

No. 38/18/2018-P&PW (A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated : 14.08.2020

OFFICE MEMORANDUM

Sub :- Waiver of recovery of wrongful/excess payments made to retired Government servants – regarding

The undersigned is directed to say that Hon'ble Supreme Court in the case of State of Punjab and Others Vs. Rafiq Masih (White Washer), etc. in C.A. No. 11527 of 2014 summarised a few situations wherein recoveries by the employers would be impermissible in law. One of these situations relates to recovery from retired employees or employees who are due to retire within one year of the order of recovery.

2. Based on the above judgment, Department of Personnel & Training has issued instructions vide their OM No. 18/03/2015-Esst. (Pay-I) dated 02.03.2016 that the issue of wrongful/excess payment made to Government servants may be dealt with in accordance with the decision of the Hon'ble Supreme Court in the above mentioned case. The instructions further provide that wherever the waiver of recovery in the situations mentioned in that OM is considered, the same may be allowed with the express approval of Department of Expenditure in terms of DoPT's OM No. 18/26/2014-Esst (Pay-I) dated 06.02.2014.

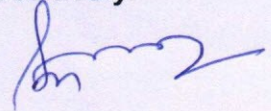
3. In order to examine the matter in its entirety, all Ministries/Departments and Pension Disbursing Banks are requested to provide the following information regarding excess payment of pension and other retirement benefits to the retired Government employees:

1. No. of retired employees from whom recovery of excess payment of pension and other retirement benefits has been made or is sought to be made by the Ministry/Department as well as its attached offices and subordinate offices.
2. No. of pensioners from whom recovery of excess payment of pension and other retirement benefits has been made or is sought to be made by the Pension Disbursing Bank.
3. Period of excess payment in each case and the date on which excess payment was noticed.
4. Amount of excess payment in each case.
5. Whether any court/CAT order has been received for waiver of recovery of excess payment in the light of the judgement of Hon'ble Supreme Court in

Rafiq Masih's case. If so, the details of such cases received in last three years (year-wise) and action taken on the order of court/CAT may be indicated

6. Whether any representation has been received for waiver of excess payment. If so the details of such representations received in last three years (year-wise) and action taken on the representations may be indicated.

4. All the Ministries/Departments are, therefore, requested to furnish the information sought in para 3 above to this Department **by 15.09.2020 positively.**



(R C Sethi)

Under Secretary to the Government of India

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To

1. Secretaries of All Ministries / Departments of Government of India
2. CPPCs of all Pension Disbursing Banks