

F.No.1/1/2013-DDO-I | 366 .
Government of India
Ministry of Water Resources
Central Water Commission

New Delhi, 7th April 2014

OFFICE ORDER

Following the recommendations of the Sixth Central Pay Commission, OM No.21(2)/2008-E-II(B) dated 29th August 2008 (**Annexure-I**) issued by the Department of Expenditure governs the grant of Transport Allowance to Central Govt employees. As per this OM, all officers drawing Grade Pay of Rs 5400 & above are entitled to draw Transport Allowance per month at the rate of Rs 3200 + DA thereon or Rs 1600+DA thereon, depending upon which city they are posted in.

2. Above cited OM further articulates under its Para (3) that *Officers drawing grade pay of Rs 10,000 & Rs 12000 and those in HAG+ scale, who are entitled to the use of official car in terms of Department of Expenditure OM No. 20(5)-E.II (A)/93 dated 28th January 1994 (**Annexure-II**) shall be given the option to avail themselves of the existing facility or to draw the Transport Allowance at the rate of Rs 7,000 per month + DA thereon.* It is further clarified that in terms of OM dated 28th January 1994, the officers of the level of **Joint Secretary and above** are entitled to the use of official car.

3. From (2) above, Officers at the level of Director or Equivalent in CWC, notwithstanding the fact that they are placed in the grade pay of Rs 10,000 in PB-4 under the scheme of pay parity with IAS officers, are not entitled to the use of official car. And therefore, in such cases, provision of Para (3) of OM dated 29.08.2008 does not apply so long as they continue as Director or equivalent. For further detail, the OM issued by Department of Expenditure, vide F.No.21(2)/2008-E-II(B) dated 5th March 2009 (**Annexure-III**) may be referred to.

4. Considering above, it is evident that in case of Officers at the level of Director or Equivalent in CWC, Transport Allowance is admissible at the rate of Rs 3200 + DA thereon or Rs 1600 + DA thereon (Pl refer to Para (1) above).

All concerned are hereby instructed to ensure the compliance of this order with immediate effect. While ensuring its compliance, the officers shall take due notice of DoPT's OM vide F.No.18/26/2011-Estt (Pay-I) dated 6th February 2014 (**Annexure-IV**) which deals with the recovery of wrongful/excess payment made to Government servants.

Urgent

9/7/14

SMB

713
9/4/14

9/4/14
(Anup Kr Srivastava)
Secretary, CWC

Copy for information and necessary action to:

1. PPS to Chairman, CWC
2. PPS to Member (WP&P) / Member (D&R) / Member (RM)
3. All Chief Engineers
4. All Superintending Engineers
5. All DDOs with instruction to ensure compliance of this order, and will submit a copy of action taken report to Accounts Officer of CWC, New Delhi without delay.
6. All Establishment Sections
7. Accounts Officer, CWC
- ✓ 8. DD(SMD) – for uploading on the website of CWC
9. US (Admn.), MoWR
10. US (E-I), MoWR
11. US (O&M), CWC – guard file.

21(2)/2008-E-II(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 29th August, 2008

OFFICE MEMORANDUM

Subject: Grant of Transport Allowance to Central Government employees.

The undersigned is directed to say that consequent upon the decisions taken by the Government on the recommendations of the Sixth Central Pay Commission, the President is pleased to decide that in modification of this Ministry's O.M. No. 21(1)/97-EII (B) dated 3.10.1997, the Central Government employees shall be entitled to Transport Allowance at the following rates:-

Employees drawing grade pay of	Rate of Transport Allowance per month	
	In 13 cities [#] classified as A-1/A earlier.	Other places
Grade pay of Rs.5400 & above.	Rs. 3200+DA thereon	Rs. 1600+ DA thereon
(i) Grade pay of Rs. 4200, Rs.4600 and Rs.4800	Rs. 1600+DA thereon	Rs. 800+ DA thereon
(ii) those drawing grade pay below Rs.4200 but drawing pay in the pay band equal to Rs.7440 & above.		
Grade pay below 4200 and pay in the pay band below Rs. 7440.	Rs.600+DA thereon	Rs.400+DA thereon

Hyderabad(UA), Delhi(UA), Bangalore(UA), Greater Mumbai(UA) Chennai(UA), Kolkata(UA), Ahmedabad(UA) Surat(UA), Nagpur(UA), Pune(UA) Jaipur(UA) Lucknow(UA) and Kanpur(UA).

