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To,

All Addl. CPFCs in charge of Zones & PDNASS
All RPFCS in charge of ROs, NDC, ZTIs

Subject: Clarification regarding grant of Travelling Allowance, etc., to various persons during disciplinary proceedings

Sir/Madam,

Kind reference is invited to the captioned subject. This office is receipt of various references seeking clarification regarding grant of Travelling Allowance, etc., to various persons during disciplinary proceedings

2. In this regard, it would be relevant to refer to Rule 28 of EPF (CCA) Rules 1972 (inserted vide Gazette notification No. P.IV/2(6)84/CCA/Vol.II dated 18th May 2005), namely:-

" 28. **Saving Clause:** Government of India Department of Personnel & Training's instructions/ clarifications, issued from time to time with regard to CCS(CCA) Rules, 1965 shall also apply to the employees of Central Board mutatis mutandis so far as these rules relate to and are not inconsistent with any of the provisions of EPF Staff (CC&A) Rules, 1971."

3. Chapter 15 of Swamy's compilation of CCS (CCA) Rules contains orders regarding grant of Travelling Allowances, etc. to various persons during disciplinary proceedings. The same are reproduced below for easy referencing. In case of any typographical or any error, the original instructions as issued would prevail.

A. Serving Employees/Employees under Suspension

- (1) Journeys undertaken for appearing before Police/in Court-
- (3) Government servant under suspension attending departmental enquiry.
- (4) Payment of advance of T.A. for an official under suspension.-
- (5) T.A. for delinquent for perusal of documents

The provisions for the above are provided in Order (5) of Chapter 4, reproduced as under:-

Travelling Allowance entitlement.- (1) For appearing before Police and Court.-

The Government of India have had under consideration the question whether, and if so at what rates, travelling allowance should be allowed to Government servants in the following two types of cases:

(i) Where a Government servant, whether he is under suspension or not, performs journeys to attend Police / Special Police Establishment enquiry in connection with a case in which he is suspected to be involved.

(ii) Where a Government servant undertakes journeys during suspension for appearing in a Court of Law, as an accused, and is later on acquitted by the Court and reinstated in service or would have been reinstated in service but for death or his having attained the age of compulsory retirement or being allowed to retire voluntarily.

As regards cases of the first type, it has been decided that travelling allowance as for a journey on tour may be allowed to a Government servant for such journeys provided that they are performed under the direction of, or with the approval of, the Head of Office in which he is for the time being employed, or was employed before suspension.

As regards cases of the second type, it is observed that travelling expenses in respect of these journeys cannot form part of the claims for reimbursement of costs to be considered by the Union Public Service Commission under Article 320 (3) (d) of the Constitution. In view of this it has been decided that in respect of these journeys, travelling allowance as for a journey on tour, based on the grade to which the Government servant belonged before suspension may be reimbursed by the Administrative Ministry concerned, provided the legal expenses, incurred by him in defending such proceedings are reimbursed to him, in full or in part, under the aforesaid Article of the Constitution. In cases where the journeys were performed by Government servant by rail/steamer in a class lower than the class to which he was entitled before suspension, the fares of the class actually used, in addition to his other entitlements of travelling allowance as on tour, may be paid to him.

[G.I., M.F., O.M. No. 5 (13) IV/59, dated the 28th February, 1959, as modified by O.M. of even number, dated the 22nd July, 1960.]

(2) For journeys for perusal of documents.-It has been decided that TA as for a journey on tour including daily allowance for halts (restricted to maximum of three days only) may be allowed to the Government servants,

Whether on duty or on leave under suspension, for the journeys undertaken by them to the stations where the official records are made available. The T.A. will be allowed from the headquarters of the Government servant or from any other places where the Government servant may be spending his leave or where the suspended officer has been permitted on his own request to reside, but not exceeding what would be admissible had the journey been undertaken from the headquarters of the Government servant. The grant of the travelling allowance will be subject to the following further conditions:

(i) the inquiring officer certifies that the official records to be consulted are relevant and essential for the preparation of the defence statement;

(ii) the competent authority certifies that the original records could not be sent to the headquarters station of the Government servant or the bulk of the documents rules out the possibility of copies being made out, and sent; and

(iii) the Head of Office under whose administrative control the Government servant is, certifies that the journey was performed with his approval. It has also been decided that, in the case of officers not under suspension at the time of undertaking of the journey, the period spent in transit to and fro and the minimum period of stay required at the place where official records are made available for perusal should be treated as duty or leave, according as the officer is on duty or on leave at that time. In case of officers under suspension, who are subsequently reinstated in service, the period will be treated as duty, leave or otherwise in accordance with the orders passed by the competent authority.

