

KIND ATTN: SH. MUKESH
KR. BPMS

No. 17(4)/2012/D(Civ-II)
Government of India
Ministry of Defence

B Wing, Sena Bhavan,
New Delhi,
Dated: 8th May, 2015

To

The Chief of the Army Staff
The Chief of the Naval Staff
The Chief of the Air Staff
The Controller General of Defence Accounts, Delhi Cantt
The Chairman, Ordnance Factories Board, Kolkata
DGAQA/Coord
DGQA/Admn 7
D(R&D)

Subject: Payment of Night Duty Allowance (NDA) at revised rates to the eligible civilian employees working in the Establishments under the Ministry of Defence in implementation of Hon. C.A.T. Jodhpur Order dated 5 Nov 2009

Sir,

I am directed to say that the consolidated orders on the subject of Night Duty Allowance were issued by the Department of Personnel and Training vide their OM No. 12012/4/86-Estt(Allowances) dated 4th Oct. 1989. In terms of sub para (c) of para 2 of this OM, Night Duty Allowance is to be computed taking into account the rates of pay including Dearness Allowance and CCA, in force on the basis of the recommendations of the 4th Central Pay Commission. However, these rates have not been revised on the basis of the pay structure that came into force after the reports of 5th and 6th Central Pay Commissions.

2. Aggrieved by this non-revision of the rates of NDA, a number of applications have been filed by the Defence Civilian employees in various Courts/Tribunals. In OA No. 34/2008, filed by Shri Ram Kumar & Others, Hon. Central Administrative Tribunal, Jodhpur Bench passed orders dated 5 Nov 2009 in favour of the applicants. The appeals filed by the Union of India in the Hon'ble High Court of Rajasthan (DB Civil WP No.9927/2010) and in the Supreme Court of India (Sl.P No. 8276/2012) against the above Order dated 5 Nov. 2009 of Hon. C.A.T. Jodhpur Bench, were dismissed on 1 Aug 2011 and 8 May 2012 respectively.

3. The issue of payment of NDA at revised rates to the eligible Defence Civilian Employees, has been examined in the MoD in consultation with Ministry of Finance (Deptt of Expenditure), Deptt of Personnel & Training and Ministry of Law and Justice. In the light of the observations made by MoF(DoE), DoP&T and Mo L&J, a conscious decision has been taken with the approval of Competent Authority in Ministry of Defence to make payment of the Night Duty Allowance to the eligible Defence Civilian employees (Industrial and non-industrial employees), based on the


...2

21264 R1E

revised pay and allowances drawn by them w.e.f. 1st Jan 2006 and payment of arrears from April, 2007, in terms of Hon. C.A.T., Jodhpur Bench order dated 5 Nov. 2009, in OA No.34/2008 filed by Shri Ram Kumar & Others, as upheld by the Hon'ble Supreme Court of India.

4. All other terms and conditions as laid down in the MoD ID No.6(4)/88/D(Civ-I) dated 12 Oct. 1989 and dated 15 March 1990, as amended from time to time, shall remain unchanged.

5. This issues with the concurrence of Ministry of Defence (Fin.) vide their ID No. 39/AG/PB dated 8th May, 2015.


(Gurdeep Singh)

Under Secretary to the Govt. of India

Copy to: (i) DS (P), Deptt of Defence Production
(ii) DRDO/ DOP/PERS(AFHQ)
(iii) D(Works-II) in r/o E-In-C Br
(iv) Sig 4 (C)
(v) OS-10A
(vi) Def(Fin/AG/PB)
(vii) DGADS

Copy for information to :

- (i) Department of Personnel & Training [Estt.(Allowances)] with ref. to their No.A-27016/2/2014-Estt.(Ail.) dated 30 June 2014 and 15 Jan 2015.
- (ii) Ministry of Finance (Department of Expenditure) with ref. to ID No.10(2)/2013-E.II(B)

Copy also for information to:

1. General Secretary & Leader Staff Side,
All India Defence Employees Federation (AIDEF),
S M Joshi Bhavan, Survey No. 81,
Dr Babasaheb Ambedkar Road, Khaki, Pune -411003
2. General Secretary,
Indian National Defence Workers (INDWF),
No. 6, 6th Street, Vaishnavi Nagar, RCC Post, Chennai-600109
3. General Secretary,
Bharatiya Pratiraksha Mazdoor Saugh (BPMS),
2-A Navin Market, Kanpur -208001
4. General Secretary, Confederation of Defence Recognized Association (CDRA)
96- Defence Apartments, G-17 Paschim Vihar, Rohtak Road, Delhi -110087