

115

**Government of Himachal Pradesh  
Department of Forests**

No. FFE-A(B)2-9/2016

Dated Shimla-2, the 19.04.2017

**NOTIFICATION**

In order to regulate service condition of the Project Staff, the Governor, Himachal Pradesh, is pleased to frame a policy as per Annexure-A for the Project Staff engaged under the HP Mid Himalayan Watershed Development Project (HPMHWD) (2005-17), Swan River Project, Una (2006-16), Kandi Project I&II (1990-2005) and Indo-German Changer Project (1992-2006) implemented in the HP Forest Department.

By order

(Tarun Kapoor)

Addl. Chief Secretary (Forests) to the  
Government of Himachal Pradesh

Endst. No. As above.

Dated Shimla-2, the

Copy for information and necessary action is forwarded to:-

1. The Pr. Private Secretary to Hon'ble Chief Minister, HP, Shimla-2.
2. The Private Secretary to Forest Minister, H.P. Shimla-2.
3. The Private Secretary to Chief Secretary, H.P. Govt. Shimla-2.
4. The Pr. Chief Conservator of Forests, (HoFF), H.P. Shimla -171001.
5. The Pr. Chief Conservator of Forests, (Wildlife), H.P. Shimla -171001.
6. All APCCFs/CCFs/CFs in HP.
7. The Managing Director, HP State Forest Dev. Corporation Ltd., Shimla-171009.
8. The Chief Project Director, H.P. Mid Himalayan Watershed Dev. Project, Solan.
9. The Controller (P&S), HP Govt., Press, Shimla-5.
10. The Deputy Controller (F&A), O/o PCCF, HP Shimla-171001.
11. The Special Secretary (GAD) to the Government of HP.
12. Personal/

19/04/17

(D.C.Rana)

Special Secretary (Forests) to the  
Government of Himachal Pradesh  
Ph. No. 01777 2628480

Annexure – A**Policy for the Project Staff of Forest Department engaged under the HP Mid-Himalayas Watershed Development Project (HPMHWDP) (2005-2017), Swan River Project, Una (2006-16), Kandi Project I & II (1990-2005) and Indo-German Changer Project (1992-2006) implemented in the HP Forest Department****1. Background****HP Mid-Himalayas Watershed Development Project**

1.1 The HP Forest Department has been implementing the HP Mid-Himalayan Watershed Development in ten districts of the State from October 1<sup>st</sup>2005 with the World Bank assistance. The Forest Department is nodal department whereas Agriculture, Horticulture, Animal Husbandry, Rural Development and Planning are line departments. The Project is being implemented by the Himachal Pradesh Natural Resource Management Society (HPNRMS), a society registered under the Societies Registration Act, 1860. As per project implementation plan (PIP) a total of 774 staff strength was fixed for HP MHWDP including regular Govt. employees as well as contractual and daily wagers. Presently 580 employees/project staff are working in the project.

1.2 Some of these daily wagers who opted to come on contract in HPMHWDP were initially engaged in the World bank funded Integrated Watershed Development Project (Hills) Kandi Area -I from the very inception in the year 1990 onwards. Thereafter, during IWDP (Hills) Kandi Area -II project (1999-2005), these daily wagers continued to work in this project. In Kandi Project these daily wagers were engaged through the HP Shiwalik Watershed Development Society. HP MHWDP also engaged more contractual staff as provided in PIP and as per the requirement of the project to compensate the non-availability of the regular staff. Some staff was also engaged through service provider within the sanctioned strength. Further, Motivators were also engaged at Gram Panchayat level, on part time basis to be paid by concerned Gram Panchayats and funds provided to GP under Grant in Aid by the project. This project has culminated on 31-03-2017 and representations of these daily wagers/ contractual are pouring in from different quarters for their regularization and adjustment in other departments.

