



NATIONAL BUILDINGS CONSTRUCTION CORPORATION LIMITED
(A Government of India Enterprise)
"Committed to Customers' Delight"
Corporate Personnel & Industrial Relations Division

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No. 3(50)/2010-IR/

February 11, 2010

Shri H S Yadav
General Secretary
NBCC Executives Forum
Pragati Vihar
New Delhi

Dear Sir,

The issue of anomaly in pay fixation consequent to the revision of IDA Pattern and CDA Pattern wage structures has been taken up by NBCC Executives Forum as also large number of executives individually. The matter has been examined in depth and it is found that anomalies are solely on account of the following reasons:-

1. Certain employees were promoted in the year 2007 and brought under the IDA Pattern Pay Scales from CDA Pattern Pay Scales. In their cases, pay drawn by them under CDA, which stood revised on account of revision with effect from 01.01.2006, was fixed in the revised IDA Pattern pay scales. The benefit of 30% fitment allowance on basic and dearness allowance as on 01.01.2007 was not allowed to them as per the government guidelines. Thus, their pay in comparison to those who were promoted prior to 01.01.2007 is on the lower side.
2. Under the CDA Pattern, the scale of pay applicable to the post of AGM is Rs.37400-67000 + Grade pay of Rs.8700.00. (Total Rs.46100). The corresponding scale of pay under the IDA Pattern is Rs.32900-58000. Thus basic pay of a DGM on his promotion to the post of AGM in the CDA Pattern is fixed at Rs.46100, as on

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switch over to IDA Pattern, the basic pay cannot be fixed lower than Rs.46100. On the other hand basic pay of a DGM on IDA Pattern on his promotion to the post of AGM under the same pay will be fixed at Rs.32900 i.e. at a difference of Rs.13200 on the lower side. The anomaly arises on account of the manner the scale of pay under the CDA pattern and IDA Pattern are structured. Management has no role in this matter.

3. In one case of two Executive Directors, it is seen that senior ED is drawing lesser pay than the ED who is his junior. However, on scrutiny it is seen that a junior while under the CDA Pattern was already drawing higher pay than the ED who is senior and was all along under IDA Pattern. Similar instances have been noticed in other cadres also where the junior is drawing more pay for the same reason.
4. There are cases in which the anomaly in pay fixation arises due to drawl of increment in the month of March/September. In case junior is drawing increment in the month of March, his pay becomes higher than his senior whose increment is falls in the month of September.

All these anomalies are very unusual and their resolution is not covered under FR 22. These anomalies are on account of different pay structure each having its own peculiarity. For example, under the CDA Pattern, there is the element of grade pay which is non existent under the IDA Pattern. Under the IDA Pattern, there are elements of perquisites and the Performance Related Pay (PRP) which is inadmissible to those who are under the CDA Pattern. Thus, the perceived short fall in emoluments under the IDA Pattern – also branded as anomaly with respect to the CDA Pattern is made good by the element of perquisites and PRP.

Under the available rule, pay of a senior whose pay becomes lower than his junior can be brought at par with that of his junior subject of fulfillment of the following conditions:-

- (a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre.

- (b) The pre-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical, and
- (c) the senior Government servant promoted before 1-1-1986, has been drawing equal or more pay in the lower post than his junior promoted after 01.01.1986.
- (d) The anomaly should be directly as a result of the application of FR 22. For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments, the above provisions will not be invoked to step up the pay of the senior officer.

Since in all these cases of anomalies, conditions enumerated above are not fulfilled, there are no means of correction available with the Management to rectify these anomalies. However, cases listed in para 4 if covered by FR 22, shall be rectified.

This is for your information.

Yours faithfully

[R.R. Baisantry]
General Manager (Pers. & IR)



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No. 2(11)/2010-IR/211
2010

June 16,

All EDs/RBGs/SBGs/Unit Incharge.
NBCC Limited,

Sub : Contract Labour (R & A) Central Rules, 1971.

Ref : Letter No. 11013/1/2010-LW dated 28.5.10, from the Under Secretary,
Ministry of Labour & Employment, Government of India.

Sir,

We have been informed by the Under Secretary, Ministry of Labour & Employment vide letter dated 28.5.2010 that the Parliamentary Standing Committee on Labour (15th Lok Sabha) while deliberating on various issues relating to Contract Labour (Regulation & Abolition) Central Rules, 1971 has inter-alia, recommended certain measures to protect the interest of the Contract Labourers working with the contractors engaged by Public Sector Undertakings. Following measures need to be taken by all concerned in the Corporation at unit level also;

1. To find out the approximate number of Contract Labourers in order to ensure that the welfare schemes meant for them are tailored and implemented properly and effectively.

2. To ensure that a Contract Labourer who performs same or similar kind of work as that of regular workman is paid same wages and provided same service conditions. The practice of engaging labourers on adhoc, daily wages and contract basis to deprive the labourers of certain guarantees should be avoided.

Wherever, cases relating to engagement of Contract Labourers against permanent posts, allowing gender disparity in payment of wages, are noticed, the committee has recommended stringent and exemplary action against the employer. Further that a suitable clause should be added by the Principal Employer while awarding the contract stating that the contractor would provide social security to the labourers engaged by him at the same level as admissible to the regular employees.

3. To ensure equal remuneration for equal work without discrimination on account of gender as envisaged in the Equal Remuneration Act, 1976.

4. To ensure that contractors who have been debarred or whose licences have been cancelled/revoked for one reason or the other do not enter again in the stream in any manner by flouting the norms/rules. Computerised documents should be maintained at each Unit to ensure this.

In view of the above, it is impressed upon all the EDs/RBGs/SBGs/Unit Incharges to take appropriate action to ensure that the workers engaged by the Contractors / Sub-contractors are not Victimised. **Action Taken Report** may please be sent immediately for onward transmission to the Ministry of Labour & Employment, Govt. of India.

Thanking you,

Yours faithfully,

(S.K. SHARMA)
GENERAL MANAGER (HRM)

Copy to : The AGM to CMD/DGM to Dir(Proj.)/SEO to Dir (Fin.)/C.V.O./ED (HRM), NBCC Limited, HO, New Delhi.

GENERAL MANAGER (HRM)