



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.: (0512) 2332222 • FAX : (0512) 2296229
Mob. : 09335621629, 09415726924, 09415733686 • E-mail : gensecbpms@yahoo.co.in, cecbpms@yahoo.in

REF: BPMS / CEC/ RESOLUTION/ 10(7/1/M)

Dated: 05.06.2023

To,

Shri Rajiv Gauba, IAS

Cabinet Secretary, Govt of India,
Rashtrapati Bhawan, New Delhi – 110004
(cabinet@nic.in)

Shri Giridhar Aramane, IAS

Defence Secretary, Govt of India,
South Block, New Delhi – 110011
(defsecy@nic.in)

Subject: Request to Consider Resolutions of the Central Executive Committee Meeting of BPMS.

Dear Sir,

I am writing on behalf of the Bharatiya Pratiraksha Mazdoor Sangh (BPMS), a prominent recognized federation representing the interests of the defence civilian employees. I would like to bring to your attention the resolutions passed during our recent Central Executive Committee Meeting, held at Khadki, Pune, from 25th to 27th May 2023.

The meeting, attended by the representatives of our organization from various defence establishments, deliberated on several crucial issues affecting the welfare and livelihood of defence civilians. After thorough discussions, the following resolutions were unanimously adopted:

Resolution 1: Scrapping of NPS and restoration of CCS (Pension) Rules, 1972 (now CCS Pension Rules, 2021). The Central Executive Committee of BPMS strongly urges the government to scrap the New Pension Scheme (NPS) and reinstate the Old Pension Scheme. The NPS has created concerns and uncertainties among civilian central government employees regarding their post-retirement financial security. Restoring the Old Pension Scheme would provide a much-needed sense of stability and reassurance to the dedicated workforce serving the nation.

Resolution 2: Implementation of Prasar Bharti model for the employees of Ordnance Factories. BPMS advocates for the implementation of the Prasar Bharti model for the employees of Ordnance Factories. This model, which has proven to be successful in the broadcasting sector, emphasizes the autonomy and independence of employees. Adopting this model would enhance the efficiency and productivity of the Ordnance Factories and contribute to the overall growth of the defence sector by securing the future of the employees.

Resolution 3: Stop disbandment, reduction of manpower, contractualisation & privatization of Defence establishments. The Central Executive Committee of BPMS vehemently opposes the disbandment, reduction of manpower, contractualization, and privatization of defence establishments in the name of restructuring. Such measures have a detrimental impact on the job security and well-being of defence civilians. We urge the government to halt these practices and instead focus on filling the vacant posts in defence establishments at the earliest, thereby ensuring the smooth functioning of these vital institutions.

Resolution 4: Extension of social security & welfare by granting one-time relaxation on the ceiling of 5% for compassionate appointment in Defence Establishments. BPMS appeals for the extension of social security and welfare measures in defence establishments by granting a one-time relaxation on the ceiling of 5% for compassionate appointments. This would provide relief and support to families affected by the untimely demise of defence civilians and alleviate their financial burdens during such difficult times.

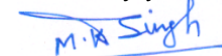
We are enclosing the detailed resolutions for your reference and perusal. The resolutions reflect the collective voice and concerns of the defence civilian employees we represent. We kindly request you to consider these resolutions seriously, as they address crucial issues that impact the welfare and livelihoods of Central Government employees including defence civilians.

Your support and understanding in this matter would be greatly appreciated. We are confident that your esteemed office will take appropriate action to address these concerns and work towards the betterment of employees.

Thank you for your attention to this matter. We eagerly await your favorable response.

Enclosed: As mentioned

Sincerely yours



(MUKESH SINGH)

General Secretary/BPMS &
Member, National Council (JCM)

Resolution No. 1

Scrapping of NPS and restoration of CCS Pension Rules, 1972 (Now CCS Pension Rules, 2021)

It has always been expected from a Govt to play a role of ideal employer and assure social security to its employees as well as citizens. Every employee dedicates his skill, power and energy to the employer till superannuation or until he lost his capacity to do so and gets remuneration to fulfil his requirements. After superannuation or being incapacitated by whatsoever reasons he becomes unable to serve to get remuneration but his requirement does not end. Then the onus is on the employer to mitigate the hardships faced by the employee. This social security cannot be measured by solely market related factors.