1.3 It is noted that many of the daily wagers who are working in the in HP MHWDP have been working from the commencement of IWDP (Hills) Kandi Area Project since, 1990, continuously. Most of the daily wagers are now above the age of 45 years and thus have crossed the maximum permissible age limit for recruitment elsewhere. Some of the project staff have put in more than 25 years of services in the projects. These workers have given best years of their life/career to the project

### Swan River Project

1.4 The Government of Himachal Pradesh also implemented the Swan River Integrated Watershed Management Project (SRIWMP) with the financial assistance from Japan International Cooperation Agency (JICA from 2006 to 2016. The project was steered by the State Level Steering Committee (SLSC) headed by Pr. Secretary (Forests) and Secretaries of the departments of Agriculture, Horticulture, Animal Husbandry, Irrigation and Public Health, Rural Development, Planning, Finance and Pr. Chief Conservator of Forests (HoFF) H.P., Representative(s) from Civil Society were Members of the SLSC. Representatives from MoEF & JICA acted as Observer and Chief Project Director of the Project acted as Member Secretary. In pursuance of the decisions taken by the SLSC in its 1<sup>st</sup> Meeting held on 27/11/2006, it was decided to engage the staff viz. Experts (Training, Social Development & Environment Education), Watershed Development Coordinators (WDC), Group Organizers (GOs), Computer Assistants, Drivers, Peons/ Chowkidars, Sweepers, etc. on contractual basis after following the contract formalities of Mid Himalayan Project. The posts of Experts were got selected through the H.P. Public Service Commission. The posts of WDCs and GOs were advertised by the Project Director and the constituted committee filled up the requisite number of posts of the WDCs/ GOs. Similarly, the posts of Drivers, Class-IV and Computer Operator were engaged after advertising the posts through public notice. The contractual staff of the project was paid from the loan amount as per Project Document. As on 30.6.2016 the total strength of the staff working in different capacities in the project was 82. Out of these, 81 were on contract basis and one (sweeper) as daily wager.

### Kandi Project

1.5 The Kandi Project was implemented in two phases - first phase lasted from 1990-1999 and the second phase lasted from 1999 to 2005 with a view to improve productive potential of the area by evolving watershed technologies and community participation. The Phase-I was implemented through a State level Steering Committee while the Phase II was implemented through the HP Shiwalik Watershed Development Society. In Phase I- daily wagers were employed to implement the project whereas in Phase II-the services of daily wagers from phase I was taken besides some more staff was taken on contract basis. About 62 daily wagers were directly employed by the successor Mid Hills Project from this project.

*92* The total strength number of the daily wagers working at the close of the Kandi-II were 201. Out of these workers, 92 (14 class-III and 78 class-IV) workers are still working in successor Mid-Himalayan Watershed Development Project, Solan.

### Indo-German Changer Project

1.6 Indo-German Changar Eco-Development Project (IGCEDP) was implemented from 1992-2006 with the assistance of GTZ assistance through the HP Eco-development Society. The project had its headquarter at Palampur. It is estimated that when the project closed in 2006 around 122 (32 contractual

and 90 daily wagger staff of various category was working in the project. The services of all the project staff was terminated at the close of the project. But many of them have approached the Labour Court. And 38 workers have been ordered to be reinstated by the learned Labour Court and it is learnt that many cases are pending to adjudication in the courts. The no. of staff who have obtained orders in their favour from the learned Labour Court is 38 and there are 12 persons whose cases are pending before various courts.

## 2. Policy

2.1 The matter regarding governing the services of project staff is required so that the services of the project staff working for many years can be regulated and their interest watched. The matter was also consulted with the Finance Department. The Finance Department vide advice dated 21-10-2015 in the matter of MHWDP (File No. FFE-A(B)7-6/2012) observed as under:-

*"Examined. The F.D. observed that regular 193 employees borrowed from Forest Department and Line Deptt. can be repatriated by the Project itself at its own level. So far 85 daily waged and 193 contractual employees are concerned they cannot be absorbed /adjusted against vacant posts of Forest Deptt./Forest Corporation, even though the MH Watershed project is scheduled to expire in March, 2016, the society which manages its affair, would continue as a legal entity, being a Registered society. They can continue to be employees of the society, to be paid by the society till the resources permit payment of wages/contractual employees.*

