

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 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