

ALL INDIA DEFENCE EMPLOYEES' FEDERATION
BHARTIYA PRATIRAKSHA MAZDOOR SANGH
(RECOGNIZED FEDERATIONS OF DEFENCE CIVILIAN EMPLOYEES)
CONFEDERATION OF DEFENCE RECOGNISED ASSOCIATIONS

Joint Circular No. : 42/2021

Date : 18.10.2021

To,

All Affiliated Unions of
AIDEF, BPMS, AIBDEF and affiliates of CDRA

Issues on various service matters post Corporatisation of Ordnance Factories represented by Recognised Federations(AIDEF & BPMS) and CDRA.

The DDP is repeatedly stating that "till such time the employees remain on deemed deputation to the new entities they shall continue to be subject to all Rules & Regulations as are applicable to the Central Government Employees. Their payscales, allowances, leave, medical facilities, career progression and other service condition will also to be governed by the extant rules, regulations and orders as are applicable to the Central Government Employees". However after 01/10/2021 post Corporatisation of Ordnance Factories, the Corporations in violation of the existing Government Orders on various subjects like working hours, piece work profit ceiling etc., are taking unilateral decisions against the interest of the employees in total contravention of the Cabinet decision communicated vide DDP OM dated 24/09/2021.

In view of the above developments we have issued a detailed letter today to the Secretary(DP) bringing to his notice all the aberrations in contradiction of the Cabinet decision on the Service matters, which are taking place in the Ordnance Factories. A copy of our Joint Letter dated 18/10/2021 is enclosed herewith.



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 (RECOGNIZED FEDERATIONS OF DEFENCE CIVILIAN EMPLOYEES)
CONFEDERATION OF DEFENCE RECOGNISED ASSOCIATIONS

Ref. No. : 125/AIDEF/BPMS/CDRA /21

Date : 18.10.2021

To,

The Secretary (DP)Department of Defence Production
South Block. New Delhi.

Subject : Violation of DDP OM dated 24/09/2021 and Cabinet decision and the 7 Corporations taking unilateral decisions on a matter which is subjudice before the Hon'ble High Courts.

Reference : 1) Our Joint letter No.122/AIDEF/BPMS/CDRA/21, dated 07/10/21
2) Our Joint Letter No.123/AIDEF/BPMS/CDRA/21, DATED 07/10/2021 on the subject of functioning of IR machineries at Ordnance Factories and at Apex/National Level

Sir,

The above referred letters of ours is pending with DDP and till date neither we have received any response nor a meeting has been convened with us to discuss about the issues raised by us in the above letters.

In continuation of our above two letters we are writing this letter to inform you about the systematic and willful defiance of the commitments given by the Hon'ble Defence Minister and yourself in the meeting held on 16/07/2021 and 27/08/2021 and also mentioned in Para-5 of the DDP OM dated 24/09/2021 that the Government is committed to protect the service conditions of the employees of Ordnance Factories as applicable to the Central Government Employees, even after it has been converted into Corporation. You may recall that during all our discussion with you we have brought-out our apprehension on this and you have again assured us that nothing will be done to harm the service conditions of the employees. However, the happenings in the 7 Corporations after 01.10.2021 with regard to matters concerning the employees are totally in contravention to the decision taken by the Cabinet/DDP OM dated 24/09/2021 and the commitments given by the Ministry of Defence.

Unilateral change in the Weekly working hours of the employees of Ordnance Factories

There is a systematic attempt by the authorities in all the 7 Corporations to unilaterally alter the working hours of the employees in the factories to 44 $\frac{3}{4}$ Hrs.

In this regard in accordance with Government / OFB instructions the normal duty hours for all category of employees working in the factories are 44- $\frac{3}{4}$ hrs per week . Even the Honorable Supreme Court has struck down the MoD orders dated 05-11-1973 which stipulated 48 hrs working hours for 4 category of employees viz. Darwans, Gate Keepers, Fire Brigade Staff and Telephone Operators. Subsequently OFB vide its letter dated 5th June 1989 has clarified that the normal working hours of the Ordnance Factories are 44- $\frac{3}{4}$ hrs per week irrespective of the categories. Therefore in accordance with the Cabinet decision and the MoD OM dated 24-09-2021 since all the rules and regulations applicable to the Government employees will be equally applicable and the service conditions of the employees who are on deemed deputation would be protected, the corporations do not have any authority to change arbitrarily any of the service conditions including the working hours of the employees.

Overtime wages/Overtime Allowance is an inseparable part of the Wages of Ordnance Factory Employees

It is brought to your kind notice that payment on overtime working in the Ordnance Factories is an undivided part of the wages/salary of the employees for decades together. Hence, withdrawal of this age old system of overtime working without any prior discussion, notice or intimation by the Corporations is totally in violation of the commitment given by the Hon'ble Defence Minister as this will bring down the wages of workmen by 10 to 20% in each month.

