shall be engaged or continue to be engaged as a Provisional employee without first signing Deed of Agreement towards acceptance of the guidelines for engagement of Provisional employee under the Commission as per prescribed form at Appendix-II

5. REMUNERATION:

(a) The remuneration of Provisional employee is to be granted on a monthly basis which will be due on the last working day of each month, if and when the last working day falls on Public Holiday as notified by Government from time to time, the remuneration will be due on the first working day of the immediate next month. The rate of such monthly remuneration is as per the table shown in Appendix-III.

(b) Annual increment of pay shall be granted to the Provisional employees at the rate of 4% of the monthly remuneration (excluding Medical Allowance) which will become due on the 1st January of every calendar year for every completed year of service. Provisional employees, who are engaged at the first instance, must complete at least 6 (six) months of service in the previous year for grant of annual increment of pay on the 1st January of the next calendar year and services less than 6 (six) months shall be ignored.

(c) The level of monthly remuneration shall be determined in accordance with the amount fixed against the corresponding scale of pay in the regular post.

The amount of wages as a Muster Roll employee shall be reckoned as the amount as in a month which has 30(thirty) days.

(d) In case, the present wages received by a Muster Roll employee immediately before his/her conversion into a Provisional employee is more than the amount in the fitment table of the monthly remuneration fixed for his/her corresponding monthly remuneration as Provisional employee, the monthly remuneration shall be raised by way of stepping up of his initial monthly remuneration at the rate of 4% till it reach the amount of wages received as a Muster Roll employee. If such stepping up cannot be arrived at the same level, the immediate next amount shall be reckoned as hi/her initial monthly remuneration.

(e) While determining the gross amount of initial monthly remuneration, Medical Allowance of 4% of the monthly remuneration shall also be reckoned with.

(f) The above stepping up of initial monthly remuneration shall be applicable only to those who are converted into Provisional employee from a Muster Roll employee.

(g) The Provisional employees may be given two days paid weekly off (Saturday and Sunday) after five working days of continuous work.

(h) The payment to the Provisional employees may be restricted only to the days on which they actually perform duty under the Government with a paid weekly off as mentioned above. In addition, they will also paid for a National Holiday, if it falls on a working day for the Provisional employees.

6. ALLOWANCES :

(1) **Travelling Allowances/ Daily Allowances on Tour :** The Provisional employee will be entitled TA/DA on tour as admissible in a same rate/manner as of the corresponding employee in the regular establishment.

(2) **Medical Allowance :** The Provisional-employees are entitled to a Medical Allowance at the rate of 4% of monthly remuneration in lieu of Medical facilities available to a regular employee.

7. LEAVE & REST : Leave cannot be claimed as of right. The Provisional-employees are entitled to the following kinds of leave :-

- (1) **Maternity Leave:** A female Provisional-employee with less than two surviving children may be granted Maternity leave for a period of 26 (twenty six) weeks from the date of its commencement. During the period of such leave against maternity leave, a provisional-employee will be entitled to receive remuneration at the same rate which she received immediately before she availed such leave.

For availing the above maternity benefit, a female worker has to actually worked in the Commission for a period not less than twelve months preceding the date of her expected delivery.

For the purpose of calculating twelve months, unpaid absence shall not be counted.

- (2) **Paternity Leave :** A male Provisional-employee with less than two surviving children, may be granted Paternity leave for a period of 15(fifteen) days, during the confinement of his wife for childbirth. During the period of leave against Paternity leave, a male Provisional-employee will be entitled to receive remuneration at the same rate which he received immediately before he availed such leave.
- (3) **Casual Leave :** Provisional Employees are also entitled to enjoy 4(four) days Casual Leave in a Calendar year with prior approval of concerned Authority in an establishment.
- (4) **Compulsory non-duty :** Provisional-employees are to be relieved from their respective duties one day in every month in an establishment where he is serving, the day for such compulsory non-duty shall be with the mutual agreement between the two parties. i.e., the Provisional-employee and the competent Authority.

The leave account of every Provisional-employee shall be credited with compulsory non-duty as earned leave on the 1st of January and 1st of July for the preceding half year or fraction thereof, on a pro-rata basis at the rate of one day for every month.

Provisional-employee can accumulate leave upto a maximum of 300 days only. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.;

- (5) Paternity leave/ Maternity Leave was not to be debited against the leave account and could be combined with pro-rata earned leave admissible to provisional-employee.

8. CONDITIONS FOR REGULARIZATION:

- (1) **Reservation of vacancies for regularization :**

Two out of every three vacancies in Group 'C' or 'D' is to be filled up as per extant recruitment rules from amongst Provisional-employees. A provisional-employee shall be eligible to be considered for regularisation to regular post under this Scheme if he fulfils all of the following eligibility conditions:

- (a) He/she must be continuously engaged as Provisional Employee for not less than 7 (seven) years in the same post for which he seeks regular appointment/regularization; and

Provided that there is no break between the services rendered as Muster Roll and Provisional-employee in the same post, the services rendered as Muster Roll shall be counted as service in Provisional employee for the purpose of regularisation.

- (b) He must possess the requisites educational and other qualifications prescribed by the relevant recruitment rules for the corresponding post; and

(c) The performance reports of the Provisional employee for the last preceding 5(five) years shall not be below the benchmark prescribed by the Government from time to time.

(2) **Overage condonation :**

The Provisional employees would be allowed age relaxation equivalent to the period for which they have worked continuously as Muster Roll/ Provisional-employee.

