

EDP Local

OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS,
NO-1, STAFF ROAD, SECUNDERABAD - 500 009
PHONE-040-27843385, FAX-040-28717275

Pay Tech/4024/Overtime Allowance

Dt. 28/05/2018

C I R C U L A R

To

1. All offices and sub offices under CDA Secunderabad.
2. All AO GE offices Secunderabad & Visakhapatnam
3. Pay Sections I, II & III, CDA Secunderabad.
4. All units

Sub : Entitlement of Overtime Allowance Non-Industrial employees working under various Defence Industrial Establishments.

Ref : HQrs. CGDA Ltr. No. AT/II/2010/OTA/Vol-IX, dated 15.05.2018

* * *

The HQrs. CGDA Letter on the above subject received in this office vide the letter mentioned under reference is being circulated to all for information and necessary action.

DCDA(Pay) has seen.

Sr. Accounts Officer (Pay)

Encl. As above.

Government of India
Ministry of Defence
Department of Defence
D(Civ-II)

Subject: Overtime Allowance in respect of Non-Industrial employees working under various Defence Industrial Establishments

Reference letter No. CP(P)/2080/OTA/VII CPC dated 23rd Jan, 2018 and reminder of even number dated 02nd April, 2018 wherein it has been requested to issue necessary directives/clarifications to CGDA, New Delhi and PCDA(Navy) to continue the payment of Overtime Allowance to Non-Industrial employees working in industrial units.

2. In this regard, it is stated that MOD had issued OM No. 14(1)/97/D(Civ-II) dated 1st July, 1998 on the matter regarding payment of Overtime Allowance to the employees of Defence Industrial Establishments, in consultation with DoP&T and Ministry of Labour taking into account the provisions of the Factories Act, 1948. Subsequent to this OM, several revisions/clarifications have been made by MoD vide orders issued from time to time. As per these orders, the following categories of employees are entitled to Overtime Allowance:

- a) those employees of Defence industrial establishments who are "workers" within the meaning of the Factories Act, 1948; and
- b) those categories of "employees" of Defence Industrial establishments who come within the scope of Section 64 of the Factories Act, 1948.

These orders do not mention the term "Industrial/Non-industrial employees" and only the term "Workers" is used to denote the employees for grant of Overtime Allowance which is also the term used in the Factories Act, 1948.

3. Furthermore, Note 5 at page-12 of the MoD OM No. 14(2)/76/D(Civ-II) dated 25.06.1983 provides as under:

"Where under the relevant enactments of the State Legislatures, the term "worker" includes also the non-industrial staff in the industrial establishments, payment of overtime allowance will be regulated according to the provisions contained in those enactments."

4. In view of above, it is clarified that the Overtime Allowance to the categories of employees working under various Defence Industrial establishments as mentioned at para 2 above is admissible as per the orders issued by MOD from time to time, if the categories of employees are governed by Factories Act, 1948 within the scope of "workers".

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03/04/18



(Ashok Chakrapani)
OSD(CP Division)
Tel: 23014675

JDCP(Pay)/NHQ, First Floor, Talkatora Stadium, New Delhi
MoD ID No. 13(3)/2016/D(Civ-II) dated 24 April, 2018

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02 MAR 2018
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Defence Industrial Establishments

Copy to:

CGDA, Ulan Batar Road, Palam, Delhi Cantt-110010