



India Meteorological Department  
**NON-GAZETTED STAFF UNION**  
Affiliated to Confederation of Central Government Employees & Workers ESTD. 19 SEP 1947

Non Gazetted Staff Union Office, Canteen Building, Lodhi Road, Mausam Bhavan Compound, New Delhi - 110 003. Tel :- 011 43824483

Ref No :- IMD NGSU/2016/5

Date :- 8/12/2016

Shri Pramod G. Sawant  
(Chairman)

To,

Shri Satpal  
(President)

Dr. K.J. Ramesh,  
DGM, IMD  
Mausam Bhavan,  
Lodhi Road, New Delhi 110003.  
(Kind attn: Smt. Samanti Sarkar, Scientist-D)

Shri Kapil Chamoli  
(General Secretary)

**Sub: Night Duty Allowance (NDA) for Group 'B' and 'C' operational staff and officers of IMD.**

Shri Raju Bhargava  
(Vice-President)

Sir,

Shri Adya Shankar Tripathi  
(Asst General Secretary (G))

As per IMD's departmental mandate the Group 'B' & Group 'C' operational staff and officers undertake all kinds of observational work which are regular and continuous in nature and include night duties. As per DOPT guidelines when the officers and staff are working in night hours against nature they should be compensated with appropriate night duty allowance.

Shri Prashant Saraswat  
(Asst General Secretary (D))

The last order according to which NDA to employees were being paid were published in the year 1989, vide OM No.12012/4/86-Estt(Allowance) dated 04-10-1989 at that time the maximum pay ceiling of an employee for entitlement of NDA was fixed at Rs. 2200/- pm irrespective of category or pay scale.

Shri Ravinder  
(Treasurer)

Shri Arvind Singh  
(CEC Member)

The rates of Night Duty Allowance and Ceiling of NDA have not been changed since 1989 even after the notification of 5<sup>th</sup> and the 6<sup>th</sup> Central pay Commission. The 7<sup>th</sup> CPC too has recommended a formula for revision of rates of NDA in its chapter 8 at page 347 to 348 but it is silent about the ceiling limit for entitlement of NDA.

Shri Rohatas  
(CEC Member)

Ministry of Defence has revised the rates of NDA and the ceiling of NDA as per 6<sup>th</sup> CPC w.e.f. April, 2007 after contested at CAT Jodhpur by its civilian employees But IMD officials are still drawing NDA (as per 4<sup>th</sup> CPC) as per DOPT OM No.12012/4/86-Estt(Allowance) dated 4<sup>th</sup> Oct., 1989 and OM. No. 15012/3/86-Estt. (Allowance) dated 19<sup>th</sup> March, 1991.

Shri Vijay Pal  
(CEC Member)

Smt Kameshwari C.A.  
(Lady Representative)

DOPT vide their letter number No.1-11020/1/2014-Estt(AL) has stated that the rates of OTA/NDA has not been enhanced because "The 5<sup>th</sup> and the 6<sup>th</sup> Central pay Commission did not recommend enhancement of rates of OTA/NDA".

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8/12/2016



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Shri Pramod G. Sawant  
(Chairman)

Ref No : .....

Date : .....

Subject: Proposal of Night duty allowance for operational staff of IMD.

Shri Satpal  
(President)

Mandate of India Meteorological Department

Shri Kapil Chamoli  
(General Secretary)

*The India Meteorological Department was established in 1875. It is the National Meteorological Service of the country and the principal government agency in all matters relating to meteorology, seismology and allied subjects.*

Shri Raju Bhargava  
(Vice-President)

1. To take meteorological observations and to provide current and forecast meteorological information for optimum operation of weather-sensitive activities like agriculture, irrigation, shipping, aviation, offshore oil explorations, etc.
2. To warn against severe weather phenomena like tropical cyclones, Norwesters, dust-storms, heavy rains and snow, cold and heat waves, etc., which cause destruction of life and property.
3. To provide meteorological statistics required for agriculture, water resource management, industries, oil exploration and other nation-building activities.
4. To detect and locate earthquakes and to evaluate seismicity in different parts of the country for development projects.
5. India Meteorological Department is one of the few departments in India which works round the clock. It provides services to public & all sectors including common man to industry, defense etc.

