



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)

CENTRAL OFFICE: 2-A, NAVEEN MARKET, KANPUR – 208001, PH & FAX : (0512) 2296229
MOBILE: 09335621629, 08765070982 Email: gensecbpms@yahoo.co.in WEB : www.bpms.org.in

REF: BPMS / MoL&E / Overtime / 43 A(7/2/L)

Dated: 06.02.2021

To,
The Secretary,
Govt of India, Min of Labour & Employment,
Shram Shakti Bhawan,
Rafi Marg, New Delhi – 110110

REMINDER - II

Subject: Review of Instructions on inclusion of HRA & Transport Allowance for the purpose of calculating Overtime Allowance under the Factories Act, 1948.

Reference: This federation's letter of even No. Dated 12.07.2018, 22.11.2020

Respected Sir,

With due regards, your attention is invited to the letter cited under reference on the subject matter whereby MoL&E, Govt of India has been requested to issue necessary clarification/instructions so that disparity amongst the civilian employees of Min of Defence & Min of Railways may be removed.

It is worth to mention here that Hon'ble CAT Hyderabad Bench ordered on 04.04.2014 in OA No. 1372/2012 and Hon'ble CAT Principal Bench ordered on 25.04.2018 in OA No. 650/2016 in favour of employees.

Recently, Hon'ble CAT, Kolkata Bench ordered on 11.11.2020 in OA No. 350/705/2020 in favour of employees for inclusion of allowances like HRA, Transport Allowance & Small Family Allowance and Ordnance Factory Dum Dum, Kolkata under OFB/MoD has issued the compliance order in favour of petitioners.

However, it is regrettably reminded that the matter is still pending in Min of Labour & Employment, Govt of India which is causing discontentment amongst the non-petitioner civilian employees of MoD.

Therefore, you are requested to expedite the matter.

Thanking you.

Sincerely yours

(MUKESH SINGH)

General Secretary/BPMS &
Member, JCM-II Level Council (MOD)

Copy to: The JS (E), MoD, New Delhi

- You are also requested to expedite the matter w.r.t. MoD ID No. 21(7)/2018-D(JCM), Dated 27.07.2018



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MOBILE: 09335621629, 08765070982 Email: gensecbpms@yahoo.co.in WEB : www.bpms.org.in

REF: BPMS / MoL&E / Overtime / 43 A(7/2/L)

Dated: 22.11.2020

To,
The Secretary,
Govt of India, Min of Labour & Employment,
Shram Shakti Bhawan,
Rafi Marg, New Delhi – 110110

REMINDER

Subject: Review of Instructions on inclusion of HRA & Transport Allowance for the purpose of calculating Overtime Allowance under the Factories Act, 1948.

Reference: This federation's letter of even No. Dated 12.07.2018

Respected Sir,

With due regards, your attention is invited to the letter cited under reference on the subject matter (copy enclosed) whereby MoL&E has been requested to issue necessary clarification/instructions so that disparity amongst the civilian employees of Min of Defence & Min of Railways may be removed,

It is regretfully reminded that the matter is still pending which is causing discontentment amongst the civilian employees of MoD.

Therefore, you are requested to expedite the matter.

Thanking you.

Sincerely yours

(MUKESH SINGH)

General Secretary/BPMS &
Member, JCM-II Level Council (MOD)

Enclosed: As mentioned

Copy to: The JS (E), MoD, New Delhi

- You are also requested to expedite the matter w.r.t. MoD ID No. 21(7)/2018-D(JCM), Dated 27.07.2018



भारतीय प्रतिरक्षा मजदूर संघ 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)

CENTRAL OFFICE : 2-A, NAVIN MARKET, KANPUR-1 • PH. & FAX : (0512) 2332222

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No. : BPMS/ MoL&E/Overtime/43A (7/2/L)

Dated: 12.07.2018

To,
The Secretary,
Govt. of India, Min. of Labour & Employment,
Shram Shakti Bhawan,
Rafi Marg, New Delhi - 110119

Subject: Review of instruction on inclusion of HRA & Transport Allowance for the purpose of calculating Overtime Allowance under the Factories Act, 1948.

Respected Sir,

With due regards, your attention is invited to O.M. No. Z-16025/81/2007-ISH-II, dated 19.11.2007 & 27.05.2009 issued by Min. of Labour & Employment on the subject matter wherein it has been opined that the allowances of compensatory nature (HRA/Transport Allowance/Small Family Allowance etc.) may be excluded for the purpose of computing Overtime Allowance under the Factories Act, 1948.

I would like to bring to your kind notice the provisions of the Factories Act, 1948. As per Section 59 of Factories Act, 1948, a worker shall be entitled to wages at the rate of twice of his ordinary rate of wages, in respect of overtime work and as per Sub Section (2) of Section 59 the 'Ordinary rate of wages' means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the concessional rate to workers of food grains and other articles, as the worker is for the time being entitled to but does not include a bonus and wages for overtime work.

Further, your attention is invited to the enclosed letter of Govt of India, Min of Railways (No. PC-V/2017/A/OTA/1, Dated 01.06.2018) which clearly states that HRA & Transport Allowance etc. shall be taken into account at revised rates for the purpose of Overtime Allowance.

