

IMPORTANT CIRCULAR NO. 102 DATED 15/12/2015

Subject: Payment of Night Duty Allowance(NDA) at revise rates-Reg


CGDA Delhi Cantt. Letter No AT/II/2366/NDA-X dated 20 Nov'2015 along with copy of Pr. Controller of Accounts(Fys), 10/A, S. K. Bose Raod, Kolkata 700001 letter No. Pay/Tech-II/1206/NDA dated 05/10/2015 on the above subject is enclosed for your information and necessary action please. Claim of the NDA may be admitted as per guide line of CGDA's letter. The subject letter may be downloaded from CDA Guwahati website.

Sd/-
(T.C. GOGOI)
Sr. Accounts Officer

No.Pay/024/PC/97-III
Office of the CDA
Udayan Vihar, Narangi,
Guwahati 781 171
Dated:15/12/2015

Distribution:

- ✓ 1. EDP Section : for uploading in the Web Site of CDA Guwahati


(T.C. GOGOI)
Sr. Accounts Officer

Controller General of Defence Accounts
ULAN BATAR ROAD, PALAM, DELHI CANTT-110010

No.AT/II/2366/NDA-X

Dated: 20 Nov 2015

To

The PCDA (WC), Chandigarh

Subject: Payment of Night Duty Allowance (NDA) at revise rates-Reg

Reference: (1) PCDA (WC) letter No. Pay/II/Tech/94 dated 09.11.2015.

(2) CDA Patna letter No. Pay/Tech/0163/NDA/XVI dated
02/11/2015.

(3) CDA Guwahati letter No. Pay/024/PC/97-III dated
12.10.2015.

In this regard, a proposal received from PCA (FYS), Kolkata under their letter No. Pay/Tech-II/1206/NDA dated 05/10/2015, to arrive at the maximum ceiling of pay to determine the eligibility of an employee for payment of NDA, is forwarded herewith.

2. It is requested to review critically the proposal submitted by PCA (Fys) and forwarded to this HQ office duly consolidating the views of all the controllers' offices for further examination at this end.

3. Further, keeping in view of pressure from executives on the issue and to avoid any legal complication, the claims may be regulated based on pay & allowances drawn by them under VIth CPC. However, while regulating the claims, an undertaking may be obtained from the individual to the effect that in case of overpayment, if any, detected on receipt of final clarification on the issue would be recovered in lump sum.

This issues as directed by Jt. CGDA (AT-I).

—sd—
(V K Purohit)
For CGDA

1697.

15 DEC 2015

Copy to:


(1) The CDA, Patna

(2) The CDA, Guwahati

(3) PCA, (FYS), Kolkata

w.r.t to your letters cited under reference.
for similar action

w.r.t to your letter No. Pay/Tech-II/1206/NDA
dated 05/10/2015


(V K Purohit)
For CGDA

FAX/SPEED POST

Office of the Principal Controller of Accounts (FYs)
10-A, S.K. Bose Road, Kolkata - 70000

242

No. Pay/Tech-II/~~1206~~/NDA

Date: 05/10/2015

To
The CGDA
Ulan Batar Road, Palam,
Delhi cantt.-110010

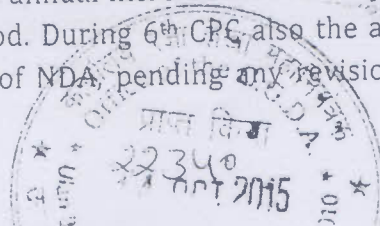
Subject: Payment of Night Duty Allowance (NDA) at revised rates to the eligible civilian employees working in the Establishments under the Ministry of Defence.

The copy of MoD letter No. 17(4)/2012/D (Civ-II) dated 8th May 2015 received under OFB letter No. 658/EFA/A/(NDA)/Per/Policy dated 14/05/2015 on the above subject has already been circulated to all Cs F & A (Fys) vide our letter no. pay/Tech-II/1206/07 dated 28/05/2015 for necessary action please. It was also instructed to all Cs F & A (Fys), vide our letter no. pay/Tech-II/1206/08 dated 29/05/2015 that the hourly rate for NDA is to be calculated on the basis of revised band pay plus Grade pay plus DA divided by 195 hours, being the total actual normal working hours in a month in Ordnance Factories and this revised rate is to be made effective w.e.f. 01/04/2007. However, it was further stated in the ibid order that other terms of conditions as stated in the original MoD order will remain same.

Now it may be stated that the last orders according to which NDA to OF 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/- pm irrespective of category or pay scale. It may be pointed out that at that time 4th CPC pay scales were in vogue. Later on when 5th CPC Pay Scales were introduced w.e.f. 01/01/96; - a question on revised ceiling limit of pay for NDA naturally arose. The matter was taken up with the ministry and the ministry vide their order dated 22-08-2001 instructed that notional pay in 4th CPC scale and the rate of increment attached to those pay scales are to be determined for calculation of NDA as also for determination of the ceiling limit for this purpose. These orders instead of a revision the NDA rates went on to stipulate that NDA to the eligible employees are to be paid based on the notional pay of the individual employees in the 4th CPC pay scales and with a DA percentage point that was effective on 31-12-95 (148%). These were even made applicable for employees who joined after 5th CPC scales came into existence. As a consequence, pay fixation for all promotions, ACP, MACP up-gradations etc. in r/o employees throughout last 20 years or so had to be done concurrently in 4th CPC scales also with annual increment for each year in addition to their normal pay scale for the relevant period. During 6th CPC also the above dispensation was followed for calculation and payment of NDA, pending any revision of NDA rates by the Govt.

