



BHARATIYA PRATIRAKSHA MAZDOOR SANGH

(AN ALL INDIA FEDERATION OF DEFENCE WORKERS)

(AN INDUSTRIAL UNIT OF B.M.S.)

(RECOGNISED BY MINISTRY OF DEFENCE, GOVT. OF INDIA)

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REF: BPMS / OFB / NDA / 200 (8/2/L)

Dated: 14.09.2015

To,
The DDG (IR),
Ordnance Factory Board,
10 A, S K Bose Road,
Kolkata - 700001

Subject: Grant of Night Duty Allowance on the basis of Actual Salary.

Reference: PC of A (Fys) Kolkata letter No. Pay/Tech-II/1206/2015/13, dated 09.09.2015

Respected Sir,

With due regards, it is submitted that the issue of payment of Night Duty Allowance based on actual salary, instead of notional pay of Rs.2200/- was resolved vide MOD ID No. 17(4)/2012/D(Civ-II), Dated 08.05.2015 in compliance of Contempt Petition (CP No. 200/2014 Shri Arvind Girija Singh & Ors versus UOI & Ors.) based on the CAT Jodhpur directions in OA No 34/2008 dated 5.11.2009 and subsequent ratifications by Hon'ble High Court and Supreme Court of India.

We are surprised to see the PC of A (Fys) letter cited under reference whereby ceiling for entitlement of Night Duty Allowance has been revised to Rs. 12380/- pay in Pay Band. We have strong objection on the issuance of this letter because PC of A (Fys) is not the competent authority to revise the ceiling of entitlement for NDA unilaterally as the original order has been issued by Ministry of Defence in consultation with Min of Finance, DoP&T, Def (Finance) and if there was any doubt regarding eligibility, PC of A (Fys) should have asked for clarification from the competent authorities through prescribed channels.

Further, all the court cases regarding revision of night duty allowance was related to the notional ceiling of Rs. 2200/- per month and this issue was resolved by ordering the NDA on the actual salary and nowhere court further fixed any real or notional ceiling. Even it has been already clarified in the earlier order which states that entitlement ceiling of Rs. 2200/- is not applicable to existing categories who are getting NDA. Prior to implementation of recommendations of 6th CPC, IEs / NIEs / NGOs upto Assistant Foreman (Technical) was entitled for Night Duty Allowance being a non-gazetted supervisory staff but now the post of Assistant Foreman is merged with JWM which is a gazetted supervisory post in OFB. Hence, all the Industrial / Non-Industrial & Non – Gazetted Supervisory staff are entitled for NDA on the basis of actual salary.

Therefore, you are requested to intervene into the matter so that all IEs/NIEs/NGOs may get the NDA as per actual salary in compliance with the court pronouncements in letter and spirit.

Thanking you.

Sincerely yours

(M P SINGH)

General Secretary