2 The grant of transport allowance shall be subject to the following conditions:-

- The blind or orthopaedically handicapped employees in terms of this Ministry's orders vide OM No 21(1)/97-E-II(B) dated 3.10.1997 shall continue to draw this allowance at double the normal rates, which shall, in no case, be less than Rs. 1,000/- per month plus the applicable rate of dearness allowance. The other conditions of O.M. No. 19029/1/78-E-IV(B) dated 31.8.78, related to grant of conveyance allowance to blind and orthopaedically handicapped Central Government employees shall remain unchanged.
- The allowance shall not be admissible to those employees who have been provided with the facility of Government transport.
- The condition contained in para 3(ii) of O.M. No. 21(1)/97 E-II(B) dated 3.10.1997 by which the grant of Transport Allowance to employees provided with official accommodation within one kilometer of office or within a campus housing the place of work and residence was disallowed, **has been withdrawn.**
- In respect of those employees who opt to retain their pre-revised scales of pay, the corresponding Grade Pay of the pay scale/corresponding pay scale of the post occupied on 1.1.2006 as indicated in CCS(Revised Pay) Rules, 2008 would determine the allowance under these orders.

ANNEXURE - I

(v) These orders will apply to all civilian employees of the Central Government. The orders will also apply to the civilian employees paid from the Defence Service Estimates. In regard to Armed Forces Personnel and Railway employees, separate orders will be issued by the Ministry of Defence and Ministry of Railways, respectively.

3. Officers drawing grade pay of Rs. 10,000 & Rs. 12000 and those in the HAG + Scale, who are entitled to the use of official car in terms of O.M. No. 20(5)-E-II(A)/93 dated 28.1.94 shall be given the option to avail themselves of the existing facility or to draw the Transport Allowance at the rate of Rs. 7,000/- p.m. plus dearness allowance thereon.

4. In so far as the persons serving in the Indian Audit & Accounts Department are concerned, this order issues in consultation with the Comptroller & Auditor General of India.

5. **The order shall take effect from September 1, 2008.**

6. Hindi version will follow.

Madhulika Prasad

(Madhulika P. Sukul)

Joint Secretary to the Government of India

To,

All Ministries and Departments of the Government of India etc. as per standard distribution list.
Copy forwarded to C&AG and UPSC etc. (with usual number of spare copies) as per standard endorsement list.

केन्द्रीय जल आयोग
CENTRAL WATER COMMISSION

ANNEXURE - II

No.F.20(5)-B.II(A)/93.
Government of India
Ministry of Finance
(Department of Expenditure)

New Delhi, the 26th January, 1994.

1st Magh, 1915(B.S.).
OFFICE MEMORANDUM

~~Subject: Staff Car Allowance~~ by senior officers of the Government of India, Heads of Departments of the Central Government in the field in the Senior Administrative Grade and above and Chief Executives of Statutory/Autonomous bodies.

In partial modification of this Ministry's Office Memoranda No.F.3(16)-B.II(A)/84-(1), (2) and (3) dated 20th and 21st February, 1985 and No.F.1(42)-B.II(A)/87, dated 1st June, 1990 respectively, officers of the rank of Joint Secretary and above who desire to avail of the facility of the use of the staff cars for journeys from residence to office and back shall now pay at the following rates:-

Joint Secretaries. Rs.100/- per month.

Additional Secretary and above. Rs.125/- per month.

The above charges are to be recovered every month from the salary of the officers who avail of this facility.

