



कार्यालय महाप्रबन्धक (कार्मिक), पूर्वोत्तर रेलवे/गोरखपुर -273012
Office of the General Manager (P), N. E. Railway Gorakhpur-273012

क्रमांक -118

आर.बी.ई.सं.-154/2022

File No.: NER-HQ0PERS(POLI)/106/2021-O/oSPO/HQ/HQ/NER Computer No: 60189 दिनांक 29.11.2022

सचिव /महाप्रबन्धक

सचिव /अपर महाप्रबन्धक

सभी विभागाध्यक्ष

सभी मण्डल रेल प्रबन्धक

सभी कार्मिक अधिकारी

सभी मुख्य कारखाना प्रबन्धक

सभी अतिरिक्त मंडलाधिकारी /स्थापना

पूर्वोत्तर रेलवे

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

रेलवे बोर्ड के पत्र 2022/F(E)II/6/3 (RBE No.154/2022) Dated 17.11.2022 की प्रतिलिपि सूचना
मार्गदर्शन एवं आवश्यक कार्यवाही हेतु संलग्न कर प्रेषित की जा रही हैं ।

संलग्नक / यथोपरि ।

(हरखन कुमार सिंह)
सकाधि/एमपीपी
कृते महाप्रबन्धक/कार्मिक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1) महामंत्री/एन.ई.रेलवे मजदूर यूनियन/गोरखपुर ।
- 2) महामंत्री/प्रमोटी अधिकारी संघ/पूर्वोत्तर रेलवे/गोरखपुर ।
- 3) पूर्वोत्तर रेलवे प्रथम श्रेणी अधिकारी संघ/ गोरखपुर ।
- 4) महामंत्री/एस.सी./एस.टी.एवं ओबीसीएशोसियेशन/ गोरखपुर ।

कृते महाप्रबन्धक/ कार्मिक



कार्यालय महाप्रबन्धक (कार्मिक), पूर्वोत्तर रेलवे/गोरखपुर -273012
Office of the General Manager (P), N. E. Railway Gorakhpur-273012

क्रमांक -118

आर.बी.ई.सं.-154/2022

File No.: NER-HQ0PERS(POLI)/106/2021-O/oSPO/HQ/HQ/NER Computer No: 60189 दिनांक 29.11.2022

सचिव /महाप्रबन्धक

सचिव /अपर महाप्रबन्धक

सभी विभागाध्यक्ष

सभी मण्डल रेल प्रबन्धक

सभी कार्मिक अधिकारी

सभी मुख्य कारखाना प्रबन्धक

सभी अतिरिक्त मंडलाधिकारी /स्थापना

पूर्वोत्तर रेलवे

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

रेलवे बोर्ड के पत्र 2022/F(E)II/6/3 (RBE No.154/2022) Dated 17.11.2022 की प्रतिलिपि सूचना
मार्गदर्शन एवं आवश्यक कार्यवाही हेतु संलग्न कर प्रेषित की जा रही हैं।

संलग्नक / यथोपरि।

(हरखेन कुमार सिंह)

सकाधि/एमपीपी

कृते महाप्रबन्धक/कार्मिक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1) महामंत्री/एन.ई.रेलवे मजदूर यूनियन/गोरखपुर।
- 2) महामंत्री/प्रमोटी अधिकारी संघ/पूर्वोत्तर रेलवे/गोरखपुर।
- 3) पूर्वोत्तर रेलवे प्रथम श्रेणी अधिकारी संघ/ गोरखपुर।
- 4) महामंत्री/एस.सी./एस.टी.एवं ओबीसीएसोसियेशन/ गोरखपुर।

कृते महाप्रबन्धक/ कार्मिक

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

RBE No. 154/2022

dated 17.11.2022

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

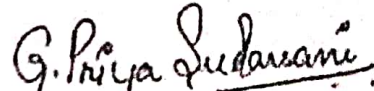
The General Manager
All Indian Railways and Production Units
(As per standard list)

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.

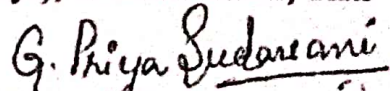

(G. Priya Sudarsani)
Director, Finance(Estt.)
Railway Board

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. 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 5 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.

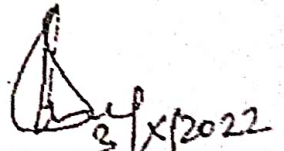
4. In this context, it is observed that the time taken by the Ministries/Departments/Offices to discover mistakes/clerical faults in pay fixation of their employees is highly avoidable. The situation of overpayments occurs on account of erroneous calculation of payments due to an employee. If not detected 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.