

WORKMANS COMPENSATION ACT 1923

It provides substantial enhancement of compensation payable workman in the case of death or disability caused by accident or an occupational disease and also provided for the payment of compensation in terms of percentage monthly wages linked to the age of workman at the time of that disablement or death based on the rates specified. It is also applicable to Casual Labour and also labour employed by the Contractors for carrying out works in the administrative, Divisional Officers and those mentioned in Schedule II of the Act.

The following types of cases are excluded for the payment of compensation: -

- a. Injuries not result in total or partial disablement for the period not exceeding three days.
- b. Workmen having been at the time of accident under the influence of Alcoholic drinks or drug.
- c. Wilful disobedience of workmen to an order expressively given or to a rule expressively famed for the purpose of securing safety and not used safety devices.

TEMPORARY DISABLEMENT: means the injury which keeps a workman to remain away from work beyond a period of three days whether on total or partial disablement and reduces temporarily his earning capacity.

PERMANENT TOTAL DISABLEMENT: means such disablement which incapacitates workman for all works which he was performing before injury and so the compensation is payable in accordance with Schedule-I of the WCA.

PERMANENT PARTIAL DISABLEMENT: means the injury of payment nature, which reduces the earning capacity of workman for all works, which he was capable of undertakings before the injury.

AMOUNT OF COMPENSATION PAYABLE:

The amount of compensation shall be payable as under:

a) Where the death results from the injury	An amount equal to 40% of the monthly wages of the deceased workman multiplied by the relevant factor or amount of Rs. 20,000/- whichever is more.
b) Where payment total disablement result from the injury.	An amount equal to 50% of the monthly wages of the injured workman multiplied by the relevant factor or an amount of Rs. 24000/- which ever is more
c) Where permanent partial] disablement results from injury	<ol style="list-style-type: none">i) In case of injury specified in part II of schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified as been the percentage of the loss of earning capacity caused by that injury andii) In the case of an injury not specified in schedule I such percentage of the compensation payable in the case of permanent total disablement as is proportion to the loss of earning capacity (As assessed by the qualified medical practitioner) permanently caused by the injury.

Casual labour and substitutes and there compensation

Definition: The term casual labour refer to those labour whose employment is seasonal intermittent, sporadic or extends over short periods. Their engagement may be either for short duration works, which is spread over a specific period or irrespective of duration on projects, till such timework is available.

Considering the large number of casual labour presently under the employment of railways who await regular absorption, a ban to engage fresh faces casual labour has been of effective from 18-12-1980

Temporary status of Casual Labour:

One completion of 120 days continuous service, a casual labour on open line shall be conferred temporary status. A medical examination is necessary before temporary status

1. Age limit & Educational Qualifications:

A casual labour should at the time of initial engagement be between 18-28 years relax able by 5 years in the case of ST/SR candidates. If this is established, the age relaxation at the time of his absorption against regular post shall be automatic and guided by the factor, in so far as his services were more or less continuous. The standard of educational qualification should also correspond the qualification laid down for the Group-D posts into which these CL eventually get absorbed in all future cases.

2. Rights and Privileges:

The casual labour who have acquired Ty. Status is eligible for all the rights and privileges admissible to Ty. Rly, servants which shall among other things, include the following.