Shri Adya Shankar Tripathi  
(Asst General Secretary (G))

Shri Prashant Saraswat  
(Asst. General Secretary (D))

Shri Ravinder  
(Treasurer)

Shri Arvind Singh  
(CEC Member)

Shri Rohatas  
(CEC Member)

Shri Vijay Pal  
(CEC Member)

Smt Kameshwari C.A.  
(Lady Representative)

*As per IMD's departmental mandate the Group B (Gazetted & Non Gazetted) and Group C officers & staff undertake all kinds of observational work which are regular and continuous in nature and include night duties and hence eligible and are drawing Night Duty Allowance as per DOPT OM No.12012/4/86-Estt.(Allowance) dated 4<sup>th</sup> Oct., 1989 and OM. No. 15012/3/86-Estt. (Allowance) dated 19<sup>th</sup> March, 1991(Annexure-1).*

It may be stated that the last order according to which NDA to employees were being paid were published in the year 1989, vide OM dated 04-10-1989 at that time the maximum pay ceiling of an employee for entitlement of NDA was fixed at Rs. 2200/- per month irrespective of category or pay scale. It may be pointed that at that time 4<sup>th</sup> CPC pay scales were in vogue. Later on when 5<sup>th</sup> CPC Pay Scales were introduced w.e.f. 01-01-1996, and 6<sup>th</sup> CPC was effective from 01-01-2006 and a question on revised ceiling

*21/4/2016  
8/11/2016*

limit of pay for NDA naturally arose. But no order in this regard has been issued by DoPT.

DOPT vide their letter number No.I-11020/1/2014-Estl(AL) (Annexure-2) has stated that the reason for not enhancing rates of OTA/NDA is "The 5<sup>th</sup> and the 6<sup>th</sup> Central pay Commission did not recommend enhancement of rates of OTA/NDA"

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<sup>th</sup> Nov., 2009 in favour of the applicants.

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 (Department of Expenditure), Department of Personnel & Training and Ministry of Law and justice in the light of the observations made by MoF (DoE), DoP&T and Min L&J, a conscious decisions 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 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<sup>th</sup> Nov., 2009 in OA No.34/2008 (Annexure-3) filed by Shri Ram Kumar & Others, as upheld by the Hon'ble Supreme Court of India. In this regard, an order No.17(4)/2012/D(Civ-II) dated 08/05/2015(Annexure-4) has been issued by Ministry of Defence.

Office Of The Principal Controller Of Accounts (FYS), 10-A, S.K.Bose Road, Kolkata-700 001 has revised the formula vide their Order No. Pay/Tech-I/1206/2015/08 dated 29/05/2015 (Annexure-5) which was made effective w.e.f. 01-04-2007. Later on Office of the Principal Controller of Accounts (FYS), 10-A, S.K.Bose Road, Kolkata-700001, vide their Order No.Pay/Tech-II/1206/2015/13 dated 9.9.2015(Annexure-6) has revised the ceiling limit for entitlement of Night Duty Allowance for civilian employees working under their Establishments from Rs.2200/- to 12380 +Grade Pay.

अनुमोदित  
8/12/2016



Now 7<sup>th</sup> CPC has reiterated the rules for Night Duty Allowance in chapter 8 page 347 to 348 in their report which is as follows (Annexure-7):

8.17.71: The Night Duty Allowance (NDA) is granted to certain specified categories of employees for performance of duty between 22:00 hrs and 06:00 hrs. Presently, each hour of night work earns extra ten minutes of day work. There are demands to grant Night Duty Allowance between 18:00 hrs and 06:00 hrs and for doubling of rates by equating each hour of night work to extra twenty minutes of day work.