2. The rates of recovery for the use of staff car for private purposes by officers of the rank of Secretary to the Government of India and above upto 500 kms. per month shall now be as under:-

1) For cars upto and including 16 H.P. Rs.350/- per month.
11) For cars above 16 H.P. Rs.450/- per month.

The provisions of para (1) of this O.M. will apply mutatis mutandis to Heads of Departments of the Central Government in the Senior Administrative Grade and those of para (2) to the Chief Executives of Statutory/Autonomous bodies.

3. In so far as the officers serving in the Indian Audit & Accounts Department are concerned, these orders have been issued in consultation with the Comptroller & Auditor General of India.

4. This order will take effect from 1.2.1994.

5. Hindi version of this O.M. is enclosed.

B. K. Singh
(D. S. S.)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA.

- To
1. All Ministries/Departments of the Govt. of India, etc.
 2. All Financial Advisers.

No.F.20(5)-B.II(A)/93.

Copy forwarded to C.A.A.O. (with spare copies) and U.P.B.C., etc. etc. as per standard endorsement list.

A. K. Prasad
(ANURADHA PRASAD)
UNDER SECRETARY TO THE GOVT. OF INDIA.

F.No.21(2)/2008-E-II(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, dated the 5th March, 2009.

OFFICE MEMORANDUM

Subject: Rate of Transport Allowance in the case of officers of All-India/Group 'A' Services appointed at the Centre on deputation basis as Directors/equivalent.

Officers belonging to All-India/Group 'A' Services appointed on deputation basis as Directors/equivalent at the Centre under the Central Staffing Scheme or on deputation to the Centre outside the Scheme are entitled for Transport Allowance @ Rs.3200 p.m. + DA thereon. It is clarified that such officers will continue to be entitled for Transport Allowance @ Rs.3200 p.m. + DA thereon as long as they continue as Director/equivalent at the Centre, notwithstanding the fact that they may have been granted non-functional upgradation to the next higher grade pay of Rs.10000 under the scheme of grant of non-functional upgradation to officers of All-India Services/Organized Group 'A' Services in PB-3 and PB-4 linked to the posting of IAS officers at the Centre introduced as a result of Sixth CPC's recommendations.

2. All Administrative Ministries, etc. are requested to bring this to the notice of their P&AOs.



(R. Prem Anand)

Under Secretary to the Government of India

To:

All Ministries/Departments of Government of India as per standard mailing list

Copy to:

All FAs (by name)

F. No. 18/26/ 2011-Estt (Pay-I)
 Government of India
 Ministry of Personnel, PG and Pension
 Department of Personnel and Training

North Block, New Delhi,
 Dated the 6th February, 2014

OFFICE MEMORANDUM

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

The undersigned is directed to say that the issue of recovery of wrongful/excess payments made to Government servants has been examined in consultation with the Department of Expenditure and the Department of Legal Affairs in the light of the recent judgement of the Hon'ble Supreme Court in *Chandi Prasad Uniyal And Ors vs State Of Uttarakhand And Ors*, 2012 AIR SCW 4742, (2012) 8 SCC 417, decided on 17th August, 2012. The Hon'ble Court has observed as under:

15. We are not convinced that this Court in various judgments referred to hereinbefore has laid down any proposition of law that only if the State or its officials establish that there was misrepresentation or fraud on the part of the recipients of the excess pay, then only the amount paid could be recovered. On the other hand, most of the cases referred to hereinbefore turned on the peculiar facts and circumstances of those cases either because the recipients had retired or on the verge of retirement or were occupying lower posts in the administrative hierarchy.