In the light of above, you are requested to kindly review the instruction dated 19.11.2007 & 27.05.2009 so that Ministry of Defence may withdraw the letter F.No. 14/1/2000-D(Civ-II), Dated 26th June 2009 and employees may be paid the overtime allowance in letter and spirit of Factories Act, 1948.

Thanking you.

Enclosed: As mentioned

Copy to: The JS (E), MoD, New Delhi
- w.r.t. take appropriate action.

Sincerely yours

(MUKESH SINGH)
Secretary/BPMS &

Member, JCM-II Level Council (MOD)

GOVERNMENT OF INDIA/भारत सरकार
MINISTRY OF RAILWAYS/रेल मंत्रालय
(Railway Board) रेलवे बोर्ड

S.No. PC-VII/ १४
No. PC-V/2017/A/OTA/1

RBE No. 41/2018
New Delhi, dated 20.03.2018

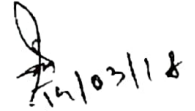
The General Managers
All Indian Railways and
Production Units.
(as per mailing list)

**Sub: Grant of Overtime Allowance (OTA) to Railway employees
consequent upon revision of pay scales and allowances- date of
effect.**

Ref: Board's letter of even No. dated 28-11-2017 (RBE No. 175/2017)

Pursuant to the recommendations of the Seventh Central Pay Commission, the rates of OTA have been revised w.e.f. 01-7-2017 vide Board's letter of even number dated 28-11-2017 (RBE No.175/2017). The issue of revising the date of effect of OTA w.e.f. 01-01-2016 had been under consideration and it has been decided that the basic pay and DA element for the purpose of OTA may be antedated to 01-01-2016 and other elements constituting emoluments for the purpose of OTA viz. HRA and Transport allowance etc. shall be taken into account at revised rates w.e.f. 01-7-2017 as per the 7th CPC recommendations.

2. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.
3. Hindi version is enclosed.

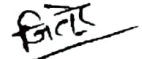


(Subhankar Dutta)
Deputy Director, Pay Commission-V
Railway Board.

No. PC-V/2017/A/OTA/1

New Delhi, dated 20.03-2018

Copy (with 40 spares) forwarded to Deputy Comptroller and Auditor General of India (Railways), New Delhi.



for Financial Commissioner, Railways

GOVERNMENT OF INDIA/भारत सरकार
MINISTRY OF RAILWAY/रेल मंत्रालय
(Railway Board)

S. No. PC-VII/ 105
No.PC-V/2017/A/OTA/1

RBE No. 77 /2018
New Delhi, dated 01-06-2018

The General Managers,
All Indian Railways & Pus
(As per mailing list)


CORRIGENDUM

Sub:- Grant of Overtime Allowance (OTA) to Railway employees consequent upon revision of pay scales and allowances – date of effect.

Please refer this office letter of even number dt. 20.03.2018 (RBE No. 41/2018) on the above subject. In partial modification to the letter dt. 20.03.2018 ibid, it is advised that the second sentence of the said letter may be read as under:-

"This issue of revising the date of effect of OTA w.e.f. 01-01-2016 was taken up by the Federations (NFIR & AIRF), and was also raised in PNM forum by NFIR as item No. 06/2018. The issue has been considered and it has been decided that the basic pay and DA element for the purpose of OTA may be antedated to 01-01-2016 and other elements constituting emoluments for the purpose of OTA viz. HRA and Transport allowance etc. shall be taken into account at revised rates w.e.f. 01-7-2017 as per the 7th CPC recommendations."


2. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.
3. Hindi version will follow.


(Subhankar Dutta)
Dy. Director, Pay Commission-V
Railway Board

No.PC-V/2017/A/OTA/1

New Delhi, dated 01-06-2018

Copy (with 40 spares) forwarded to Deputy Comptroller and Auditor General of India (Railways), New Delhi.


भारतीय प्रोत्तरका मजदूर अधि
महामंत्री.....
सचिव (मुक्तकाल).....
अध्यापक धर्मा / सचिव.....
कर्मचारी 7429.....
सचिव सचिव.....


For Financial Commissioner, Railways

12/07/2018

Most Immediate

Government of India
Ministry of Defence
Department of Defence
D(JCM)

Sub :- Review of instructions on inclusion of HRA & Transport Allowance for the purpose of calculating Overtime Allowance under the Factories Act, 1948.

Please find enclosed herewith a copy letter No BPMS/MoL&E/Overtime/43A(7/2/L) dated 12.07.2018, received from the Secretary, BPMS, addressed to the Defence Secretary, on the above subject, which is self-explanatory.

2. It is requested that the issue(s) raised therein may be examined and considered as per the extant rules and a suitable reply may be sent to the petitioner at the earliest, under intimation to D(JCM) Section.

(A. Saha)

Under Secretary (D(JCM))
Telefax : 23011260

Encl : As above - 2 pages.

US D(Civ-II)

MoD ID No 21(7)/2018-D(JCM) dated 27.07.2018.

Copy for information to :-

✓ General Secretary, BPMS.

भारतीय प्रतिक्रम मजदूर संघ

सचिव

सचिव (प्रशासन)

सचिव (व्यक्तिगत)

सचिव (व्यक्तिगत)

सचिव (व्यक्तिगत)

43 A(7/2/R)