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भारत सरकार
GOVT. OF INDIA



भारतीय सर्वेक्षण विभाग
SURVEY OF INDIA
महासर्वेक्षक का कार्यालय
SURVEYOR GENERAL'S OFFICE
हाथीबड़कला एस्टेट डाक बक्स सं-37
Hathibarkala Estate, POST BOX o.37,
देहरादून-248001 (उत्तराखण्ड)-भारत।
DEHRADUN-248001(Uttarakhand)-INDIA

No.B- 1471 /1117-Pension Rules/Adalat

Dated 21 August, 2020

To,

Addl. SG's : Central Zone, Jabalpur/Eastern Zone, Kolkata/ IIS&M, Hyderabad/ North Eastern Zone, Shillong/ Northern Zone, Chandigarh/ Printing Zone, Hyderabad/ Southern Zone, Bangalore/Specialized Zone, Dehra Dun/ Western Zone Jaipur.

The Directors : Andhra Pradesh GDC/ Assam & Nagaland GDC/ Bihar GDC/ Chhattisgarh GDC / East Uttar Pradesh GDC / Gujarat, Daman & Diu GDC / Himachal Pradesh GDC/ Jharkhand GDC/ Jammu & Kashmir GDC/ Karnataka GDC/ Kerala & Lakshadweep GDC/ Madhya Pradesh GDC/ Maharashtra & Goa GDC/ Meghalaya & Arunachal Pradesh GDC/ National GDC/ Orissa GDC/ Punjab, Haryana & Chandigarh GDC/Rajasthan GDC/ Survey(Air) & Delhi GDC/ Tamil Nadu, Pondicherry and Andaman & Nicobar Island GDC/Tripura, Manipur & Mizoram GDC/ Uttarakhand & West UP GDC/ West Bengal & Sikkim GDC./ Geodetic & Research Branch/GIS & Remote Sensing Directorate/ Map Archival & Dissemination Centre/Digital Mapping Centre/Southern Printing Group/Eastern Printing Group/Western Printing Group/Northern Printing Group.

SUB :Waiver of recovery of wrongful/excess payments made to retired Government servants-regarding.

Please find enclosed herewith a copy of Ministry of Personnel, PG & Pensions, Department of Pension & Pensioners' Welfare, New Delhi,s OM No.38/18/2018-P&PW(A) dated 14.08.2020 received in this office by e-mail on dated 20.08.2020 is forwarded herewith for your information and necessary action please. You are requested to furnished the information sought in para 3 of the OM latest by 31.08.2020. Nil report is also requested please.

This may be treated **as urgent** please.

Enclosure : As above.

(Col. S.K. SARKAR)
Deputy Surveyor General & DAF
Surveyor General's Office

Copy to:-

1. Senior Accounts Office, C.P.&A.O., Dehra Dun for information.
2. Regional Pay & Accounts Officer, Jaipur/Hyderabad/Kolkatta for information.
3. Estt.& Accounts Officer(A), SGO for information and necessary action pl.

No. 38/18/2018-P&PW (A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated : 14.08.2020

OFFICE MEMORANDUM

Sub :- Waiver of recovery of wrongful/excess payments made to retired Government servants – regarding

The undersigned is directed to say that Hon'ble Supreme Court in the case of State of Punjab and Others Vs. Rafiq Masih (White Washer), etc. in C.A. No. 11527 of 2014 summarised a few situations wherein recoveries by the employers would be impermissible in law. One of these situations relates to recovery from retired employees or employees who are due to retire within one year of the order of recovery.

2. Based on the above judgment, Department of Personnel & Training has issued instructions vide their OM No. 18/03/2015-Esst. (Pay-I) dated 02.03.2016 that the issue of wrongful/excess payment made to Government servants may be dealt with in accordance with the decision of the Hon'ble Supreme Court in the above mentioned case. The instructions further provide that wherever the waiver of recovery in the situations mentioned in that OM is considered, the same may be allowed with the express approval of Department of Expenditure in terms of DoPT's OM No. 18/26/2014-Esst (Pay-I) dated 06.02.2014.

3. In order to examine the matter in its entirety, all Ministries/Departments and Pension Disbursing Banks are requested to provide the following information regarding excess payment of pension and other retirement benefits to the retired Government employees:

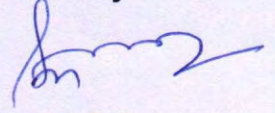
1. No. of retired employees from whom recovery of excess payment of pension and other retirement benefits has been made or is sought to be made by the Ministry/Department as well as its attached offices and subordinate offices.
2. No. of pensioners from whom recovery of excess payment of pension and other retirement benefits has been made or is sought to be made by the Pension Disbursing Bank.
3. Period of excess payment in each case and the date on which excess payment was noticed.
4. Amount of excess payment in each case.
5. Whether any court/CAT order has been received for waiver of recovery of excess payment in the light of the judgement of Hon'ble Supreme Court in

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Rafiq Masih's case. If so, the details of such cases received in last three years (year-wise) and action taken on the order of court/CAT may be indicated

6. Whether any representation has been received for waiver of excess payment. If so the details of such representations received in last three years (year-wise) and action taken on the representations may be indicated.

4. All the Ministries/Departments are, therefore, requested to furnish the information sought in para 3 above to this Department **by 15.09.2020 positively.**



(R C Sethi)

Under Secretary to the Government of India

Email.: sethi.rc@nic.in

To

1. Secretaries of All Ministries / Departments of Government of India
2. CPPCs of all Pension Disbursing Banks