

To be typed on the Union / Association Letterhead

Ref. No. : _____ Date : 04.11.2022

To,

Shri. Rajnath Singhji

Hon'ble Defence Minister

Government of India,

South Block, New Delhi – 110 001.

Through : Head of the Establishment

Subject : Submission of Memorandum on Post Corporatization problems, hardships and difficulties being faced by the Defence Civilian Employees of 41 Ordnance Factories who are on deemed deputation.

Sir,

As decided jointly by the AIDEF, BPMS and CDRA and also as decided by our Executive Committee today we have observed a massive demonstration in support of our demands. We are submitting this Memorandum for your kind favourable and consideration please.

Sir, Without prejudicial to the right of the employees of Ordnance Factories to continue to demand withdrawal of the Government decision on Corporatization of Ordnance Factories, we submit the following problems, hardships and difficulties being faced by the Defence Civilian Employees of Ordnance Factories who are on deemed deputation.

At the outset we invite the decision of the Government with regard to the service matters of the employees of Ordnance Factories conveyed in Para No. 5 of DDP OM dated 24.09.2021 which is reproduced here for ready reference.

"Till such time the employees remain on deemed deputation to the new DPSUs, they shall continue to be subject to all the extant rules, regulations and orders as are applicable to the Central Government servants, including related to their pay scales, allowances, leave, medical facilities, career progression and other service conditions."

Apart from this the Hon'ble Raksha Mantri in the meeting held with the Federations on 16.07.2021 have given the following written assurance.

“Hon'ble Raksha Mantri assured that the interests of the employees would be protected while implementing the decision of OFB corporatisation. He stated that the service conditions of the employees during the period of deemed deputation would not be affected.”

The above assurances are being repeatedly given by the DDP. Unfortunately the situation in the Factories / 7 Corporations are totally different. The assurances given by the Government to the Federations and to the High Courts are being blatantly violated. Post Corporatization there are many issues which has cropped up within these one year and which needs to be settled urgently. However, despite the representations from the Federations and CDRA the issues are remaining unsettled. Such issues are given below :-

- 1) The United Forum of Ordnance Employees have submitted the demand that all the employees as on 01.10.2021 would remain as Central Government Employees till their superannuation, and that the salary, allowances and pension etc. should be paid for all the Government Employees from consolidated fund of India. The DDP in its Counter Affidavit filed in the High Court the following assurance has been given in Para 47 of the Counter Affidavit.

“Unless the OFB employees chose to opt for permanent absorption in the new DPSUs, they would continue as Central Government servants and their pay scales, allowances, leave, medical facilities, career progressions and other service conditions will also continue to be governed by the extant rules, regulations and orders, as are applicable to the Central Government servants”.

All the employees were selected on the basis of the respective recruitment rules, and accordingly they have joined various ordnance factories as a Central Government Employee. In their appointment order it is no were written that after certain period they will be converted to Corporation employees. Therefore legally all the employees hold the right to render their service till retirement with the status of Defence Civilian Employees / Central Government Employees. All these employees are exclusively trained in Defence production for manufacturing various products required for the Armed Forces. Therefore their presence in the Ordnance Factories is not only in their interest but also in the interest of the Defence preparedness of our country. Therefore there is all justification

to retain the employees of all the 41 Ordnance Factories in their respective factories as Defence Civilian Employees / Central Government Employees till their superannuation.

Despite the above no Government orders are issued for retaining the employees as Defence Civilian Employees / Central Government Employees till their retirement from service. It is requested that necessary Government orders in this regard at par with the employees of Prasar Bharti may be issued. It is also pertinent mention here that the ITS Officers of BSNL are given this benefit.