[GL, M.F., O.M. No. F. 5 (79)-Estt. IV/59, dated the 20th October, 1959 and O.M. No. 19011/1/86-E. IV, dated the 1st April, 1987.]

(3) Grade for travelling allowance.- A Government servant's travelling allowance will be regulated by the grade to which he belonged prior to his suspension.

[Note below Supplementary Rule 153-A.]

(4) For attending departmental enquiry-A Government servant under suspension who is required to perform journey to attend the departmental enquiry may be allowed travelling allowance as for a journey on tour from his headquarters to the place where the departmental enquiry is held or from the

place at which he has been permitted to reside during suspension to the place of enquiry, whichever is less. No travelling allowance will, however, be admissible if the enquiry is held at the outstation at his own request. [Supplementary Rule 153-A.]

(5) T.A. when headquarters of a Government servant under suspension changed in public interest.- It has been decided that the competent authority can change the headquarters of a Government servant under suspension, if this is in the interest of public service; and that the Travelling Allowance of the Government servant in such cases should be regulated by the grade to which he belonged prior to the suspension vide Note below SR 153-A [item (3) above.]

[GL., M.F., U.O. No. 2818-E, IV (B)/60, dated the 30th July, 1960 to the A.G, C.R.]

(6) Advance of T.A.- Central Government employees under suspension, who are required to attend an inquiry in connection with their suspension, outside their headquarters may be paid advance of daily allowance in addition to advance of actual fare. The advance of daily allowance would be restricted to allowance admissible for the period of journey plus daily allowance for one day at the station of inquiry. In case, however, where the Inquiring Authority specifies the period for which presence of the Government servant is required, advance of daily allowance may be granted for such period.

[GL., M.F., O.M. No. 17 (2)-E. II (A)/85, dated the 28th August, 1985.]

(2) Appearance before the Inquiry Officer. A question has arisen regarding the admissibility of travelling allowance to a Government servant against whom an oral enquiry is held under the CCS (CCA) Rules, 1965, and who is required to proceed from one station to another to appear before the officer conducting enquiry. It has been decided that in such cases the Government servant concerned may be allowed T.A. as on tour under SR 154.

2. No travelling allowance will, however, be admissible to the charged person if the enquiry is held at a place other than his headquarters expressly at his own request.

[GL. M.F. O.M. No. F. 5 (30)-E. IV (BY/67, dated the 20th November, 1967.)

(6) T.A. to Defence Assistant for perusal of documents. A question has arisen whether rendering of assistance by a Government servant to a delinquent official in examining the documents and taking extracts there from is covered by the terms "present the case" used in Rule 14 (8) of the CCS (CCA) Rules, 1965. It has been decided in consultation with the Ministries of Home Affairs and Law that the rendering of such assistance is covered by the term "present the case" used in Rule 14 (8) of CCS (CCA) Rules, 1965, and that inspection of documents is a part of enquiry under the rules ibid, for which an enquiring authority is appointed by the disciplinary

authority. It has been held further that presentation of a case under Rule 14 (8) *ibid* means presentation with the help of all documents which will be useful to contradict or disprove the evidence adduced on behalf of the Government and as such for any journey undertaken to present the case in this sense will entitle the Government servant rendering such assistance to another Government servant to T.A., in accordance with Instruction No. (7).

[D.G, P. & T., Letter No. 16-9/66-PAP, dated the 31st January, 1968.]

(7) T.A. to Witnesses, Presenting Officer and Defence Assistant.-The following instructions are issued to regulate the payment of travelling and other expenses to persons appearing as witnesses in Departmental Inquiries, set up by the Government of India.

1. Every person, whether he is a Central or State Government servant or not, who is called to give evidence in a departmental inquiry by either the Government or the Government servant against whom the inquiry is being held, shall be entitled to payment of travelling and other expenses as laid down in these instructions.

2. The Officer or Board holding the inquiry shall furnish a certificate to every person appearing before him or it to give evidence.

3. (i) Where the witness is a Central Government servant, he shall be entitled to receive, in respect of the attendance before the authority holding the departmental inquiry, from the Department or Ministry under which he is serving for the time being, payment of a travelling allowance as on tour under SR 154.

(ii) Where the Government servant is called in the departmental inquiry to give evidence as to facts which have come to his knowledge in the discharge of his public duties, the minimum time required to be spent by him on the journey to and from the place where the inquiry is held and the days on which he is required to remain present before the authority holding the inquiry shall be treated as duty:

Provided that if the Government servant is on leave, the entire time spent shall be treated as a part of the leave and he shall not be deemed to have been recalled to duty.

(iii) Where a Government servant is called by any authority holding the departmental inquiry to give evidence as to facts which have come to his knowledge at a time when he was not in Government service, he may be paid travelling allowance as provided in sub-rule (1).

