



**Urgent/Time-Bound**

सां/No. : 5-1(3)/2008-PD

दिनांक/Dated: 11.07.2019

**प्रेषक / From :** संयुक्त सचिव (प्रशासन)  
Joint Secretary (Admn.)

**सेवा में / To :** सी.एस.आई.आर के सभी राष्ट्रीय प्रयोगशालों/संस्थाओं/इकाईयों के निदेशक/प्रमुख  
The Directors/Heads of all National Labs./Instts./Units of CSIR

**विषय:** स्टाफ कार के लिए अपात्र सीएसआईआर के वैज्ञानिकों को परिवहन भत्ता और महंगाई भत्ते के अतिरिक्त भुगतान की वसूली से छूट के बारे में वित्त मंत्रालय, व्यय विभाग द्वारा मांगी गई जानकारी के संबंध में।

**Sub.:** Information sought by the Ministry of Finance, Department of Expenditure regarding waiver from the recovery of excess payment of Transport Allowance and Dearness Allowance thereon to the Scientists of CSIR not entitled to staff car-regarding

**महोदय/Sir / महोदया/Madam,**

Kind attention is invited to CSIR letter of even number dated 31.07.2017 regarding recovery of excess payment of Transport Allowance from non-entitled officers in line with Hon'ble Supreme Court directions in the case of State of Punjab and Ors Vs Rafiq Masih (White Washer) and letter dated 17.04.2018 wherein it was requested to provide a list of officials from whom such excess payment of transport allowance cannot be recovered as per the directives of the Supreme Court in White Washer's case.

In this regard, Government of India, Ministry of Finance, Department of Expenditure has sought following information in respect to list of officials for whom waiver has been proposed:

S. No.	Name of the CSIR-Lab. / Instts.	Name of the official	Period of overpayment			Total amount of overpayment (in RS.)	Date of issuance of recovery order (DD/MM/YYYY)	Date of retirement (DD/MM/YYYY)
			Starting date (DD/MM/YYYY)	Stop date (DD/MM/YYYY)	Duration (In Months)			
1	2	3	4	5	6	7	8	9

You are requested to provide the above information strictly in requisite format only through return mail at [manpower@csir.res.in](mailto:manpower@csir.res.in) latest by 17.07.2019.

This may be treated as Most-Urgent.

*(Handwritten signature)*  
12/7/2019

(बी. के. सिंह /B. K. Singh)  
उप सचिव (नीति प्रभाग) / DS(PD)

**संलग्न/Encl. : यथोपरि/As above**

**प्रतिलिपि/Copy to:**

1. प्रमुख, आईटी डिवीजन इस अनुरोध के साथ कि कृपया परिपत्र को वेबसाइट और नीति रिपोजिटरी पर उपलब्ध कराएं। / Head, IT Division with the request to make this circular available on the website & Policy Repository.
2. कार्यालय प्रति / Office copy



वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद  
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH  
अनुसंधान भवन, 2 रफी मार्ग, नई दिल्ली - 110001  
Anusandhan Bhawan, 2, Rafi Marg, New Delhi - 110 001



सां/No. : 5-1(3)/2008-PD

दिनांक/Dated: 17.04.2018

प्रेषक / From :

संयुक्त सचिव (प्रशासन)  
Joint Secretary (Admn.)

सेवा में / To :

सी.एस.आई.आर. के सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/इकाईयों के निदेशक/प्रमुख  
The Directors / Heads of all National Labs. / Instts./ Units of CSIR

विषय: सी.एस.आई.आर. के सभी अपात्र अधिकारी के परिवहन भत्ता तथा महंगाई भत्ता के अतिरिक्त भुगतान की वसूली के संबंध में।