*In case the society has no funds to pay then employees, they can be seconded/deputed to Forest Department/other departments, in their present status i.e. contract basis/ daily wage basis, as the case may be, retaining their lien, in the society, since they are employees of Mid Himalayan Society and the society can continue, even if WB funds stops under the Mid Himalayan project. In due course, when a new EAP Project is sanctioned in the Forest Department, then employees can be recalled to the Society and can work for the Forest Department again.*

*Absorption proposal of these employees of the Forest Department and other line departments, however, has large and recurring financial cost, apart from administrative implication."*

2.2 While considering the case of KFW aided project on Climate Proofing for engagement of fresh staff to run the project, the Finance Department advise dated 26-05-2016 ( File No. FFE-A(B)2-9/2016)is as under:-

*"Examined. A.D. is advised to first adjust the existing staff of closed projects and MHWDP Project in the new KFW Project. For hiring additional Manpower, case may be sent to FD thereafter, with full justification."*

2.2 In view of the above advise of the Finance Department, keeping in view the welfare of the project staff and after careful consideration it has been decided to notify principals which shall govern the service conditions of the project staff as per the details given below:-

### **3. Applicability of the Policy**

3.1 The Policy shall apply to the Project Staff working or who have worked on full time basis with Projects mentioned above. The Policy shall not apply to:-

- i. The staff taken on outsourcing basis by any of the project authorities.
- ii. The Staff which is/was engaged on part-time basis.

3.2 The project staff who have been retrenched/disengaged may be considered for re-engagement on written application made by the said staff to the Society. The Society may constitute a committee of the officers who will consider the applications so received and take a decision about the re-engagement of retrenched/disengaged staff and designation and level to which re-engagement is to be allowed.

### **4. Management of the Project Staff**

4.1 The Himachal Pradesh Natural Resource Management Society (HPNRMS) responsible for implementation of H.P. Mid Himalayan Watershed Development Project shall continue to work even after the closure of the HPMHWDP, and will be the controlling authority for all the project staff. HPNRMS shall be the mother society for all the project staff executed under HP Forest Department irrespective of the project they worked in and the funding agency.

4.2 The Society shall maintain updated database of staff which has worked in different projects implemented by the Forest Department in the State and deploy them further as per requirement in any projects to be implemented by the Forest Department. The new project authority shall not make any recruitment to run the project and shall hire requisite project staff from the HPNRMS only. The HPNRMS may hire additional staff, if required, to run new projects with the prior approval of the Administrative and Finance Departments. The staff can also be lent to other departments on request basis from the concerned department.

4.3 The Society may manage the affairs of the staff by deploying manpower out of the available project staff. For this purpose Society may decide to have a certain minimum office support staff in its Head Office. Further, the HPNRMS shall not engage any fresh staff without the prior approval of the Administrative and Finance Departments.

## 5. Remuneration to the Project Staff

5.1 The HPNRMS may fix the remuneration structure of the staff and will endeavor to ensure payment of minimum wages as notified by the Govt. from time to time. However, the remuneration to the staff will be paid by the borrowing agency, project, or the department, as the case may be. The Society shall take service charges from the borrowing agency on per person basis so on the rate fixed by it from time to time, that it can run its affairs and endeavor to pay at least minimum wages to the staff when they are not in demand in other projects, agencies or departments. However, the Society shall not be liable to pay wages to the staff when the concerned staff fails to report to duty at the designated place as demanded by the borrowing agency. A suggestive remuneration structure to the project staff has been given in para 7. However, the Society shall be the final authority to take all decisions with respect to the remuneration and other incentives or allowances payable to the project staff from time to time. The Project staff shall have the option of permanent absorption in the borrowing organization without any liability to or lien in the Society.

## 6. Service Conditions

6.1 The contractual/Daily wager cadre shall be employees of HPNRMS only and not of the HP Government and all decisions regarding their deployment, service conditions and benefits will be taken by the Society. The contractual appointment shall not confer any right to incumbent for the regularization of service any stage in the Govt. Accordingly, the governing conditions of service of the project staff shall be as under:-

- (i) The Society may enter into annual contract with the staff and retain their services as may be required and resources permit as per requirement.
- (ii) The Society may appoint the project staff on remuneration/revised contractual remuneration as contained in para 7.
- (iii) The project staff working on contract and daily wages will be eligible to be given remuneration as per para 7 after they have put in 7 and 10 years services respectively and will then be given letters of appointment as employees of the Society to continue in service till they attain age of 58 years unless they resign or are removed as per rules of the Society. Part-time or those getting honorarium will not be eligible for becoming employees of the Society under this scheme.
- (iv) The staff may be entitled for annual increase at a rate fixed by the Society after completion of one year of continuous service subject to the satisfactory performance of their duties. The dearness allowance (DA) to such staff while in service of the Society shall be decided by the Society periodically but not earlier than the release of DA to the HP State Government employees.

