

INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

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Date:30.10.2020

Chairman & Chief Executive Officer

Railway Board
New Delhi

Sub: Payment of Night Duty Allowance (NDA) pursuant to the recommendations of 7th Central Pay Commission. – Appeal for removal of ceiling for entitlement of NDA.

Ref: 1) Railway Board letter No.E(P&A)II-2017/HW-1 (RBE No.83/2020) dated 29.08.2020.

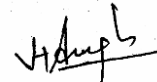
2) DoPT O.M. No.12012/4/86-Estt.(Allowances) dated 04.10.1989, Sub: Weightage for night duty – Recommendations of the IVth Pay Commission - regarding Government's decision thereon. (Copy enclosed as Annexure)

- 1) We would like to bring to your kind notice on ceiling of basic pay Rs. 43,600/- per month for entitlement of Night Duty Allowance as per Railway Board letter cited in reference -1. NDA is available to all Group 'C' and Group 'D' employees in Railways for past many decades.
- 2) Payment of Night Duty Allowance was dealt extensively by Justice NM Miabhoy Tribunal, which is also known as Railway Labour Tribunal, 1969 and the present dispensation is based on the recommendation of the said Tribunal.
- 3) In pursuance of recommendations of 4th CPC, a committee was constituted by DoPT to determine the rates of NDA. While implementing the committee's recommendations it was held in the DoPT O.M cited in reference-2 that **"The ceiling of pay for entitlement of Night Duty Allowance shall be Rs.2200/- per month. There will, however, be no ceiling for entitlement of Night Duty Allowance in respect of the officials who are at present getting this benefit as per existing criteria"**
- 4) 5th CPC in its recommendations in para 106.32 recommended for continuance of NDA to all Group 'C' & 'D' employees of Indian Railways and recommended that, **"the relaxation of the ceiling for Night Duty Allowance be restricted to only those categories presently availing themselves of this benefit. It may not be extended to any further categories. On all other aspects of Night Duty Allowance we recommend status quo."**
- 5) 6th CPC in its recommendations in para 4.2.87 recommended for doubling of extent rates of Night Duty Allowance without modifying any other criteria.
- 6) 7th CPC cited DoPT's O.M. No.12012/4/86-Estt. (Allowances) of 04.10.1989 (cited in reference-2) in para 8.17.73 as a base of its recommendations on Night Duty Allowance.
- 7) 7th CPC accepted that, compensation for night workers in the form of working time, pay or similar benefits shall recognise the nature of night work, there are deleterious effects of prolonged periods of continuous night duty and sleep is likely to be interrupted during day time compared to night time.

- 8) 7th CPC in para 8.17.76 discussed about the rate of NDA paid to all Railway Employees at each level of Grade Pay based on the average of Minimum and Maximum of the entire Pay Band and recommended that with the computerization of pay rolls, the amount of Night Duty Allowance can be easily calculated for each employee on actual basic pay drawn by them.
- 9) 7th CPC in para 8.17.77 recommended the following:
- 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.
- 10) 4th, 5th& 6th CPCs recommended rates of Night Duty Allowance for all Group 'C' & 'D' Railway employees without any ceiling and extended it to all the employees already in receipt of it.
- 11) 7th CPC recommended NDA based on actual basic pay, and extended it to all employees already in receipt of NDA.
- 12) Hence, fixing any ceiling of basic pay for entitlement of NDA is in violation of CPCs Recommendation.
- 13) All those working in Pay Level 7 are deprived. Even seniors in the Pay Level 5 and 6, whose basic pay have crossed the ceiling limit of Rs. 43,600 are deprived with respect to the juniors. There will be general aversion among seniors to work in night shift. This will ultimately affect the quality.
- 14) **It is therefore requested that, all the non-gazetted staff who are booked to perform night duty for round the clock train operation, irrespective of category, cadre, department, should be allowed to claim Night Duty Allowance without any upper pay ceiling, and orders of recovery should also be withdrawn forthwith.**

Thanking You

Yours faithfully,



(Harchandan Singh),
General Secretary, IRTSA

Copy for Kind information & n.a
Director General (HR), Railway Board, Rail Bhavan, New Delhi

No.12012/4/86-Estt.(Allowances)
Government of India
 Ministry of Personnel, P.G. & Pensions
 (Department of Personnel & Training)

New Delhi, the 4th Oct. 1989.

OFFICE MEMORANDUM

Subject:- Weightage for night duty – Recommendations of the IVth Pay Commission - regarding Government's decision thereon.

The undersigned is directed to say that in Paragraph 26.13 of its report, the IVth Pay Commission has recommended, as below, on the above subject:

"Government employees eligible for grant of various allowances are given 'Night Duty Allowance' or weightage for hours of work performed during night. It has not been possible for Govt. to introduce a uniform system of weightage for 'Night Duty' because the requirements of each organization are different. Suggestions have been received for prescribing uniform standard for 'Night Weightage' and 'night duty' hours. Government may consider the advisability of having the entire matter examined as it has various aspects and implications. In the meantime Govt. may refix the rates of night duty allowance".

2. In pursuance of the above recommendation, a Committee was constituted in the Deptt. of Personnel & Training associating representatives of the major employing Ministries/Departments, where the staff is required to perform night duty. After careful consideration of the Committee's recommendations, the President is pleased to decide as follows:-

- (i) Wherever the working hours have been arrived at after taking into account the night weightage factor, no further compensation may be admissible.
- (ii) Night Duty may be defined as duty performed between 22.00 hours and 6.00 hours.
- (iii) A uniform weightage of 10 minutes may be given for every hour of night duty performed.
- (iv) The ceiling of pay for entitlement of Night Duty Allowance shall be Rs.2200/- per month. There will, however, be no ceiling for entitlement of Night Duty Allowance in respect of the officials who are at present getting this benefit as per existing criteria.
- (v) Duty Allowance shall be computed as per the following formula:

(a) For continuous Night and intensive duty	Rates calculated on the basis of current rates of pay including DA & CCA divided by the number of working hours in a month. For administrative convenience, the pay scales may be fitted into convenient slabs at the option of the Department.
(b) For intermittent and excluded Class III.	2/3 rd of the rate worked out under (a) above

- (vi) Where in revising the pay scales of any category an improvement over replacement scale has been granted after taking into account night duty or where the night duty factor has

already been taken into account for grant of any allowance such as Nursing Allowance, in the case of Nurses, no further compensation may be allowed for night duty.

3. The existing orders on the subject in so far as they relate to night duty should be deemed to have been modified accordingly.
4. In respect of employees of Deptt. of Telecommunications and Deptt. of Posts, separate orders will be issued by the Min. of Communications.
5. These orders shall come into force w.e.f. 1.1.1986.
6. In so far as persons serving the Indian Audit and Accounts Deptt. are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.
7. Hindi version of these orders is enclosed.

Sd/-
(E. K. Sreedharan)
Under Secretary to the Govt. of India