Pc2/cs/NDA

1008
1.1.1



Contd.....p/2

Now, vide MoD letter No 17(4)/2012/D(Civ-II) dated **8th May 2015**, the Govt. has approved new rates for NDA to be calculated as per the applicable pay of 6th CPC structure and current DA rate thereon. However, all other terms and condition are stated to remain static. Therefore, the ceiling limit of pay to determine the eligibility of an employee for NDA is also understood to be applicable in current situation as well. Hence, comes the question of determining the applicable ceiling limit in the context of 6th CPC.

This office is of the view that the ceiling limit of basic pay at Rs. 2200/- was applicable only in the pay scales applicable for 4th CPC scales. The orders issued under Hqs office letter no. AT/II/2356/NDA-VII dated **14-7-1998**, MoD No. 11(8)/97/D (Civ-I) dated **24-03-1999** and 4(I)/97/D (Civ-I) dated **22-08-2001** also corroborates this idea. Therefore, determination of a new ceiling limit of pay is imperative for application of the new NDA rates, which is relevant to 6th CPC scales.

To approach this question this office has studied the formula for conversion of pay in each pay commission 4th, 5th and 6th. The exact formulae for conversion of pay in each of the last two Pay Commissions are different depending on the inputs and ground realities at that respective point of time. However, they are unique at one point – that is, both the Pay Commissions had worked out a normal conversion rate for general applicability to pre-revised pay scales with a few exceptions here and there for a few particular grade(s) which required special dispensation in their considered opinion.

For example, the normal conversion formula for 5th to 6th CPC was a multiplication factor of 1.86. In other words, pre-revised basic pay of an employee was multiplied by the factor 1.86 to arrive at his new pay in the pay band. Additionally he was given Grade Pay for the relevant post. **These two when added up become his new Basic Pay.**

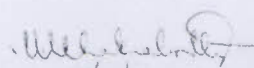
Therefore, keeping in view of all such factors of each Pay commission, it is proposed that the figure Rs. 2200/- may be first converted to the 5th CPC by the general conversion formulae. Likewise, the first conversion figure will be further converted to a notional 6th CPC figure using the conversion formula. This resultant figure should represent the new ceiling limit. An illustration to determine this figure is appended as Annexure-I. In this regard it may be mentioned here that during conversion of pay from 5th to 6th CPC the point to point fixation was made to arrive at the pay in the pay band of an employee. The Grade pay, commensurate with his Grade, is then added to arrive at his new Basic Pay. Accordingly, for a same amount of basic pay of different grades/posts in the pre-revised scale of 5th CPC would be converted to different basic pay (i.e, pay in the pay band + Grade Pay) in the 6th CPC structure because of difference in Grade Pay against each grade; although the quantum of 'Pay in the Pay Band' (Old BP x 1.86) may remain same. Therefore, fixing a ceiling limit in the revised structure including the grade pay may askew the base for comparison against those employees who have been found deserving by the pay commission and thus granted

2010


Other replacement Grades and Grade Pay. It is thus felt, fixing a ceiling limit considering revised basic pay (including Grade Pay) is deemed improper and such comparison goes against principle of equitable treatment across all employment categories. This may as well lead to widespread resentment amongst the industrial workers of OF Organisation.

Hence, the proposed ceiling limit is Rs. 12380/- (Pay in the Pay Band) as per Annexure-I. While making payment for NDA, an employee's pay in the pay band will be compared with that figure and if pay in the Pay Band is less than above limit then the employee will be eligible for NDA at current rates, otherwise not.

It is, therefore, requested to examine the matter and confirm the procedure proposed to be followed regarding admissibility of NDA as stated above or otherwise. It is further stated that pending decision from the Hqrs. office in this regard the ibid procedure will be followed as the MoD order dated 08/05/2015 is issued in satisfaction of CAT Jodhpur Bench order and delay in payment for ceiling limit may attract contempt petition and judicial strictures against the Government.


05/10/2015
Controller of Accounts (Fys)

Encls : (Annexure - I)


05/10

239

Annexure-I

Conversion of pay from 3rd CPC to 6th CPC

Basic Pay 4th CPC	DA (148% of BP) (1X148%)	1st IR	2nd IR (10% BP min 100) (1X10%)	Total Emolument (1+2+3+4)	40% of pre- revised BP (1X40%)	Basic Pay in 5th CPC (5-6)	Basic Pay X1.86 (7X1.86)	New Basic Pay in 6th CPC Grade Pay
1	2	3	4	5	6	7	8	9
2200	3256	100	220	5776	880	6656	12380.16	12380 + Grade Pay
Notification F.No. 50(1)/IC/97 dated 30.09.1997 F-AA							Gazette Notification No. 470 dated 29.08.2008 F/BB	