

INDIAN RAILWAYS TECHNICAL SUPERVISORS' ASSOCIATION

(Estd. 1965, Regd. No.1329, Website <http://www.irtsa.net>)



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No:IRTSA/Memo-15

Date:24.09.2024

Dr. Jitendra Singh

Hon'ble Minister of State for Personnel, Public Grievances & Pension.

Respected Sir,

Sub: Removal of unjustified ceiling limit of Rs.43,600 for payment of Night Duty Allowance (NDA) to Railway Employees.

Ref: 1) DoPT O.M. No A-27016/02/2017-Estt (AL) dated 13.07.2020
2) Railway Board O.M. No.E(P&A)II-2017/HW-1, dated 19.11.2020.

1. Night Duty Allowance (NDA) is extended to all eligible non-gazetted Group-C Railway Employees across various grades and pay levels. Given the Railways' unique 24/7 operational requirements, which include demanding night shifts contrary to natural human rhythms, this allowance acknowledges the exceptional demands placed on employees. Notably, Railway operations during nighttime mirror daytime volumes, underscoring the organization's relentless commitment.
2. Miabhoj tribunal in 1969 and Pay Commissions from 2nd CPC to 7th CPC recommended for NDA for eligible non-gazetted Group-C & D Railway employees without prescribing any ceiling limit of basic pay for calculation of NDA.
3. The ceiling limit of basic pay Rs.43,600/- prescribed by DoPT O.M. dated July 13, 2020 for calculation of NDA demotivate Group-C Railway employees working in posts up to regular Pay level-8 and above Pay level-8 on MACPS.
4. (DoPT) O.M. dated July 13, 2020, imposed a ceiling limit of Rs. 43,600 for calculating Night Duty Allowance (NDA), which contradicts the 7th CPC recommendations and the Committee on Allowances' recommendations. The Committee on Allowances, chaired by the Finance Secretary, aimed to implement 7th CPC recommendations on NDA without modifications, and the government approved this implementation.
5. Through O.M No. E(P&A)II-2017/HW-1 dated 19.11.2020, the Railway Board urged the DoPT to remove the restrictive ceiling of Rs.43,600 on Basic Pay for calculating NDA, deeming it discriminatory and unjustified.
6. **We urge that non-gazetted Group-C Railway employees working in Pay Levels 1-8 (including MACPS/NFU upgrades above Level 8) receive NDA at ((Basic Pay + DA) / 200), as recommended by 7th CPC and approved by the Government.**

Thanking you

Copy for kind information and necessary action
1) Additional Secretary, DoPT, New Delhi.
2) Secretary, Railway Board, New Delhi.

Enclosure: One detailed Memorandum

Yours, truly

K.V.RAMESH
General Secretary, IRTSA
9003149578

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Hon'ble Minister of State for Personnel, Public Grievances & Pension.

Respected Sir,

Sub: Removal of unjustified ceiling limit of Rs.43,600 for payment of Night Duty Allowance (NDA) to Railway Employees.

Ref: Railway Board O.M. No.E(P&A)II-2017/HW-1, dated 19.11.2020.

1) We would like to bring to your kind notice payment of Night Duty Allowance (NDA) all the non-gazetted Railway employees 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 imposing any upper pay ceiling.

2) **Background on principles of payment of Night Duty Allowance (NDA) for Railway Employees**

2.1) **Pay Commissions' recommendations on Night Duty Allowance (NDA)**

- Night Duty Allowance (NDA) is granted to Railway Employees based on 2nd CPC recommendations from the year 1962.
- All subsequent Pay Commissions recommended for NDA for all Group-C & Group-D Railway Employees who are performing night duty and all other Central Government Employees.
- 3rd CPC accepted the recommendations of Railway Labour Tribunal 1969 (Miabhoj Tribunal), that night duty allowance should be granted to all Railway employees irrespective of their classification or irrespective of pay limit.
- 4th CPC recommended that, "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".
- 5th CPC recommended for continuance of NDA for all eligible Group-C employees upto apex scale of Rs.2375-3500, even though ceiling of Rs.2200 was followed for all other Central Government department employees. **5th CPC recommended for continuance NDA for all categories in Railways availing it at the time of its recommendations and not recommended any ceiling limit.**
- 6th CPC recommended that Railways to pay NDA allowances with reference to the minimum of pay in the pay band concerned along with the grade pay attached to the post.
- 7th CPC recommended for extending NDA for all employees who are in receipt of it and payment of NDA based on actual basic pay drawn by individual employees.

Recommendations of 3rd, 4th, 5th, 6th and 7th CPCs on Night Shift Allowance is given in the annexure.