(3) **Pension & other retirement benefits :**

The pension and other retirement benefits of any Provisional-employee regularised under this scheme shall be governed by the relevant Pension Schema/Rules in force at the time of such regularisation.

(4) **Counting of past service :**

Counting of past service for promotion, deputation, pay, pensionary benefits, seniority, etc. shall be governed by the provisions of the rules on counting of past service framed by the State Government from time to time.

(5) **No right to regularization :**

Notwithstanding anything contained in this Scheme, regularisation of any Provisional -employee under this Scheme cannot be claimed as a matter of right.

9. REVIEW OF GUIDELINES:

These Guidelines may be reviewed as and when deemed necessary by the concerned Authority.

10. INTERPRETATION : In the event of any difficulty arising in the interpretation of these guidelines, the decision of the Commission shall be final and binding.

11. OVERRIDING EFFECT :

In relation to the instructions contained in these guidelines and its implementation, these guidelines shall have effect notwithstanding anything inconsistent therewith in any other instructions/ guidelines for the time being in force.

ENGAGEMENT CARD FOR PROVISIONAL-EMPLOYEE

Engagement Card No: _____

Date : _____

Mr/Mrs/Ms _____ (Date of Birth) _____

S/o or D/o _____, Hopuse No. _____,

_____ (Locality), _____ Town/

Village), _____ (State) is hereby engaged on temporary/

provisional basis as detailed below:

1. Name of Post : _____
2. Corresponding Pay in the Pay Matrix : _____
3. Monthly Lumpsum Remuneration : Rs. _____
4. Period of Engagement : _____
5. Approval No. & Date : _____
6. Debitable Head of Account : _____

(Authorised Signatory with Seal)

AGREEMENT FORM
(For engagement of Provisional-employee)

Article of Agreement made on between Mr/Mrs/Ms of the first part and the Appropriate Authority (herein after called the Appointing Authority on behalf of the Commission) of the other part.

Whereas the Commission have engaged the party of the first part as (name of the post) had the party of the first part has agreed to serve the Government on the terms and conditions herein after contained. Now in the presence of the witnesses (two or more) and the parties thereto respectively agrees as follows:-

The party of the first part shall submit to the order of the Commission and authorities under whom he may from time to time be placed by the Commission and shall remain in the service with effect from

The party of the first part shall be entitled to a remuneration of the rate of Rs. /- p.m (all inclusive).

The party of the first part shall devote his/her whole time to his/her duties and at all times abide by the Guidelines on Provisional-employee and wherever required, proceed to any place of duties within the jurisdiction of the Appointing Authority.

The service of a Provisional-employee may be terminated:

1. Automatically at the end of the engagement period unless extended by the Commission.
2. By the Competent Authority if he/she is satisfied with medical evidence that the provisional-employee is medically unfit for further service.
3. By giving 1 (one) month notice in writing at any time by either of the party as provided in the Guidelines except as provided at /sl.No.2 above.
4. By the Competent Authority if the party of the first part commits any misconduct (including indiscipline, insubordination, negligence of duty or criminal act, etc.) or of any breach of any of the provision of these presents or any rules pertaining to the office of the public service in which he/she served.

This agreement is subject to the conditions of the Guidelines for engagement of Provisional –employee under the Joint Electricity Regulatory Commission for the States of Manipur & Mizoram Notified vide No..... dated

In witness whereof the party of the first part and (Appropriate authority/ Appointing authority) in the Commission have thereunto set their hands the day month and year first above written.

.....

(Signed by the first party in the presence of)

.....

(Signed by the Appropriate authority/ Appointing authority in the presence of)

1.
(witness)

2.
(witness)

APPENDIX-III

PAY STRUCTURE OF PROVISIONAL-EMPLOYEES

Sl No	Post	Pay Scale and Level in the pay Matrix	Initial Pay of Regular Employee (Gross) (Exact Amount)	Proposed monthly remuneration			
				Remuneration (50% of Column-4)	Medical Allowance (4% of Column-5)	Total Amount (5+6) (Exact Amount)	Final Amount
1	2	3	4	5	6	7	8
	GROUP C						
1	All Group 'C' posts carrying a GP of Rs. 2800 in the pre-revised Pay	Level-05 in the Pay Matrix (Rs.29,200-64,700)	36864	18432	739	19169	Rs.19170
2	All Group 'C' posts carrying a GP of Rs. 2400 in the pre-revised Pay	Level-04 in the Pay Matrix (Rs.25500-56800)	32535	16268	651	16919	Rs. 16,920
3	All Group 'C' posts carrying a GP of Rs. 2000 in the pre-revised Pay	Level-03 in the Pay Matrix (Rs.21700-48500)	28089	14045	562	14607	Rs. 14610
4	All Group 'C' posts carrying a GP of Rs. 1900 in the pre-revised Pay	Level-02 in the Pay Matrix (Rs.21700-48500)	25983	12992	511	13512	Rs.13,520
5	All Group 'C' posts carrying a GP of Rs. 1800 in the pre-revised Pay	Level-1A in the Pay Matrix (Rs.21700-48500)	23,760	11880	475	12355	Rs.12,360
	GROUP - D						
1	All Group 'D' posts carrying a GP of Rs. 1650 in the pre-revised Pay	Level-01 in the Pay Matrix (Rs.17,400-38600)	23,058	11,529	461	11990	Rs.11,990