

F. No. 02-16/2017-PAP
 Government of India
 Ministry of Communications
 Department of Posts
 [Establishment Division/P.A.P. Section]

Dak Bhawan, Sansad Marg,
 New Delhi – 110001.

Dated: 31st August 2023

To,

1. All Chief Postmasters General
2. All Postmasters General
3. Sr. Deputy Director General (PAF), Department of Posts
4. All General Managers (Finance)
5. All Directors/Deputy Directors of Accounts (Postal)
6. Director, RAKNPA/Directors of All PTCs

Sub: Recovery of wrongful/excess payments made to Governments Servants - regarding.

Sir/Madam,

I am directed to forward herewith copy of the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training Memorandum No. 18/03/2015-Estt (Pay-I) dated 03.10.2022 on the subject cited above for information and taking further necessary action.

Signed by Ravi Pahwa

Date: 31-08-2023 10:14:24

Reason: Approved
 (Ravi Pahwa)

Assistant Director General (GDS/PCC/PAP)

Phone – 011-2309 6629

E-mail- adgestt2@indiapost.gov.in

Copy forwarded to:-

1. Sr.PPS to Secretary (Posts) / Sr.PPS to Director General Postal Services
2. PPS/ PS to Addl. DG (Co-ordination)/ Member (Banking)/ Member (O)/ Member (P)/ Member (Planning & HRD)/ Member (PLI)/ Member (Tech)
3. Additional Secretary & Financial Adviser
4. Chief General Manager, BD Directorate/Parcel Dte/PLI Directorate
5. Sr. Deputy Director General (Vigilance) & CVO / Sr. Deputy Director General (PAF)
6. Director General P&T (Audit), Civil Lines, New Delhi
7. Secretary, Postal Services Board/ All Deputy Directors General
8. Chief Engineer (Civil), Postal Directorate
9. All other Sections of Postal Directorate
10. All recognized Federations/ Unions/ Associations
11. GM, CEPT for uploading the order on the India Post website
12. Guard File.

No. 18/03/2015-Estt (Pay-I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Dated 3 October, 2022

OFFICE MEMORANDUM

Subject: Recovery of wrongful/excess payments made to Government Servants.

The undersigned is directed to invite attention to the D/o Personnel & Training (DoPT)'s OM No 18/03/2015-Estt (Pay-I) dated 02.03.2016 on the subject mentioned above (copy enclosed).

2. Recently, the Hon'ble Central Administrative Tribunal (CAT), Lucknow Bench, while hearing the OA No. 302/2022 (Atul Chandra Srivastava Vs Uof & Ors.) and OA No. 303/2022 (Mohammad Irshad Vs Uof & Ors.) has passed an interim Order dated 20.07.2022 expressing concern over the mistakes/clerical faults on the part of Ministries / Departments / Offices leading to incorrect fixation of pay etc., which result in excess payments being made to the Government Servants.

3. The Hon'ble Tribunal in its Order dated 20.07.2022 referred to the judgment dated 18.12.2014 of the Hon'ble Supreme Court in CA No. 11527 of 2017 (arising out of SLP C No.11684 of 2012) State of Punjab & Ors Vs Rafiq Masih (White Washer) etc. and instructions issued vide DoPT's OM no 18/03/2015-Estt.(Pay-I) dated 02.03.2016 in light thereof. In its judgment, the Hon'ble Supreme Court identified five situations wherein recovery of excess payment made would be impermissible in Law. One of the situations where recovery of excess payment has been decided to be impermissible relates to the employees belonging to Class-III and Class-IV Service (or Group 'C' and Group 'D' Services). The Hon'ble Tribunal has noted that the applicants in both the cases under consideration are Group 'C' employees and the law in this regard has already been laid down in the judgement dated 18.12.2014 of the Hon'ble Supreme Court and subsequent instructions issued vide DoPT's OM dated 02.03.2016.


4. In this context, it is observed that the time taken by the Ministries/Departments/Offices to discover mistakes/clerical faults in pay fixation of their employees is highly avoidable. The situation of overpayments occurs on account of erroneous calculation of payments due to an employee. If not detected in time, amount becoming due for recovery due to these excess payments keep accruing. In many cases, these overpayments come to notice of the administrative authority at a very late stage resulting in substantial amounts becoming due for recovery. However, in the wake of the

Order dated 18.12.2014 of the Hon'ble Supreme Court referred above, these recoveries are to be considered for waiver in the types of cases identified therein. As a result, the administrative authorities concerned are compelled to explore other alternatives available to recover the amount involved or seek approval of the D/o Expenditure to waive off the same in accordance with the procedure prescribed in this Department's OM dated 02.03.2016 read with the instructions contained in DoPT's OM No 18/26/2011-Estt (Pay-I) dated 06.02.2014.

5. The matter has been examined in consultation with the D/o Expenditure. It is advised that –

- i. Ministries / Departments / Offices may exercise extreme caution and take suitable measures while handling pay fixation of their employees as also in other cases involving payments so as to ensure that such lapses/mistakes do not occur;
- ii. Pay fixation orders issued due to grant of MACP/ACP/financial upgradation/ increment/ promotion etc. may necessarily be audited by the internal audit and/or the Pay & Accounts Office concerned within 3 months of issuing such orders; and
- iii. In cases where the employee is due to retire within next 4 years, audit of previous pay fixation orders shall be done on priority.

6. Hindi Version will follow.


(Shukdeo Sah)

Under Secretary to the Government of India
Tel. No.011-23090489

To

All Ministries/Departments of Government of India.

Copy also forwarded to:

1. The Comptroller & Auditor General of India.
2. Secretary General, Supreme Court of India.
3. Controller General of Accounts/ Controller of Accounts, Ministry of Finance.
4. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Sectt./ Cabinet Sectt./ Central Vigilance Commission/ President's Sectt./ Vice-President's Sectt/ Prime Minister Office/ Niti Aayog.
5. Government of all States and Union Territories
6. Department of Personnel and Training (AIS Division)/ JCA/ Admn. Section
7. Secretary, National Council of JCM (Staff Side), 13-C, Feroz shah Road, New Delhi.

8. All Members of Staff Side of the National Council of JCM/ Department Council.
9. All Officers/ Sections of Department of Personnel and Training/ Department of Administrative Reforms & Public Grievances/ Department of Pensions & Pensioners' Welfare/ PESB.
10. Joint Secretary (Pers.), Department of Expenditure, Ministry of Finance
11. Additional Secretary (Union Territories), Ministry of Home Affairs.
12. NIC, DOPT – with request to upload this O.M. on the Department's website under OMs & Orders (Establishment—Pay Rules) and also under "What is New".
13. Hindi Section, DoPT for Hindi Translation.