This responsibility was borne by the Govt. as it compiled the CCS (Pension) Rules-1972. Later, Govt. introduced Employees' Pension Scheme- 1995 for change over from contributory provident fund to pension scheme. Now market related factors have compelled the Govt. to deviate to bear its responsibility of social security. Govt. succumbed to this pressure and introduced New Pension Scheme (Defined Contributory Pension Scheme) applicable to Central Govt Servants who join on or after 01.01.2004 vide Ministry of Finance (Department of Economic Affairs) Notification No. 5/7/2003- ECB & PR dated 22nd December, 2003.

Further, after the enactment of the PFRDA Act, 2013, as per Section 20 of the Act, the pension scheme notified on 22.12.2003 has become the National Pension System under the Act. NPS is now regulated under PFRDA Act, 2013 and regulation framed thereunder by Department of Financial Services and PFRDA. Later, all the State Governments except a few followed suit.

As per this New Pension Scheme 10% of Basic Pay+ DA is being recovered from the employees as a compulsory deduction and government is also contributing the same amount. A government servant can exit at or after the age of 60 years and it would be mandatory for him to invest 40 per cent of pension wealth to purchase an annuity which will provide for pension for life time of the employee and his dependent parents/ spouse.

But the abovementioned method lacks of the following benefits required to the employees for their livelihood-

1. This new system has no minimum guaranteed Pension.
2. There is no safeguard from price hike in absence of dearness allowance on pension.
3. No benefit of additional pension on attaining age of 80 years, 85 years, 90 years, 95 years, 100 years.
4. Compulsory retirement pension.
5. Compensation Pension

From above it is established that the new entrants will not be eligible for Superannuation Pension, Compensation Pension, Compulsory Retirement pension, Compassionate Allowance etc. Any scheme not containing the above benefits is not accepted to the employees.

Introduction of New Pension Scheme/ National Pension Scheme (NPS) for Central Government Employees w.e.f 01.01.2004 has adversely affected the concept of social security and it has put the future as well as retirement security (social security) of the employees at stake in lack of abovementioned benefits under the scheme. In place of adopting progressive and dynamic approach

for the assets of the society viz retired employees, Govt adopted a retrograde policy with no guaranteed pension, no safeguard from erosion caused by inflation etc.

We appreciate the steps taken by the Govt to modify the scheme and making provisions on account of our agitation/ continuous persuasion like-

1. Provision of Gratuity in the Scheme
2. Enhancement of Govt Contribution to 14%
3. Withdrawal facility in NPS
4. Option of OPS to families of deceased employees.

Though, Central Govt made amendments in some provisions of the scheme like above to make it more attractive and beneficial to employees, but these amendments failed to fulfil the qualities of a strong supporting system for old age like CCS (Pension) Rules, 1972. Thus, with all the remedies or modifications in any scheme related to Pension is not accepted to us. We want restoration of CCS (Pension) Rules, 1972 without any change.

Ever since its inception, BPMS have been opposing the same as the future of employees cannot be put under a Question Mark and Uncertainty.

Perhaps realising the drawbacks of the NPS, some State Governments viz Rajasthan, Chhattisgarh, Himachal Pradesh etc have announced its roll back and have implemented the Old Pension Scheme to their employees.

However, the Central Government (Department of Financial Services) in reply to Unstarred Question No.2009 answered in the Lok Sabha on 14/03/2022 that "there is no proposal under consideration of the Government of India to scrap NPS and revert all officials of Central Government under OPS.

We had adopted a resolution on the matter in our 19th TC and thereafter achieved a littler but remarkable success of coverage under CCS (Pension) Rules, in place of National Pension System, of those Central Govt employees who were recruited against the posts/ vacancies advertised/ notified for recruitment, on or before 22.12.2003.

This Central Executive Committee of the federation, once again, calls upon the Govt. for scraping National Pension System (formerly known as New Pension System) forthwith and restoring Old Pension Scheme viz CCS (Pension) Rules, 1972 (CCS Pension Rules, 2021) for all of its employees.