- 2) Rule 37A of the CCS(Pension) Rules deals with the payment of Pension on absorption consequent upon conversion of Government Department into a single Public Sector Undertaking. This CCS(Pension) Rules shall be applicable to the Government Servants who have been appointed on or before 31st day of December, 2003. It is pertinent to mention here that more than 40 thousand employees of the Ordnance Factories were appointed after 31st December, 2003, and for them this very rule itself will not be applicable. Therefore, transferring the employees of the Ordnance Factories to the newly created seven Corporations on Deputation / Foreign services under Rule – 37 A of the CCS(Pension) Rules is illegal and hence it needs to be withdrawn. However, no orders have been issued by the DDP in this regard. It is therefore requested that necessary Government orders in this regard may please be issued.
- 3) Post Corporatization of Ordnance Factories many Factories in the YIL and TCL are suffering without sufficient workload. So far as the TCL is concerned there will not be any workload from 2023 – 2024 onwards. The Hon'ble RM while discussing with the Federations on 16.07.2021 have categorically assured through the then Secretary (DP) that the Government has plans to handhold the new DPSUs. However, despite repeated representations so far no workload on nomination basis is allotted to the TCL. Therefore, it is requested that as assured by the Hon'ble RM and Secretary (DP), full workload may be provided to all the 41 Ordnance Factories including the TCL Group of Factories. To our shock and surprise now it is seen instead of allotting the Combat Uniform Digital print as a set of Jacket, Trouser and Cap for male (Q3) to the TCL Group of Ordnance Factories the Army Headquarters have gone for a open tender for 11,70,159 set of Combat Uniforms. This will kill the 4 Ordnance Factories under TCL and ultimately it will become sick.

Therefore to save the 4 Ordnance Factories under TCL the above tender may be cancelled and the indent may be placed on the TCL group of Factories.

- 4) While all other Central Government Employees are getting the benefit of 7th CPC Pay Scale the Industrial Employees of Ordnance Factories who are deployed on Piece Work System continue to work on the Piece Work hourly rate correlated on the basis of 6th CPC Pay Scale. The joint proposal given by the then OFB and the Federations prior to Corporatization was rejected by the DDP and the employees continue to work in 6th CPC hourly rates. This is illegal and unjustified. Therefore, Government orders have to be issued for correlating the hourly rates in 7th CPC Pay Scale as the employees are remaining Central Government Employees on deemed deputation.
- 5) In violation of the Cabinet decision and commitment given before the Hon'ble High Courts two Corporations (IOL & TCL) have unilaterally enhanced the weekly working hours from 44¾ to 48 hours. This was challenged in the High Court and at present TCL have issued instructions suspending its Order for 48 hours weekly working hours. It is therefore requested that DDP may issue a common instructions for maintaining the working hours as 44¾ hours per week in all the 41 Ordnance Factories.
- 6) Post Corporatization many Factories have stopped working overtime including in those Factories where sufficient workload is available. Due to this the employees pay packets have been considerably reduce and they are all facing undue financial hardship. Therefore, wherever workload is available those Factories may be asked to work overtime.
- 7) The Corporations are taking arbitrary decisions on various service matters of the employees / which affects the employees without even holding any discussion with the recognized Federations. The Corporations may be directed to not take any policy decision concerning the employees without holding discussions with the Federations and CDRA.
- 8) Consultative Mechanism / IR Mechanism are being constituted in violation of the Trade Union Act 1926, Recognition Rules of the MoD and the JCM Scheme. Despite the DDP directions nominations are not being asked from the Federations. It is requested that the Consultative Mechanism / IR Mechanism in the 7 Corporations should be constituted in consultation with the Federations and CDRA and also as already directed by the MoD. It was also our demand that an Apex level IR / Productivity Council should also

be constituted at the level of Addl. Secy of DDP with the representatives of recognized federations , CDRA, CMD's of 7 Corporations and DGO (C&S) . This demand is very genuine and it needs to be considered favorably.