Arbitrary withdrawal of piece work profit ceiling limit by TCL & Yantra India Ltd.,

In accordance with the Government orders while co-relating the piece work rates in the 6th CPC pay scale the maximum ceiling limit for earning piece work profit is kept as 75%. The proposal for co-relating the hourly rates of the piece workers in the 7th CPC pay scale w.e.f 01-01-2016 is pending with DDP for almost 4 years now. However the TCL and the Yantra India Ltd corporations have issued orders removing the ceiling limit of 75% piece work profit. We fail to understand that how the Corporations can amend the Presidential orders in this regard. This has been done only with an intention to exploit the workers.

Disturbances in the Medical facilities and patient care services in Ordnance Factories

Another area of concern is the availability of medical facilities to the employees of the 7 Corporations as the attached Hospitals to the Factories are now functioning directly under the Directorate of Ordnance (Coordination & Services) and are starving for money to even purchase the basic medicines for the employees. It is not understood that when the Government has committed to protect the service conditions of the employees, the employees are struggling to get their basic medical needs as per Ordnance Factories Medical Regulation Rules just after one week from the formation of Corporations. Moreover even Medical advances are not being paid on the plea of non-availability of funds. Final Medical claims are also kept pending for the same purpose.

The Ordnance Factory Hospitals and its employees are now directly placed under the Directorate of Ordnance (C&S). Since a meagre Five lakh rupees is only allotted to the hospitals , the hospitals are not in a position to procure the required medicines and issue to the employees and their family members. The General Managers of the Ordnance Factories where previously these hospitals were attached are also not prepared to provide any financial assistance to the hospitals on the plea that the hospitals are not under their control and budget has to be provided only by the Directorate of Ordnance (C&S). For eg. one of the major Ordnance Factory Hospital at HVF Avadi has been allotted only meagre amount of Rs.5 Lakhs, whereas the cumulative Expenditure of HVF Hospital alone works out to Rs.14.44 Crores and for the month of Oct. alone the Hospital requires Rs.66 Lakhs. Similar is the case with all Ordnance Factory hospitals

Ordnance Factory Hospitals have to give round the clock medical coverage to the employees and their families. For this purpose so far the employees (Nursing and Para Medical staff) were deployed on overtime. At present the DHS of Directorate of Ordnance have issued instructions that no hospital staff will be detailed on over time duties. Due to this the Medical Officers Incharge of these hospitals are forcing the employees to work 48 hrs in a week with the condition that no overtime wages would be paid and they should take off in lieu for the same. This is also against the Government instructions on the subject. Whenever employees are asked to work beyond the normal working hours 44-3/4 and upto 48 hours i.e for the period of 3 - ¼ hrs the employees have to paid overtime at Departmental rates (single rate) .

Difficulties in GPF withdrawals

In spite of the CGDA instructions that the Local Accounts Office will continue to process the cases of GPF withdrawals in many Factories the LAO's are not processing the GPF withdrawal claims and employees are not getting the GPF withdrawal. This is also a clear violation of the Cabinet decision on service matters. This needs to be settled urgently

Compassionate Grounds appointment

Compassionate Ground Appointment also stopped in all the Ordnance Factories w.e.f. 01/10/2021 on various pleas by the General Managers. Even cases which are Finalised till 30/09/2021, in their cases also appointment orders are not been issued and it is understood that the matter is referred to the respective Corporations. This clearly defeats the purpose of Compassionate Appointment and a clear violation of Cabinet decision.

Inter Factory / Inter Directorate transfer cases

A large number of transfer applications of Industrial Employees, NIEs, NGOs and JWMs requesting for transfer to sister Ordnance Factories and other Directorates within the MoD are pending and remaining unsettled due to Corporatisation. This needs to be settled.

Standstill of Industrial Relation Machineries

Another willful defiance of the assurance given by the Government is the unilateral decision taken by Directorate of Ordnance (C&S) to suspend functioning of JCM-IV Level Committee at Ordnance Factory, Medak in total violation of the existing service conditions and unmindful of the industrial relations in the factories. Moreover as already represented to you instructions are not yet issued for continuing the functioning of all IR Machineries (Factory level and OFB level), since all the Ordnance Factory Employees are Central Government Employees

Conclusion

In view of the above developments, there is an urgent need to restrain the authorities of 7 Corporations and Directorate of Ordnance (C&S) from taking unilateral decisions concerning the service conditions of the employees in contravention of the Cabinet decision/ Government order and commitments given by the Hon'ble Defence Minister and Secretary/DP in clear terms as

brought out above. **More so, when the entire matter is sub-judice, is it correct to take arbitrary decisions concerning service matters which will come for judicial scrutiny.**

The Federations cannot be mute spectators when the service conditions of the employees are altered without any authority and in violation of the commitments of Government in the matter. As this can have far reaching consequences in the industrial relations in the factories affecting production and productivity, necessary instructions may be given to all concerned to desist from such activities.

Hence, we once again request you to kindly do the needful and issue necessary instructions to the 7 Corporations on all the above mentioned issues including the functioning of IR machineries both at Factory and Apex/National Level, so as to remove the misgivings of the employees of Ordnance Factories with regard to their service conditions.

Thanking you,

Yours Sincerely,



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Copy to:

- 1) **The Defence Secretary**
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- 2) **The Director General Ordnance (C&S)**
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- 3) **The Chief Labour Commissioner (C)**
Ministry of Labor and Employment
New Delhi.

for kind information
and favourable action
please.

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