महोदय/Sir / महोदया/Madam,

मुझे आपको यह सूचित करने का निदेश हुआ है कि दिनांक 18.12.2014 के स्टेट ऑफ पंजाब और अन्य बनाम रफीक मसीह (वाइट वॉशर) के मामले में माननीय उच्चतम न्यायालय के निर्णय के आलोक में अपात्र अधिकारियों से परिवहन भत्ता के अतिरिक्त भुगतान की वसूली के संबंध में सी.एस.आई.आर. द्वारा निर्देश दिनांक 31.07.2017 के पत्र सं. 5-1(3)/2008-PD के द्वारा जारी किए गए हैं। उपरोक्त आदेश में, माननीय उच्चतम न्यायालय द्वारा उन कुछ स्थितियों को निर्धारित किया है, जिसमें कार्मिकों से वसूली कानून के अंतर्गत मान्य नहीं होगी। हालांकि, इस प्रकार की स्थितियों में वसूली से छूट, डीओपीटी के दिनांक 06.02.2017 के कार्यालय जापन संख्या 18/26/2011-Estt (Pay-I) की शर्तों के अनुसार व्यय विभाग की अनुमति से ही दी जा सकती है।

अन्य अधिकारी जिन्हें उनकी पात्रता से अतिरिक्त भुगतान किया गया था, से सी.एस.आई.आर. के पत्र दिनांक 31.07.2017 के अनुसार अतिरिक्त भुगतान की वसूली अवश्यमेव की जानी चाहिए।

अतः आपसे अनुरोध है कि ऐसे अधिकारियों की सूची भेजें जिनसे अतिरिक्त भुगतान की वसूली वाइट वॉशर मामले में माननीय उच्चतम न्यायालय के निर्देशानुसार नहीं की जा सकती। सूची संलग्नित प्रोफार्मा अनुसार दिनांक 20.04.2018 तक excel फॉर्मेट में ईमेल द्वारा ([manpower@csir.res.in](mailto:manpower@csir.res.in)) तथा साथ ही विधिवत हस्ताक्षर किए हार्ड कॉपी में भेजी जानी चाहिए।

भवदीय/Yours faithfully

- विनोद कुमार

(विनोद कुमार/ Vinod Kumar)  
अवर सचिव (नीति प्रभाग)/ US(PD)

संलग्न/Encl. : यथोपरि/As above





सां/No. : 5-1(3)/2008-PD

दिनांक/Dated: 17.04.2018

प्रेषक / From:

संयुक्त सचिव (प्रशासन)  
Joint Secretary (Admn.)

सेवा में / To :

सी.एस.आई.आर. के सभी राष्ट्रीय प्रयोगशालों/संस्थाओं/इकाईयों के निदेशक/प्रमुख  
The Directors/Heads of all National Labs./Instts./Units of CSIR

विषय: सी.एस.आई.आर. के सभी अपात्र अधिकारी से परिवहन भत्ता तथा उस पर महंगाई भत्ता के अतिरिक्त भुगतान की वसूली के संबंध में

Sub: Recovery of excess payment of transport allowance and DA thereon from all non-entitled officials of CSIR

महोदय / Sir,

I am directed to inform you that CSIR has issued instructions vide CSIR letter No. 5-1(3)/2008-PD dated 31.07.2017 regarding recovery of excess payment of Transport Allowance from non-entitled officers in line with Hon'ble Supreme Court directions in the case of State of Punjab and Ors Vs Rafiq Masih (White Washer) dated 18.12.2014. In the said order, the Hon'ble Supreme Court had stipulated certain conditions, wherein recoveries by the employers would be impermissible in law. However, in such situations, the waiver of recovery can be allowed with the express approval of Department of Expenditure in terms of DoPT OM No. 18/26/2011-Estt(Pay-I) dated 06.02.2014.

For other officers, who were paid Transport Allowance in excess of their entitlement, excess payment should be recovered without fail as per CSIR letter dated 31.07.2017.

It is, therefore, requested kindly to send us a list of officials from whom such excess payment of transport allowance cannot be recovered as per the directives of the Supreme Court in White Washer's case. The list may be sent as per the Proforma annexed herewith, both through email ([manpower@csir.res.in](mailto:manpower@csir.res.in)) in excel format as well as through a duly signed hard copy latest by 30.04.2018.