16. We are concerned with the excess payment of public money which is often described as "tax payers money" which belongs neither to the officers who have effected over-payment nor that of the recipients. We fail to see why the concept of fraud or misrepresentation is being brought in such situations. Question to be asked is whether excess money has been paid or not may be due to a bona fide mistake. Possibly, effecting excess payment of public money by Government officers may be due to various reasons like negligence, carelessness, collusion, favouritism etc. because money in such situation does not belong to the payer or the payee. Situations may also arise where both the payer and the payee are at fault, then the mistake is mutual. Payments are being effected in many situations without any authority of law and payments

have been received by the recipients also without any authority of law. Any amount paid/received without authority of law can always be recovered barring few exceptions of extreme hardships but not as a matter of right, in such situations law implies an obligation on the payee to repay the money, otherwise it would amount to unjust enrichment.

2. Hon'ble Supreme Court also distinguished the cases like *Shyam Babu Verma v UOI*, 1994 SCR (1) 700, 1994 SCC (2) 52, *Syed Abdul Qadir and Ors. v. State of Bihar and Ors.*, (2009) 3 SCC 475, *Sahib Ram v. State of Haryana*, 1995 Supp (1) SCC 18 etc., where it had not allowed recovery of excess payment in view of the peculiar facts and circumstances of those cases so as to avoid extreme hardship to the concerned employees, for example, where the employees concerned were mostly junior employees, or they had retired or were on verge of retirement, the employees were not at fault, and recovery which was ordered after a gap of many years would have caused extreme hardship.

3. In view of the law declared by Courts and recently reiterated by the Hon'ble Supreme Court in the above cited case, *Chandi Prasad Uniyal And Ors vs State Of Uttarakhand And Ors*, 2012 AIR SCW 4742, (2012) 8 SCC 417, the Ministries/Departments are advised to deal with the issue of wrongful/excess payments as follows:

- i. In all cases where the excess payments on account of wrong pay fixation, grant of scale without due approvals, promotions without following the procedure, or in excess of entitlements etc come to notice, immediate corrective action must be taken.
- ii. In a case like this where the authorities decide to rectify an incorrect order, a show-cause notice may be issued to the concerned employee informing him of the decision to rectify the order which has resulted in the overpayment, and intention to recover such excess payments. Reasons for the decision should be clearly conveyed to enable the employee to represent against the same. Speaking orders may thereafter be passed after consideration of the representations, if any, made by the employee.
- iii. Whenever any excess payment has been made on account of fraud, misrepresentation, collusion, favouritism, negligence or, carelessness, etc., roles of those responsible for overpayments in such cases, and the employees who benefitted from such actions should be identified, and departmental/criminal action should be considered in appropriate cases.
- iv. Recovery should be made in all cases of overpayment barring few exceptions of extreme hardships. No waiver of recovery may be allowed without the approval of Department of Expenditure.
- v. While ordering recovery, all the circumstances of the case should be taken into account. In appropriate cases, the concerned employee may be allowed to refund the money in suitable installments with the approval of Secretary in the Ministry, in consultation with the FA.

- vi. Wherever the relevant rules provide for payment of interest on amounts retained by the employee beyond the stipulated period etc as in the case of TA, interest would continue to be recovered from the employee as heretofore.


(Mukesh Chaturvedi)

Deputy Secretary to the Government of India
Phone No. 23093176

To

All Ministries/ Departments (as per standard list)

Copy also forwarded to:

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2. Secretary General of Lok Sabha Sectt. / Rajya Sabha Sectt.
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4. Controller General of Accounts/Controller of Accounts, Ministry of Finance.
5. Governors of all States/Lt. Governors of all Union Territories.
6. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
7. All Members of Staff Side of the National Council of JCM/ Departmental Council.
8. All Officers / Divisions / Sections of Deptt. of Personal & Training / Deptt. of Administrative Reforms & Public Grievances / Department of Pensions & Pensioners Welfare/ PESB
9. Joint Secretary (Pers.), D/o Expenditure, Ministry of Finance.
10. Additional Secretary (Home), Ministry of Home Affairs.
11. Director NIC, DoPT- for uploading on the web site of the Department under Establishment "Pay Rules".
12. 25 Spare copies.

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CENTRAL WATER COMMISSION

