



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)

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Dated: 14.04.2026

To,
The Secretary
Department of Defence Production
Ministry of Defence, Government of India
Kartavya Bhawan, New Delhi

Subject: Strong Objection against filing of Review Petition in OTA case and request for immediate disbursement of arrears.

Respected Sir,

I am constrained to write this representation to express **deep concern and strong objection** on behalf of Bharatiya Pratiraksha Mazdoor Sangh (BPMS) and the entire workforce of Ordnance Factories regarding the recent decision at the level of DDP/MoD to **pursue a Review Petition** against the Hon'ble Supreme Court judgment dated **20.01.2026** in Civil Appeal Nos. 5185–5192 of 2016 (Union of India & Others vs. HVF Employees' Union & Another), and to keep the **disbursement of OTA arrears in abeyance** till further orders.

2. Sir, it is respectfully submitted that the aforesaid matter remained under adjudication before the Hon'ble Supreme Court for **almost a decade**, during which the Directorate of Ordnance (Coordination & Services) and DDP, MoD had **ample opportunity** to present their case through experienced Government Standing Counsels and legal experts at all judicial levels including CAT, High Courts, and the Hon'ble Supreme Court. It is a matter of record that **crores of rupees have already been spent** by the Government on litigation, while employees have also borne **substantial financial burden** in pursuing justice.
3. The final judgment dated 20.01.2026 has now **settled the issue conclusively** in favour of employees by interpreting Section 59(2) of the Factories Act, 1948. At this stage, the decision to file a Review Petition appears not only **legally untenable** but also contrary to the **principles of finality of litigation**.
4. It is further submitted that **more than 70% of the eligible employees have already been granted and are drawing the benefit of overtime allowance**, whereas **less than 30% of similarly placed employees**, who are non-petitioners, are being deprived of their legitimate dues. Such selective denial is clearly **discriminatory, unjust, and violative of the principles of equality**.
5. The decision to keep the payment of OTA arrears in abeyance has caused **widespread resentment and frustration** among the employees, pensioners, and even the families of

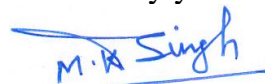
employees who have died in harness. It defeats the very spirit of justice that has been upheld by the Hon'ble Supreme Court.

6. In this context, a serious concern also arises as to whether the continued prolongation of litigation in such service matters is inadvertently encouraging **unnecessary legal processes**, contrary to the **National Litigation Policy**, which aims at:
 1. Reducing avoidable litigation;
 2. Ensuring timely implementation of court judgments;
 3. Promoting fair and equitable treatment of employees;
 4. Minimizing financial burden on the exchequer as well as employees.
7. It is most respectfully recalled that during the meeting held on **18.04.2025**, your good self had personally intervened and directed the concerned officers to liaise with the Learned Solicitor General for **early disposal of the matter**, which has culminated in the present judgment. In light of this, the present move to pursue a Review Petition appears to be **inconsistent with the spirit of your earlier directions**.
8. In view of the above, BPMS most earnestly and respectfully requests your good self to:
 1. **Intervene immediately** and review the decision of filing the Review Petition;
 2. **Direct that no Review Petition be pursued** in this matter;
 3. Issue **clear and unambiguous instructions** to all concerned authorities for **immediate disbursement of OTA arrears** to all eligible employees, including non-petitioners;
 4. Ensure that **pensioners and families of deceased employees** are also extended the benefit without delay;
 5. Prescribe a **time-bound implementation schedule** to restore confidence among the workforce.
9. Sir, timely and just action in this matter will not only uphold the dignity of judicial pronouncements but also reinforce faith of employees in the fairness of the administration and prevent avoidable industrial unrest.

We sincerely hope for your **personal intervention and expeditious decision** in the larger interest of justice, equity, and industrial harmony.

Thanking you,

Sincerely yours



(MUKESH SINGH)

Working President/BPMS &
Member, JCM-II Level Council (MOD)