Proposed by: Shri P Vidyasagar, Secretary/ BPMS

Seconded by: Shri Maruti H Pawar, Vice-President/ BPMS

Resolution No. 2

Implementation of Prasar Bharti Model for the employees of Ordnance Factories-

The Government of India on 16 May, 2020 announced that the Ordnance Factory Board will be corporatized to ensure autonomy, accountability and efficiency in Defence Supplies.

This was followed by issuance of Ministry of Defence Letter No.1(5)/2021/OF/DP/Plg(V) dt.21/06/2021 wherein it was conveyed that the Cabinet Committee on Security in its meeting held on 29/07/2020 had approved to convert Ordnance Factory Board, a subordinate office of the Ministry of Defence into one or more than one 100% Government owned corporate entities, registered under the Companies Act 2013. It was also further stated that the Cabinet in its meeting held on 16/06/2021 has inter-alia approved to convert the production units of OFB into 07 DPSUs.

The Government communicated the following through a Press Release as Published through PIB Release No.1736746 dated 19/07/2021 -

“The Government has ensured safeguarding the interests of the employees of Ordnance Factory Board (OFB) post corporatisation of OFB, inter-alia, in the following manner:

It has been decided that all the employees of OFB (Group A, B & C), belonging to the production units and also the non-production units being handed over to the new DPSUs (to be formed) would be transferred to these DPSU(s) on terms of foreign service without any deputation allowance (deemed deputation) initially for a period of two years from the appointed date.

All the employees of OFB Head Quarter, OFB New Delhi Office, OF Schools and OF Hospitals, would be transferred to the Directorate of Ordnance Factories (to be formed) under the Department of Defence Production, initially for a period of two years from the appointed date.

Till such time the employees remain on deemed deputation to the new entities, they shall continue to be subject to all rules and regulations as are applicable to the Central Government servants. Their pay scales, allowances, leave, medical facilities, career progression 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.

The pension liabilities of the retirees and existing employees will continue to be borne by the Government. Since the announcement of the Government to undertake corporatisation of OFB in May, 2020, the Government has held various discussions with the OFB employees' Federations regarding the corporatisation of OFB under Chairmanship of Secretary (Defence Production). Their concerns and suggestions were noted. Their main concern about safeguarding the interests of the employees of OFB has been adequately addressed as mentioned above. It is pertinent to mention that Chief Labour Commissioner (Central) also held discussions with Government & OFB Federations as part of the conciliation process under the ID Act 1947.

This information was given by Raksha Rajya Mantri Shri Ajay Bhatt in a written reply to Shri Binoy Viswam in Rajya Sabha today.”

Further, in answer to Lok Sabha Unstarred Question Number 994 answered on 03/12/2021, vide Para (d) the following was mentioned-

“(d) The Government is committed to safeguard the interests of the employees of erstwhile Ordnance Factory Board (OFB), as mentioned at various forums including during interactions with the Federations. Accordingly the Government has taken the following steps:-

- (i) All the employees of OFB (Group A, B & C) belonging to the production units and also the identified non-production units have been transferred en masse to the new DPSUs on terms of foreign service, without any deputation allowance (deemed deputation) initially for a period of two years from the Appointed Date.
- (ii) 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.
- (iii) All the employees of OFB (Group A, B & C) belonging to OFB Head Quarter (at Kolkata), OFB New Delhi Office, OF Schools and OF Hospitals have been transferred en masse to the Directorate of Ordnance (Coordination & Services) under the Department of Defence Production, initially for a period of two years from the Appointed Date.
- (iv) The pension liabilities of the retirees and existing employees will continue to be borne by the Government. For the employees recruited after 01.01.2004, National Pension Scheme applicable to the Central Government employees is in vogue and the same would be adopted by the new DPSUs, including continuation of all special provisions applicable to Central Government employees under the National Pension System.”

However, when Akashwani and Doordarshan, were converted into a corporation, the Government published The Prasar Bharati (Broadcasting Corporation of India) Amendment Act 2011 vide Gazette of India part-II section 1 dated 09/01/2012 in which suitable amendments were made in Section 11(1) as follows :

“All Officers and Employees recruited for the purposes of Akshwani or Doordarshan before the appointed day and in service in the corporation as on the 1st day of April 2000, shall be on deemed deputation to the corporation with effect from the 1st day of April 2000, and shall so continue till their retirement.”