- 9) Grant of compassionate appointment to the dependents of the deceased employee has been stopped without any reason and without any Government Orders in all the 41 Ordnance Factories. The families of the deceased employees are suffering due to this insensitiveness. Assurances are being repeatedly given that the issue would be sorted out by the DDP. However, till date no directions are issued by the DDP for grant of compassionate appointment in the Ordnance Factories. Necessary instructions in this regard may be issued without further delay. In fact the Federations and CDRA have proposed the solution for this. The selected candidates for compassionate appointment can be issued appointment order by the DDG of Field Unit Office as appointing authority and thereafter like all other employees they may also be posted in the respective Ordnance Factories on deemed deputation.
- 10) a) Post Corporatization based on the direction of the DDP, the DOO(C&S) held discussions with the Recognized Federations and CDRA on the Cadre Review Proposal for all category of employees was submitted to the DDP for approval. At present it is understood that the DDP has taken a decision not to process any Cadre Review Proposals of the employees. This is a clear violation of Government Policy and DOP&T Instructions. Therefore, it is requested that all the Cadre Review Proposals including that of the Hospital Staff may be approved.
- b) Stenographer cadre is a dead end post in the Ordnance Factories since there is no line up promotion for them beyond level 8. In the Central Secretariat and OFB Headquarters (DOO (C&S)) this category has got line up promotion to enter the Group A level. Majority of the private secretaries are retiring in the Grade Pay of Rs.4,600 (Level 7). Urgent cadre review has to be done to this cadre.
- c) SRO: SROs of different cadres including Group-B(NG) are pending for approval since long. As a result, the career progression of cadres is stagnated. Although, the replies against the queries raised by DDP/MoD have been answered but settlement of this issue is still afar. It has to be placed here that due to non-availability of SRO, the LDCE

for JWM(NT), the LDCE for JWM(SG) are not being done for the past few years keeping the posts vacant.

- d) DPC from JWM to AWM:- DPC for Promotion from JWM to AWM against the Years 2019, 20, 21 & 22 including Supplementary DPC against the left-out vacancies of the years up to 2018 which could not be filled during previous DPC due to retirement/death. Approx. 200 Vacancies of Promotion Quota for 04 consecutive years (2019, 2020, 2021 & 2022) are lying vacant and DPC is not being held. Matter may please be taken up with UPSC from your level.
 - e) Filling up of all vacant posts (including DR Vacancies) in the posts of AWM, JWM/SG, JWM, Chageman, NIE'S & IEs by DR/Promotion through one time Relaxation in concerned SROs keeping in view the shortage & functional requirement.
 - f) LDCE- JWM(SG): 30% of the posts (Approx: 600 posts) earmarked to be filled through LDCE since the year 2018 are lying vacant in the name of non-availability of SRO and other petty reasons. It is highly injustice to stagnate the promotional avenues. Therefore, it is requested to conduct the LDCE for filling above vacancies at the earliest.
- 11) The employees of Ordnance Factories are governed under OFMR. However, despite this the Government is making attempt to handover the Hospitals to some other Agencies. Almost all the Ordnance Factories are accident prone and post Corporatization also many accidents have taken place in the Ordnance Factories. Therefore, the Ordnance Factory Hospitals should continue to function under the control of DoO(C&S).
- 12) The Ordnance Factory Schools are not only serving for the cause of the children of the Factory Employees and their grand children but for also serving for the socially and economically downtrodden children especially girl children for their education. Abruptly the admissions for 1st Standard is closed in many schools and the Government is considering to handover the school to other agencies. This decision may be reconsidered and the schools should continue to function under DoO(C&S) and admissions to 1st Standard may be restored.
- 13) Despite Government orders of Ministry of Health the Hospital Staff are not being paid HPCA / PCA based on 7th CPC Pay Scale.