2.2) DoPT & Railway Ministry's orders on NDA

- a) DoPT O.M No.12012/4/86-Estt.(Allowances) dated 04.10.1989 stated that, the ceiling of basic 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.
- b) RBE No 199/2008 dated 16.12.2008 (6th CPC) prescribed rates of NDA w.e.f. 01.09.2008 for continuous, intensive, excluded categories and work shop employees and for essential intermittent categories.
- c) RBE No. 14/2010 dated 18.01.2010 stated that all non-gazetted (Railway) staff with grade pay Rs.4600 & above would be eligible for NDA at the rate prescribed against Grade Pay Rs.4600.
- d) RBE No 36/2018 dated 08.03.2018(7th CPC) prescribed hourly rates of NDA equal to ((Basic Pay + DA) /200)) admissible to eligible categories of non-gazetted Railway employees.
- e) RBE No. 85/2022 dated 21.07.2022 stated that NDA may be granted to all eligible non-gazetted employees of Ministry of Railways up to Level-7 (including those who are granted the benefit of MACP in Level-8). However maximum basic pay for working out hourly rate of NDA shall remain Rs.43,600/. This instruction implemented provisionally w.e.f. 04.07.2022 i.e from the date of issue of approval by Ministry of Finance in the subject.

3) Report on Committee on Allowances submitted April-2017.

Analysis and Recommendations of the Committee: DoPT is the nodal Department for this allowance. In its comments, DoPT has informed that the Board of Arbitration in C.A. Ref No. 6 of 1995 had awarded that the ceiling of ₹2200/- per month may be removed. However, the Government has decided not to accept the Award and to move a Resolution in the Parliament to reject the Award. Also, the demand to include more categories in the ambit of this allowance is not within the remit of this Committee. **The recommendations of the 7th CPC on Night Duty Allowance may be accepted without any change.**

4) Railway Board O.M No E(P&A)II2017/HW-1 dated 19.11.2020 to DoPT

Railways requested DoPT to give liberty to Ministry of Railways to decide the issue prescribing pay ceiling for entitlement of NDA for Railway employees, to implement pay ceiling criteria for NDA on prospective basis in respect of Railway employees and consequent non recovery of NDA from those employees who have become ineligible for NDA due to NDA ceiling criteria, in consultation with Federations.

Railways further requested that, Railwaymen are working round the clock, including night hours which is strenuous and against the nature. **The rider which restricts the Basic Pay to Rs.43600 per month for calculating NDA rate is discriminatory and arbitrary and therefore, it is requested that the ceiling of Basic Pay Rs.43600 for entitlement of NDA be withdrawn.**

5) Issues on NDA for Railways Employees

- a) All Pay Commissions from 2nd to 7th CPCs recommended NDA for all non-gazetted Railway employees booked for night duty. All Pay Commissions recommended for continuance of NDA for Group-C Railway employees who are already getting NDA considering the nature of work of Railways without prescribing any ceiling limit.
- b) All Group-C Railway employees up to GP Rs.4600 attending Night Duty were paid NDA. Employees placed in GP 4800 & GP 5400 due to Financial Upgradation under MACPS.

- c) 7th CPC recommended for extending NDA for all employees who are in receipt of it and payment of NDA based on actual basic pay drawn by individual employees
- d) "Committee on Allowance" constituted to study the recommendations of 7th CPC on allowances recommended for acceptance of 7th CPC recommendations without any change.
- e) Railway Board vide RBE No 36/2018 dated 08.03.2018 prescribed hourly rates of NDA equal to ((Basic Pay + DA) /200)) admissible to eligible categories of non-gazetted Railway employees.
- f) DoPT restricted NDA calculation for the maximum basic pay Rs.43,600/.
- g) Through RBE No. 85/2022 dated 21.07.2022 Railway Board modified its earlier order stating that maximum basic pay for working out hourly rate of NDA shall remain Rs.43,600/.
- h) Highlighting exclusive nature of 24X7 working of Railway and genuine & strong representations made from staff side, Railways O.M No E(P&A)II2017/HW-1 dated 19.11.2020 to DoPT termed the rider which restricts the Basic Pay to Rs.43600 per month for calculating NDA rate is discriminatory and arbitrary and requested for withdrawing ceiling of Basic Pay Rs.43600 for entitlement of NDA.

6) **Demand**

We urge that non-gazetted Group-C Railway employees working in Pay Levels 1-8 (including MACPS/NFU upgrades above Level 8) receive NDA at ((Basic Pay + DA) / 200), as recommended by 7th CPC and approved by the Government.

Thanking you

Yours' truly



K.V.RAMESH
General Secretary, IRTSA
9003149578

Copy for kind information and necessary action

- 1) Additional Secretary, DoPT, New Delhi.
- 2) Secretary, Railway Board, New Delhi.