As can be seen from the above there is a clear case of discrimination involved in the matter of employees of the Ordnance Factory Board who have been transferred to the newly formed DPSU(s) **“on terms of foreign service without any deputation allowance (deemed deputation) initially for a period of two years from the appointed date.”**

Since the above discrimination amongst two sets of Central Government Employees is in violation of Article 14 and 16 of the Constitution of India, this meeting took serious cognizance of the issue and resolved to demand to the Government parity with the status of their brethren and issue the following notification :

“All Officers and Employees recruited for the purposes of rendering services in the Indian Ordnance Factories, including the Ordnance Factory Board before the appointed day and in service in the newly formed Seven DPSU(s) as on the 1st day of October 2021, shall be on deemed deputation to the newly formed Seven DPSU(s) with effect from the 1st day of October 2021, and shall so continue till their retirement.”

The above resolution has been unanimously adopted in the Central Executive Committee of the federation on the 27th Day of May, 2023 at Khadki, Pune.

Proposed by: Shri A N Hemanand, Joint Secretary/ BPMS
Seconded by: Shri Dnyaneshwar Jadhav, Joint Secretary/ BPMS

Resolution No. 3

To Stop Disbandment, Reduction, Contractualisation, Corporatisation & Privatization of Defence Establishments in the name of Restructuring and filling of vacant posts in them at the earliest-

Army Base Workshops are an important part of the industrial base of Indian Defence forces. Eight Army Base Workshops (ABWs) were established during the Second World War to carry out repairs and overhaul of weapons, vehicles and equipment to keep the Indian Army operationally ready. These ABWs play important role in reset and regeneration of combat capability of Army. The Army Base Workshops (ABWs) carry out repairs and overhaul of weapons, vehicles and equipment to keep the Indian Army operationally ready both during peace and war. They also undertake manufacture and indigenization of spares.

However, on the basis of the "Shekatkar" Committee report and without any consultation with the major stake holders viz: the Trade Unions, under the plan for modernization of the Army Base Workshops (ABWs) the Government has started implementation of the 'Government-owned, contractor-operated (GOCO)' model.

Thus, vital defence assets are being handed over to the private sector and the fate of employees lies under a big question mark. Almost all station workshops under EME directorate had been shut down.

The Ordnance Depots plays vital role in ordnance inventory management by adopting best business practices in warehousing and supply chain. However, in spite of this seamless operation, the Government plans to merge, close down and also introduce GOCO model in these depots also. A similar fate is waiting for the BRDs of Airforce too.

DRDO has been the torchbearer of the defence research and development in the country. It has been responsible for identifying critical technologies, working out modalities for technology development and identifying partners for technology acquisition.

However, in spite of it's yeomen service to the nation, the organisation has embarked upon the GOCO Model to encourage "Industry Participation", thus exposing all defence secrets to the corporate world.

On 24/09/2021 the Govt notified the corporatization of the 41 production units (Ordnance Factories) of the Ordnance Factory Board ("OFB"), functioning under the Department of Defence Production, Ministry of Defence and transferred the management, control, operations and maintenance of these 41 production units and identified non-production units to 7 Government companies with effect from 01 Oct 2021.

Discussion has started to corporatize MES in line of Ordnance Factories by some apex level intellectuals/ defence experts.

Of late, huge reduction has been made in strength of civilian employees of MES and Navy & Airforce is in the queue and it is lowering the performance of the establishments. The policy makers are seeking remedy in contractualisation/ outsourcing of the work.

All the directorates/ departments under Ministry of Defence are under huge level of contractualisation. Permanent Posts are being replaced with contract workers. Though Department of Personnel & Training had issued a letter to fill all vacant posts of all departments immediately but it proved a gimmick. The departments are being run under huge stress as there is huge shortage of manpower.

The above practice is being done without any contemplation and the same is leading to financial loss to the employees in the form of seniority loss, pay reduction, downgradation etc. They are being constrained to move to a distant location.

