

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD**

RBE No. 154/2022

No. 2022/F(E)II/6/3

dated 17.11.2022

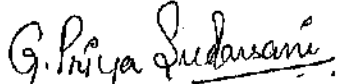
The General Manager
All Indian Railways and Production Units
(As per standard list)

Sub: Recovery of wrongful/excess payments made to Government Servants--reg.

Instructions/Guidelines on recovery of wrongful/excess payments made to Government Servants were issued by DoP&T vide their OM No. 18/26/2011-Estt(Pay-I) dated 06.02.2014 and OM No. 18/03/2015-Estt.(Pay-I) dated 02.03.2016 which were adopted/circulated on the Railways vide Board's letter No. 2016/F(E)II/6/3 dated 22.06.2016.

2. Now, DoP&T, in consultation with Ministry of Finance (Department of Expenditure), have issued certain instructions vide their OM No. 18/3/2015 -Estt(Pay-I) dated 03.10.2022 on the above subject. These instructions shall apply mutatis-mutandis to Railway employees also.

3. Please acknowledge receipt.

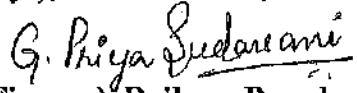

(G. Priya Sudarsani)
Director, Finance(Estt.)
Railway Board

DA: DoP&T's O.M. (2 pages)

No. 2022/F(E)II/6/3

dated 17.11.2022

Copy to Deputy Comptroller and Auditor General of India (Railways), Room No.222, Rail Bhavan, New Delhi.


For Member (Finance), Railway Board.

No. 2022/F(E)II/6/3

dated 17.11.2022

Copy forwarded to Principal Financial Adviser, All Indian Railways, Production Units etc.

Contd/....2

No. 2022/F(E)II/6/3

dated 17.11.2022

1. The G.M, N.F Railway(Const.), Southern Railway (Const.) and Central Railway (Const.)
2. PFA, N.F. Railway (Const.), Central Railway (Const.) and Southern Railway (Const.)
3. The Director General and Ex-officio General Manager, RDSO/ Lucknow.
4. The General Manager and PFA, Metro Railway/Kolkata.
5. The CAO and PFA, COFMOW/New Delhi.
6. The General Manager and PFA, CORE/Allahabad.
7. The Director General, Railway Staff College/Vadodara.
8. The CAO(Const.), MTP (R) / Mumbai.
9. The CAO(Const.), MTP(R) /Chennai.
10. The Executive Director, CAMTECH/Gwalior-474020.
11. The Chairman, RCT/Principal Bench, 13/15, Mall Road, Delhi.
12. The Chairman, RRT, Chennai - 600008.
13. The Director, IRICEN/Pune, IRIEEN/Nasik Road,IRIMEE/Jamalpur, IRISSET/Secunderabad.
14. The Managing Director, IRCON, IRFC, MRVC, IRWO, IRC&TC, CONCOR of India Limited, Executive Director, CRIS.
15. The Chairman –cum-Managing Director, KRC Limited, Rail Bhavan, New Delhi, Office of the Chief Project Administrator (Telecom), Indian Railway Central Organisation for Telecom (IRCOT) Consultancy, Shivaji Bridge/ New Delhi.
16. The Director(Movement) Railways/Kolkata.
17. The Joint Director, Mil Rail, Ministry of Defence.
18. The Joint Secretary, Iron & Steel, 3 Koilghat Street/Kolkata.
19. Chief Mining Advisor, Ministry of Railway, Dhanbad, Bihar.
20. The Chairman, RCC, Lok Sabha Secretariat/New Delhi.
21. The Chairman,RRB/Ajmer, Ahmedabad, Allahabad, Bangalore, Bhopal, Bhubaneshwar, Chandigarh, Chennai, Kolkata, Jammu, Gorakhpur,Guwahati, Malda, Mumbai, Muzaffarpur, Patna, Ranchi, Secunderabad, and Trivandrum.
22. The Pay & Accounts Officer, Ministry of Railways (Railway Board).
23. The General Secretary, IRCA/New Delhi.
24. The Chief Commissioner of Railway Safety/Lucknow.
25. The Editor, " Bharatiya Rail".
26. The Editor " Indian Railways".
27. Chairman, RITES.
28. Chairman, CAT.
29. Computerised Facilitation Counter, Room No.5, Near Gate No.1, Rail Bhavan, New Delhi.
30. The Managing Director, Rail Vikas Nigam Ltd., Plot No. 25, First Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi- 110 066.
31. CAO(C), SEC Railway, Bilaspur-495004.
32. The CAO, RCF, Raebareli Project, Kishanganj, Delhi-7.
33. The Executive Director/ERP, Railway Board, Room No. 339A, Pragati Maidan Metro Station Building Complex, New Delhi.

Copy forwarded to:

1. The General Secretary, NFIR, Room No. 256-E, Rail Bhavan, New Delhi.
2. The General Secretary, AIRF, Room No. 253, Rail Bhavan, New Delhi.
3. The Members of the National Council, Departmental Council and Secretary, Staff Side, National Council, 13-C, FerozeShah Road, New Delhi.

For Secretary/Railway Board.

Contd/....3

No. 2022/F(E)II/6/3

dated 17.11.2022

1. The Secretary General, FROA, Room No. 256-A, Rail Bhavan, New Delhi.
2. The Secretary, RBSS, Group 'A' Officers Association, Rail Bhavan, New Delhi.
3. The President, Railway Board Class-II Officers' Association, Rail Bhavan, New Delhi.
4. The Secretary General, IRPOF, Room No. 268, Rail Bhavan.
5. The President, Indian Railway Class II Officers' Association, Rail Nilayam, Secunderabad.
6. General Secretary, Indian Railway Class II Officers Federation, Office of CE(Const.), N.E. Railway, Gorakhpur.
7. The Secretary, Railway Board Ministerial Staff Association, Rail Bhavan, New Delhi.
8. The Secretary, Railway Board Class IV Staff Association, Rail Bhavan, New Delhi.
9. The General Secretary, All India RPF Association, Rail Bhavan, New Delhi.
10. The General Secretary, All India SC/ST Railway Employees Association, Room No.8, Rail Bhavan, New Delhi - 110001.

Copy to:- PPS/PS/PAs to: CRB, FC, MS, MT, ME, MTR, MRS, DG(RHS), DG(RPF), All AMs/ PEDs/ EDs/ Directors, IG/RPF, IG/RPSF, JS, JS(G), JS(E), JS(P), JDE(N), JDE(P&A), JDE(L), JDE(W), DS(G), DDF(E)I, DDF(E)III, DDE(LR)I, DDE(LR)-II, DDE(Rep), US(Protocol) and DDE (R)II.

Copy to: Cash-I, II & III, E(P&A)I & II, E(G), Budget, PG, PC-IV, V, & PC VI, G(Acc.), F(E)II, F(E)III & F(E)Spl., O&M, E(Trg.), E(GR)I, E(GR)II, Sec.(E), Sec.(Spl.), Protocol Cell, ERB-I, II, III, IV, E(O)I, II, III, E(GP), E(GC), Accounts-III, Code Revision Cell, E(Rep) & C&IS Branches, Railway Board.

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 3rd 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 Uol & Ors.) and OA No. 303/2022 (Mohammad Irshad Vs Uol & 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.