- (v) The grant of remuneration/contractual remuneration shall be subject to verification of character and antecedents of the candidate by the Society.
- (vi) The project staff are liable to be deployed anywhere in the state or outside the state to various externally aided and other Projects as well as in any department, corporation, etc. where Society may deem fit, as per requirement.
- (vii) The Contractual staff shall not be entitled to LTC and Medical Reimbursement facilities while working in the Society. However, when working in a borrowing organization, the same may be given to them as per policy and regulation of the borrowing organization. After becoming employees of Society they will be given benefits as per rules of Society which may change from time to time.
- (viii) The Contractual staff will be entitled for one day casual leave after putting one month service. This leave can be accumulated up to one year.
- (ix) Maternity leave will be given to women staff as may be decided by the Society from time to time.
- (x) Unauthorized absence from the duty without approval of controlling officer shall automatically lead to the termination of the contract.
- (xi) Contract staff will be entitled to TA/DA, if required to go on tour in connection with his/her official duties, at the rates as may be decided by the Society from time to time.
- (xii) The Employee Group Insurance Scheme as well as GPF will not be applicable to contractual employees; however EPF deduction is mandatory to all contractual/Daily wagers/other categories of staff under the Employees Provident Fund and Miscellaneous Act, 1952. The Society shall make necessary arrangements accordingly.
- (xiii) The CCS (Pension Rules), 1972 will not be applicable to the project staff.
- (xiv) Daily Wager staff will be eligible for gratuity as per The Payment of Gratuity Act, 1972, who have rendered a continuous service for at least five years. The Society shall make necessary arrangements for the same.
- (xv) Benefit of Group Personal Accident Insurance Scheme for, Contractual and Daily Waged staff will be on compulsory basis as implemented by the State Government and other instructions issued time to time subject to payment of premium by them.
- (xvi) The normal age for retirement on superannuation is 58 years. On superannuation, the project staff shall no longer be the liability of the Society and shall cease to be the staff of the Society.
- (xvii) Other benefits will be applicable as approval by the Society from time to time.
- (xviii) The Society will frame its own:-

- i. Leave rules
- ii. Service rules covering performance evaluation, promotion, discipline, conduct, etc.

### 7. Grades of Remuneration

7.1 Suggestive remuneration structure to the project staff, after they complete 7 years of contract or 10 years of daily wages period and become employees of the Society, may be as per the details given below:-

Category	Grade	Remuneration Structure (In Rs.)
Officers/Expert	V	10,000 – 30,000
	IV	15,000 – 40,000
	III	20,000 – 50,000
	II	30,000 – 70,000
	I	45,000-1,00,000
Assistants, Coordinators & Supervisors	IV	5,000 – 12,000
	III	7,000 – 15,000
	II	9,000 – 20,000
	I	10,000 – 25,000
Workman	IV	4500 – 10,000
	III	5,000 – 11,000
	II	6,000 – 12,000
	I	7,000 – 15,000

7.2 However, the Society will be at liberty to revise the remuneration of the project staff on the basis of availability of work, funds available under the project, remuneration provided in the detailed project report of the concerned project, etc.

7.3 The employees of the Society will be eligible for 3% annual increment after putting in one year of regular service.

**8. Placement into the Scale**

8.1 The Society will constitute a committee to consider bringing the staff who have completed requisite number of years to the Society fold as its employees and thereafter fix them in the pay matrix of remuneration given in the table at para 7 of this policy.

**9. Promotion**

9.1 The Society may also frame regulations for promotion of its staff.

Slr

\_\_\_\_\_