This conference, after intense discussions on the subject, hereby demands to stop immediately all the practices of Disbandment, Reduction, Contractualisation, Corporatisation & Privatization of Defence Establishments in the name of Restructuring and filling of vacant posts in them at the earliest

Proposed by: Shri Bishwanath Ghosh, Jt Secretary/ BPMS

Seconded by: Smt Sujata M Patil, Jt Secretary/ BPMS

Resolution No. 4

Extension of Social Security and Welfare by Grant of one time relaxation on the ceiling of 5% for compassionate appointment in Ministry of Defence.

The appointment on compassionate ground is an exception to the equality clause under Article 14. If an employee dies while in service then according to rule framed by the Central Government or the State Government, appointment to one of the dependents shall not be considered violation of Articles 14 and 16 of the Constitution because this exception has been provided through various rules only to mitigate the hardships of deceased employee family suffering from scarcity of very trivial things of daily life due to the death of sole bread winner of the family and sudden misery faced by the members of the family of such employee who serves the Central Government or the State Government.

Hon'ble Supreme Court of India has held that while framing a rule in respect of appointment on compassionate ground, the authorities have to be conscious of the fact the fundamental right which has been provided to the citizen of India under Articles 14 and 16 of the Constitution. As such there should be a proper check and balance. Further, though the compassionate appointment matters fall under exclusive domain of the State which extends it to a family member of the deceased Government Servant in order to relieve them of the penurious situation and the crippling crisis arises due to the sudden demise of the employee. The exercise of making such appointments should not be on routine basis in all cases but only in exceptional cases where the situation is such that grant of appointment is absolutely warranted, as otherwise, the family would sink down and collapse due to penury.

The Apex Court held that the very concept of giving a compassionate appointment is to assuage the financial hardships of the family of the deceased. It has been held by the Hon'ble Supreme Court in the case of Umesh Kumar Nagpal vs. State of Haryana and others reported in (1994) 4 SCC 138, that-

Appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment or any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependents of an employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependents of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis.

Govt. of India, DoP&T O.M. No. 14014 / 6 / 94- Estt (D) dated 09th Oct 1998 read with O.M. No. 14014/23/ 99- Estt (D) Dated 03rd Dec 1999 (consolidated all instructions latest by OM No. 14014/1/2022-Estt.(D) dated 02 Aug 2022) has a provision to give compassionate appointment to one of the dependents for the survival of the family, if the employee unfortunately dies during his service period; leaving his family behind to survive, but it is limited to only 5% of the vacancies falling under direct recruitment quota in any Group 'C' or 'D' post. Not only this, under this 5% quota of DR

of Group 'C' & 'D' defence civilians, the dependents of Group 'A' & 'B' defence civilians and all uniformed personnel (of Army, Air Force & Navy) are being granted compassionate appointment whereas the 5% vacancies under DR of Group 'A' & 'B' defence civilians and uniformed personnel are not included. Due to this, a large number of wards are waiting for their appointment on compassionate ground so that they may be able to look after their family properly.

There was 5.85 lakh sanctioned strength of defence civilians but the existing strength was only 3.98 lakh as on 01.01.2014 according to the report of 07th CPC. The equation has become worse over the time of 09 years.

Recently, It has been found that after corporatization of Ordnance Factories, the whole system of grant of Compassionate Ground appointment has been stalled. Even in EME the instructions of Govt of India is not being followed in letter and spirit without mentioning any reason. The worse situation has not become worst. A long queue of legitimately entitled wards of died in harness employees has visible.

It is worth to mention here that DoP&T is the competent authority to grant one time relaxation from the ceiling of 5% vacancies falling under direct recruitment quota in Group 'C' post in a recruitment year.

We had resolved the same issue in our 17th & 18th TC. The then Defence Minister Shri Manohar Parrikar had assured us regarding redressal of it. Some appropriate action was taken by him. But after his departure to Goa, the matter could not get any momentum and still unresolved.

Therefore, this CEC meeting of BPMS unanimously resolves keeping in mind the penury situation of families of deceased employees in mind that Ministry of Defence should seek one time relaxation from DoP&T from the ceiling of 5% vacancies for compassionate ground appointments in the Defence Installations so that all the pending genuine cases may be resolved forthwith .

Proposed by: Shri Vivek Kumar, Special Invitee/ BPMS
Seconded by: Shri Sudhir Tripathi, CEC member/ BPMS