- 14) Non implementation of the direction of the various CATs for inclusion of HRA and Transport Allowance while computing OT Wages under Section 59 of the Factories Act and payment of arrears to the concerned employees. While in some Factories the judgments are implemented in many Factories the judgments are not getting implemented. This is a discrimination and hence direction needs to be issued by DDP / MoD for implementing the above mentioned Court Judgments.
- 15) In accordance with MoD instructions two meetings of the Additional Meeting Mechanism should be held under the Chairmanship JS(LS). However, the same is not being held.
- 16) DOO(C&S), Kolkata (OFBHQ) Employees station protection: DOO(C&S) Kolkata employees are relentlessly facing threat of transfers, since corporatization, significant number of DoO(C&S) employees has already been reduced. Moreover, additional workload has now been assigned to the subject employees (viz. PMG etc.). Accordingly, in this scenario, willing transfers should only be considered and remaining employees may be considered forposting /deployment in the nearby Central Government Offices or organizations within the state. It has been gathered that a concrete proposal in this regard has been forwarded to JS/LS which may be taken up to address the issue. Hence, this setup may be considered for re-deployment or should be allowed to continued till completion of deemed deputation period. The employees of DOO (C&S) may also be utilized DDP office related works or DPSU's works in the same place.
- 17) Employers contribution to NPS should be continued from the Government and should be made from Consolidated Fund of India for all of erstwhile OFB Employees who are Governed under the NPS.
- 18) Unrest triggered at the Directorate of Ordnance (Coordination & Services): 41 JWMs has been arbitrarily transferred to the corporation in a pick and choose method. This decision has been challenged in the court of law. Review this decision and same may be withdrawn. The DOO(C&S) formed in place of OFB Headquarters, having main office at Kolkata, is expected to continue in a long run, so employees having native place at Kolkata, may suitably posted in this office.
- 19) Violating rules and victimisation of the employees against existing govt rules by DPSUs: It is seen that out of all the DPSUs created by dismantling erstwhile OFB, YIL and other DPSUs is keener on bullying the employees than

on increasing productivity. It seems as if the employees are living on the mercy of the DPSUs. Employees are being targeted and victimized every now and then unprecedentedly. Transferring out employees has become a way to punish/victimize the employees. It is well known fact that the Supreme Court of India has upheld in numerous cases that transfer cannot be the means of victimization or punishment which the government has also given cognizance. One JWM from MSF has been transferred to OF Bhusawal without any reason. One Industrial employee from O F Bhusawal transferred to O F Dum Dum. one Chargeman from GIF, Jabalpur has been transferred to MSF, Ishapore and recently One JWM transferred to OFAJ to OF Bhusawal without any valid/legitimate reason. Such type of punitive actions should be stopped and the employees who are transferred in a vindictive manner should be brought back to the factories from where they are posted out.

- 20) Despite the instruction of DDP in majority of the Corporations the request of the employees for compassionate ground transfer, transfer to the station where spouse is working in accordance with the DOP&T instructions and mutual transfer etc., are not being considered. DDP's instructions and guidelines may be strictly followed by all the 7 Corporations and all the pending transfer applications of the employees may be considered favorably on a time limit manner.
- 21) In accordance with section 7 of the Payment of Wages Act Authorized deductions from the salary of the employees include recovery towards Co-operative societies, LIC, Post office savings , deduction to various insurance schemes. Despite this the Corporations are violating the Payment of Wages Act and denying to recover the amount due to the above institutions. Instructions may be issued to all the 7 Corporations to follow the provisions of Payment of Wages Act.
- 22) In accordance with the Government orders issued by DDP approving the present PLB formula, the PLB is paid to the employees of all the 41 Ordnance Factories based on the average performance of Piecework profit of the 41 Factories. However the PLB for the employees of Ordnance Factories for the year 2021-22 was paid on the basis of the average piece work profit of the respective corporations resulting in discriminative PLB to the employees of Ordnance Factories for the first time. This discrimination should be removed by following the previous formula / system.

All the above issues of the Defence Civilian Employees who are on deemed deputation with the 7 Ordnance Factory Corporations needs to be resolved at the earliest. Therefore, we request you to kindly settle all the above issues in the interest of productivity and harmonious Industrial Relations in the Ordnance Factories.

Thanking you,

Yours Sincerely,

General Secretary

(Name of Union / Association)

Copy to :

- 1) **The Defence Secretary**
&
Secretary(DP)
Ministry of Defence
South Block, New Delhi – 110 001.
 - 2) **The Director General Ordnance (C&S)**
Directorate of Ordnance
(Coordination & Services)
10-A, S.K.Bose Road,
Kolkatta, 700 001.
 - 3) **The Chief Labour Commissioner (Central)**
Shram Shakti Bhavan, Rafi Marg
New Delhi – 110 001.
 - 4) **The General Secretary**
(Respective Federation / CDRA)
- For your kind information and favourable action please.
- For information please.