4. Where the witness is a State Government servant, he shall be entitled to receive, in respect of the attendance before the authority holding the departmental inquiry, from the State Government such travelling allowance and/or daily allowance as may be admissible to him under the rules applicable to him in the behalf in respect of a journey undertaken on tour and the amount so paid shall be paid by the Central

Government to the State Government, who shall raise a debit in respect thereof against the Central Government.

5. Where a person who has been a Government servant is called to give evidence as to facts which have come to his knowledge in the discharge of his public duties, before any authority holding a departmental inquiry, such person shall be entitled to claim from the Ministry or Department under whom the Government servant, against whom the enquiry is being held, is for the time being serving, travelling allowance under SR 190.

6. The foregoing instructions shall also apply to a person nominated by the Disciplinary Authority to present the case in support of the charge before the authority holding the departmental inquiry, or assisting the Government servant against whom the inquiry is held in presenting his case, as provided. Such person shall be granted a certificate by the authority holding the Departmental Inquiry.

7. All expenditure on travelling allowance paid to a Government servant under these instructions shall be charged to the head of account to which such Government servant's salary is debitable.

[GL, M.H.A., Letter No. F. 16/122/56-AVD, dated the 18th August, 1960.]

B. Retired/Dismissed Employees

(8) T.A. for attending departmental enquiry against him on retirement. A retired Central Government servant required to attend Departmental Enquiry instituted against him may be allowed travelling allowance as on tour by the shortest route for the journey in connection with the enquiry from his "home town" (declared as such for the purposes of the Leave Travel Concession to Central Government servants) to the place of enquiry and back. Alternatively, in case the person concerned has taken up residence after retirement at a place other than his "home town" he may be allowed travelling allowance for journeys from such place of residence to the place of enquiry and back. The place of residence means the place for which post-retirement T.A. claim was drawn or the place (Bank/Treasury) from which pension is being drawn. However, if at the time of receipt of summons, the retired Government servant is at a place different from his "home town" or place of residence, the travelling allowance should be restricted to the shorter of the two journeys between that place to the place of enquiry and the "home town" place or residence to the place of enquiry.

The travelling allowance shall be regulated in accordance with the pay of the post held by the retired Government servant immediately prior to retirement.

No advance of travelling allowance should, however, be paid in connection with such journeys.

[GL, M.F., U.O. Note 3221-E. IV (B)/61, dated the 20th November, 1961.]

(9) T.A. for attending departmental enquiry by Government servants after removal/dismissal or compulsory retirement from service.- The question was under consideration whether and, if so, at what rates, travelling allowance should be allowed to a Central Government servant who is removed/ dismissed or compulsorily retired from service as a penalty in cases, where, under the orders of the appellate or reviewing authority, it is decided to hold a further/ de novo departmental enquiry and the Government servant is required to attend such enquiry. It has been decided that the Government servant concerned may be allowed travelling allowance as for a journey on tour from the place where the summons to attend the enquiry reaches him to the place of enquiry and back but not exceeding that to which he would be entitled, had he performed the journey from his home town to the place of enquiry and back. The travelling allowance may be regulated in accordance with the pay of the post held by the Government servant immediately before his removal / dismissal or compulsory retirement.

[GL., M.F., O.M. No. 19012/1/80-E. IV, dated the 19th April, 1980.]

(10) T.A. for perusal of documents. It has been decided that retired Government servants may be allowed Travelling Allowance as on tour, including daily allowance for halts (restricted to a maximum of three days only), for undertaking journeys to outstations for perusal of official documents in preparation of their defence against disciplinary proceedings instituted against them. The T.A. claims in such cases will be restricted to one to-and-fro rail fare, in respect of one such case, by the class to which the retired Government servant was entitled immediately prior to retirement, by the shortest route between the place of residence/declared place of residence up to which retirement T.A. has been availed of/place from where the journey has actually been performed and the place where the documents are kept, whichever is less and daily allowance will be admissible as indicated above. The grant of Travelling Allowance will also be subject to the condition that the Inquiring Officer certifies that the official records to be consulted are relevant and essential for the preparation of the defence statement.

2. These orders take effect from the date of issue.

[GL., M.F., O.M. No. 19011/1/86-E. IV, dated the 5th March, 1987.]

(11) T.A. for attending Court in judicial proceedings against him.- It has been decided that the retired Government servants against whom judicial proceedings are instituted by the Government after retirement and have to attend such cases in the Court of Law from outstations may be allowed T.A. on tour (including daily allowance for halts), for the journey they have to perform from their home town / place of residence to the place of judicial proceedings in terms of (8) above, as in the case of departmental enquiry, if they are honourably acquitted by the Court.