Hindi Version will follow.

भवदीय/Yours faithfully,

- विनोद कुमार  
17/4/18  
(विनोद कुमार /Vinod Kumar)  
अवर सचिव (नीति प्रभाग) / US(PD)

संलग्न/Encl. : यथोपरि/As above

## Annexure - I

S. No.	Name of the CSIR-Lab./Instts.	Name of the non-entitled official from whom waiver for recovery of excess payment is sought	Amount for which waiver of recovery is sought (In Rs.)	Category under which waiver from recovery has been sought*	Remarks, if any

Signature  
of AO/COA/Sr.COA/DS (C.O.)

- \* Category I – Retired  
 Category II – To retire within one year from the date of issue of the recovery order (CSIR circular letter No. 5-1(3)/2008-PD dated 31.07.2017)  
 Category III – When the excess payment has been made for a period in excess of five years, before the order of recovery is issued.



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Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001



No. 5-1(3)/2008-PD

Dated: 07.07.2017

From

संयुक्त सचिव (प्रशासन)  
Joint Secretary (Admn.)

To,

The Directors/Heads of all  
CSIR National Labs./Instts./Hqrs.  
/Complex/Centres/Units

विषय/Subject : Excess payment of Transport Allowance @ Rs. 7000/- per month plus DA to Scientists not entitled to staff car –recovery thereof - reg.

महोदय/Sir,

Kind attention is invited to the Ministry of Finance OM No. 21/(2)/2008-E.II(B) dated 29.08.2008 regarding grant of Transport Allowance which was endorsed in CSIR vide CSIR letter No. 5-1(3)/2008-PD dated 4<sup>th</sup> October, 2008.

Para 3 of the said OM provided that 'Officers drawing grade pay of Rs. 10,000/- and Rs. 12,000/- and those in the HAG+ scale, who are entitled to the use of official car in terms of OM No. 20(5)-E.II(A)/93 dated 28.01.1994 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'. This was further reiterated in Para 4 of CSIR letter No. 5-1(3)/2008-PD dated 21<sup>st</sup> November, 2008 while notifying the implementation of recommendations of 6<sup>th</sup> CPC in the case of Group IV Scientists.

However, Transport Allowance @ Rs. 7000/- per month plus DA thereon was made to Scientists who were not entitled for it in terms of Ministry of Finance OM dated 28.01.1994 resulting in excess payment to such non entitled officials. This was also pointed out by the office of the Principal Director of Audit, Scientific Department during its visit to various CSIR Labs./Instts.

CSIR vide letter of even number dated 25.04.2014 also clarified that only the officers in PB-4 with Grade Pay of Rs. 10,000/- who are entitled to the use of official car in terms of Department of Expenditure OM No. 20(5)/E.II(A)/93 dated 28.01.1994 shall have the option to avail themselves of the existing facility or draw the transport Allowance @ Rs. 7,000/- per month plus DA thereon.

The Hon'ble Central Administrative Tribunal (CAT), Principal Bench, New Delhi vide order dated 13<sup>th</sup> May 2014 in the OA No. 4062/2013 clarified that recovery of transport allowance paid in excess is valid in law. The position has further been reiterated more recently in the judgement dated 24.08.2016 of OA No. 310/01059/2014.

On consideration of audit observations, DoPT and MoF instructions relating to the matter of excess payments made towards Transport Allowance @ Rs. 7000/- per month plus DA thereon to the non-entitled CSIR officials, it has been decided, with the approval of the competent authority, that necessary action may be taken for making recovery of such excess payments in line with the judgement of the Apex Court in the case of State of Punjab and Ors Vs Rafiq Masih (White Washer) dated 18.12.2014 (2015 AIR SCW 501) after issuance of show cause notice.

भवदीय/Yours faithfully

*K. R. Vaidheeswarar*  
(K.R. Vaidheeswarar)  
Joint Secretary (Admn.)

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