8.17.72: This allowance was dealt extensively by Mia Bhoy tribunal in 1969 and the present dispensation is based on the recommendation of the said tribunal.

8.17.73: Presently, the allowance is administered as per DoPT's OM No.12012/4/86-Estt. (Allowances) of 04.10.1989, wherein every 6 hours of night work earns 1 weighted hour of day work, or each hour of night work earns extra 10 minutes of day work.

8.17.74: The Commission examined the various arguments given for the grant of Night Duty Allowance:

- Night Work Convention, 1990 of International Labour Organization, states in Article 8: "Compensation for night workers in the form of working time, pay or similar benefits shall recognise the nature of night work."
- There are studies to prove the deleterious effects on health of prolonged periods of continuous night duty.
- Sleep is more likely to be interrupted during day time compared to night time.
- Transportation and Entertainment are generally planned keeping day time in mind.

8.17.75: This Commission is, therefore, convinced that the need for compensating night work is widely recognized and should be continued.

8.17.76: However, the practice of arriving at the rates of NDA needs to be uniform. It is seen that in the Railways the rate of NDA has been broad-banded and all employees at each level of Grade Pay are given the same rate of NDA. For achieving this broad-banding, the average of Minimum and Maximum of the entire Pay Band has been taken to arrive at the

entire report  
8/12/2016

average pay. This appears to be incorrect because running Pay Bands were intentionally kept wide by the VI CPC to avoid stagnation. Hence to use the extremities of the Pay Band for arrival at the average rate of NDA is not appropriate. Moreover, with the computerization of pay rolls, the amount of Night Duty Allowance can be easily calculated for each employee.

8.17.77: Taking the above into account, the following set of recommendations is made with regard to NDA: Report of the Seventh CPC 348 Index

- The present formulation of weightage of 10 minutes for every hour of duty performed between the hours of 22:00 and 06:00 may be continued;
- The present prescribed hourly rate of NDA equal to  $(BP+DA)/200$  may be continued.
- This amount of NDA should, however, be worked out separately for each employee. With the computerization of pay rolls, working out the amount of NDA automatically for each employee every month will not entail any difficulty. The existing formulation for giving same rate of NDA for all employees with a particular GP should be abolished.
- This formulation will extend to all employees across all ministries/departments, who were already in receipt of Night Duty Allowance.
- A certificate should be given by the supervisor concerned that Night Duty is essential.

In view of position explained above, it is clear that 7<sup>th</sup> CPC has prescribed an hourly rate of NDA equal to  $(BP+DA)/200$  and has directed to calculate the NDA separately for each employee every month with computerization of pay rolls but CPC is silent about the Ceiling limit for entitlement of Night Duty Allowance.

It is requested that ceiling limit as per 7<sup>th</sup> CPC pay level may kindly be decided.

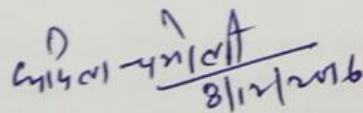
It is requested that IMD employees may also be allowed payment of arrears w.e.f. April, 2007 in terms of Hon'ble CAT Jodhpur Bench order dated 5<sup>th</sup> Nov., 2009 in OA NO. 34/2008 as per civilian employees of Ministry of Defense.

अमित मिश्रा  
8/11/2016

In view of above, this union requests you to kindly intervene and submit a proposal for revising ceiling limit of NDA as per 7<sup>th</sup> CPC to the anomaly committee for IMD staff and officers who are involved in night duties and a proposal to DoPT for payment of arrears w.e.f. April, 2007 in terms of Hon'ble CAT Jodhpur Bench order dated 5<sup>th</sup> Nov., 2009 in OA NO-34/2008 as per civilian employees of Ministry of Defense.

Draft proposal is enclosed herewith for your ready reference.

With regards,

Handwritten signature in blue ink, appearing to read 'Kapil Chamoli' with a date '8/12/2016' written below it.

(KAPIL CHAMOLI)

General Secretary