These orders take effect from the date of issue.

[GL., M.F., O.M. No. 19011/1/84-E. IV, dated the 16th April, 1985, and dated the 25th February, 1987.]

(12) T.A. for appearing as Defence Assistant.- In the matter of payment of travelling and other expenses to the retiring Government servant assisting a Government servant in disciplinary proceedings, the instructions contained in Order No. (7) will apply. The retired Government servant concerned will be deemed to belong to the grade of Government servants to which he belonged immediately before his retirement for the purpose of these instructions

The expenditure on account of travelling and other expenses will be borne by the Department or office to which the delinquent Government servant belongs.

[GI, M.H.A., (Department of Personnel), O.M. No. 35014/1/77-Ests. (A), dated the 24th August, 1977]

(13) T.A. for attending Courts of Law in departmental cases. It has been decided that a retired Government servant who is summoned by a Court of Law for giving evidence in departmental cases as to facts which have come to his knowledge in the discharge of his duties while in service, or who is called upon by the Government to present its case or to act as complainant on its behalf may be allowed. T.A. as on tour (including daily allowance for halts) for the journeys he has to perform in that connection.

2. Travelling allowance, in such cases, will be restricted to the shortest route, by the entitled class prescribed for the post last held by him, under the orders in force at the time of the journeys, between the place of residence / declared place of residence up to which retirement travelling allowance has been availed of/place from where the journey has actually been performed and the place whether the proceedings are held, whichever is less. The grant of T.A. will also be subject to the production of a certificate from the summoning Court that the retired Government servant has not been paid T.A. from the Court. T.A./D.A. will be drawn from the Department on whose behalf or at whose request he attends the hearing. No T.A. advance will be paid in connection with such journeys. All other terms and conditions regarding regulation of T.A./D.A. to Government servants as revised from time to time, will also be applicable in such cases of retired Government servants.

3. These orders take effect from the date of issue.

[GL, M.F., No. 19011/1/87-E. IV, dated the 15th July, 1987.]

(14) **T.A./D.A./Honorarium to retired Government Officers appointed as Departmental Inquiry Officers.** As per Government of India Order No. 5 below SR 154, there is a provision to allow T.A. to witnesses, Presenting Officers and Defence Assistant but there is no express provision relating to payment of T.A./ D.A. to retired Government Officer appointed as an 'Inquiry Officer'. This may be that normally the serving Government Officers are appointed as the Inquiry Officers. Some

Departments have raised a question as to what rate of T.A./D.A. is to be allowed to the retired Government Officers appointed as Inquiry Officers under the CCS/CCA Rules.

2. The question has been considered in this Department and it has been decided that the retired officers appointed as Departmental Inquiry Officers should be given the same T.A./D.A., as he/she was entitled to immediately prior to retirement.

[GL., M.F., O.M. No. F. 19016/1/99-E. IV, dated the 16th August, 1999.]

C. Private Persons

(15) T.A. for appearing as Prosecution or Defence witnesses.-1. It has been decided that the procedure for the payment of T.A./D.A. laid down in GL., M.F., O.M. No. 9 (19)-E. IV (B)/67, dated the 2nd December, 1967 (reproduced in Appendix to Swamy's Compilation of FR and SR) shall apply mutatis mutandis in the case of private persons appearing as prosecution or defence witnesses in departmental enquiries including those conducted by the Commission of Departmental Enquiries.

2. If an enquiry is held by a Ministry / Department other than the Ministry/ Department under whom the Government servant, against whom the enquiry is held, is for the time being serving, the Ministry / Department holding the enquiry will make on the spot payment of T.A./D.A. to a private person called as a witness in a departmental inquiry and bear the charges in relaxation of the general instructions contained in Para. 5 of Instruction No. (7).

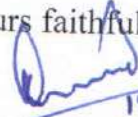
3. In the cases where the enquiry is ordered by an Administrative Ministry/ Department to be conducted by a Commissioner of Enquiries, who is an officer of the Central Vigilance Commission, the Commissioner conducting the enquiry will determine the grade to which the witnesses may be considered to belong for the purpose of T.A./D.A. under SR 190 (a) and the expenditure on T.A./D.A. of the witnesses will be debited to the Central Vigilance Commission and not to the Ministry/Department to which the enquiry relates.

[GL., M.F., O.M. No. F. 5 (15)-E. IV (B)/68, dated the 15th September, 1969.]

4. These extant instructions as applicable are circulated herewith for your reference.

(This issues with approval of ACC(HQ) Legal)

Yours faithfully,



(Navendu Rai)

(Regional P.F. Commissioner-I, Legal)

Copy to- All ACC(HQ)s, ACCs RPFCs, EPF Headquarters for information