Annexure - Recommendations of various Pay Commissions on NDA

3rd CPC recommendations Chapter 61

51. On a further reference to the **Railway Labour Tribunal 1969 (Miabhoy Tribunal)**, it was decided that **night duty allowance should be granted to all Railway employees irrespective of their classification or irrespective of pay limit** and that the allowance should be calculated taking into account not only dearness allowance but also compensatory allowances (other than house rent). The present position, therefore, is night duty allowance is payable to all class III and class IV staff for work performed between 10 PM and 6 AM the weightage being 10 minutes for every hour of night duty.

4th CPC recommendations Chapter 26.13

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.

5th CPC recommendation para 106.32

We observe that the ceiling of Rs.2200 for the payment of NDA is not observed in Railways. It has been argued that in the interests of justice this ceiling be done away with for all the employees. We observe that Railways have had to lift this ceiling because of certain requirements specific to the organisation. Night Duty Allowance is at present available to all Group C & D staff in Railways. The need for the removal of the ceiling of Rs 2200 was felt in Railways as employees in scale of Rs.2375-3500 are also Group C and are eligible for Night Duty Allowance. Also in Railways we observed that promotion norms have been fixed on percentage basis and not on the worth of charge. In view of the above, **we recommend 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. The rates of NDA would improve substantially with the revision of pay.

6th CPC recommendations

4.2.81 The Commission recommends doubling of the extant rates of Cycle Allowance, Washing Allowance, Cash Handling Allowance, Special Allowance, **Night Duty Allowance** and Split Duty Allowance. Similarly, rates of allowances specific to different Ministries/Departments/Organisations not covered in this Report will also be doubled. The rates of these allowances will be increased by 25% every time the Dearness Allowance payable on revised pay scales goes up by 50%. Simultaneously, Machine Allowance should henceforth be withdrawn. Caretaking allowance is discussed in Chapter 3.8 on Common Categories.

7.36.97 A revised formula for computing these allowances (NDA) would, therefore, need to be evolved. One way to do this is to include this element in PRIS. In case, this is not immediately possible, **the Railways may pay these allowances with reference to the minimum of pay in the pay band concerned along with the grade pay attached to the post.** In the alternative, Railways may evolve some other suitable formula.

7TH CPC Recommendations

Night Duty Allowance

8.17.71 Night Duty Allowance (NDA) is granted to certain specified categories of employees for performance of duty between 22:00 hrs and 06:00 hrs. Presently, each hour of night work earns extra ten minutes of day work. There are demands to grant Night Duty Allowance between 18:00 hrs and 06:00 hrs and for doubling of rates by equating each hour of night work to extra twenty minutes of day work.

Analysis and Recommendations

8.17.72 This allowance was dealt extensively by Mia Bhoj tribunal in 1969 and the present dispensation is based on the recommendation of the said tribunal.

8.17.73 Presently, the allowance is administered as per DoPT's OM No.12012/4/86-Estt. (Allowances) of 04.10.1989, wherein every 6 hours of night work earns 1 weighted hour of day work, or each hour of night work earns extra 10 minutes of day work.

8.17.74 The Commission examined the various arguments given for the grant of Night Duty Allowance:

- Night Work Convention, 1990 of International Labour Organization, states in Article 8: "Compensation for night workers in the form of working time, pay or similar benefits shall recognise the nature of night work."
- There are studies to prove the deleterious effects on health of prolonged periods of continuous night duty.
- Sleep is more likely to be interrupted during day time compared to night time.
- Transportation and Entertainment are generally planned keeping day time in mind.

8.17.75 This Commission is, therefore, convinced that the need for compensating night work is widely recognized and should be continued.

8.17.76 However, the practice of arriving at the rates of NDA needs to be uniform. It is seen that in the Railways the rate of NDA has been broad-banded and all employees at each level of Grade Pay are given the same rate of NDA. For achieving this broad-banding, the average of Minimum and Maximum of the entire Pay Band has been taken to arrive at the average pay. This appears to be incorrect because running Pay Bands were intentionally kept wide by the VI CPC to avoid stagnation. Hence to use the extremities of the Pay Band for arrival at the average rate of NDA is not appropriate. Moreover, with the computerization of pay rolls, the amount of Night Duty Allowance can be easily calculated for each employee.

8.17.77 Taking the above into account, **the following set of recommendations is made with regard to NDA:**

The present formulation of weightage of 10 minutes for every hour of duty performed between the hours of 22:00 and 06:00 may be continued;

- The present prescribed hourly rate of NDA equal to $(BP+DA)/200$ may be continued;
- **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.**
- A certificate should be given by the supervisor concerned that Night Duty is essential.