1. Benefits of D&A rules.
2. Causal labour will be screened against regular vacancies based on number of days worked
3. Age relaxation to the extend of service rendered.
4. Half of the CL service rendered after obtained Ty. Status by those engaged after 1.1.61 will qualify for pensionary benefits.
5. Ty. Status CL with 3 years service from the date of attainment of Ty. Status shall be eligible for Festival/Flood advances (on surety from 2 permanent railway employees not governed by payment of wages act.)
6. Grant of hospital leave in terms of Rules 735 (1) RI.
7. Screening against Group D posts – Division as a unit
8. Casual labour working against skilled posts shall be absorbed as skilled artisans on being found suitable in screening and not in lower grade.
9. Casual labour who have rendered 6 years service either continuous or in broken period and are included in a panel for absorption to Group D posts shall be subjected to a lower standard medical examination than the one required for first appointment to such post. Such of these CL who are rendered unit despite the above relaxation, shall be subjected for medical examination in lower standard against any post requiring the lower medical classification, subject to their suitability for such post being adjusted by a screening committee.
10. Casual labour on attainment of Ty. Status is eligible for grant of passes as admissible to Ty. Rly. Servants. They are eligible for 6 sets of PTOs. Since they are not eligible for widow/widower passed till they are absorbed against regular vacancies. They will also be allowed to count their service form the date of attainment of Ty. Status for the purpose of Post-retirement passes.
11. Ty. Causal CL are eligible for 12 holidays (inclusive of 3 National holidays)
12. Free Medical Aid/Treatment in all cases of accident while on duty
NOTE: Casual labour can under authorised absence up to a maximum period of 30 days (inclusive of 3 days un-authorised absence)
13. CL on attaining temporary status are eligible for Family planning Increment
14. CLS are eligible for gratuity.

3. Project Casual Labour

The project should be taken as construction of new lines, major bridges, restoration of dismantled lines and other major important works like doubling, widening of tunnels etc. FA & CAO shall decide whether a major work on open line can be treated as project. The casual labour employed on these projects is defined as “project casual labour”. The project CL of a particular unit is to be considered for absorption against all the posts created for a project falling under that jurisdiction. Otherwise, 33⅓ % of vacancies accruing in open line divisional unit is to be filled in by screening the project CL of within the jurisdiction.

4. Temporary Status of Project Casual Labour

Casual labour of projects on completion of 180 days continuous service will be treated as monthly rated workers and paid consolidated wages at rate of the minimum of the pay plus dearness allowance. Such CL is also eligible for 12 holidays (inclusive of 3 National holidays) in a year on par with open line staff.

Casual labour on Project may be treated as temporary on completion of 360 days continuous service.

Note: Project Casual Labour can be under authorised absence up to a maximum period of 30 days (inclusive of 3 days unauthorised absence).

5. Substitutes

Substitutes are person engaged in railway establishments by senior sub-ordinates against a regular post on regular scales of pay and allowance applicable to post against which they are employed. Substitutes are normally engaged in Group-D only, except in the case of certain categories in Group- C or skilled posts in construction organisation.

Substitutes are eligible for grant of Ty. Status on completion of 120 days continuous service. The right and privileges of substitutes are almost similar to those applicable to casual labour, earlier detailed.

6. Retrenchment/Termination of Casual Labour/Substitutes

Normally no notice is required for termination of services of casual labour / substitute. Their services will be deemed to have been terminated when they absent themselves or on the close of the day.

However, in the case of Ty. Status casual labour / substitute, the services are to be terminated only after following DAR procedures.

In case of casual labour who has rendered 240 days of service in a calendar year, the following procedure needs to be observed.

- 1) Last come first go principle to be followed. Viz. the casual labour / substitute proposed retrenchment is the junior most in the unit.
- 2) A notice of one month prior to such retrenchment in the prescribed Proforma needs to be issued. In the alternative, wages for such notice period needs to be paid.
- 3) Retrenchment compensation as laid down in sec. 25(f) of Industrial Dispute act 1948. viz. 15 days average pay for every completed year of service or any part thereof in excess of six months

7. General

- 1) A casual labour retrenched on completion of work does not accept the offer made on availability of fresh work, shall loose the benefit of previous spell of employment.
- 2) A casual labour rendered surplus, who does not resume duty on being summoned on two occasions and who does not appear screening when called on two occasions will not be eligible to be treated as a discharged casual labour. The names of such casual labour shall be removed from the leave registers.
- 3) The casual labour engaged for short duration works need not be issued with a casual labour card.
- 4) Casual labour deputed outside recruitment units in the course of duty shall be eligible for T.A.
- 5) The services rendered prior to absorption of a Ty. Status casual labour shall not be counted for seniority. The seniority shall be reckoned from the date of regular absorption.
- 6) The Ty. Status casual labour shall carry the leave earned by them as C.L on regular absorption.