No.F.10(6)/ PWD-I/Misc./2016/Vol-IV/ 13283

To,

The Engineer-in-Chief,
Public Works Department
Govt. of NCT of Delhi
MSO Building, IP Estate
New Delhi-110002

Sub: Forwarding of letters/orders/Circulars.

Sir,

Please find enclosed herewith the copy of the following letters/circular/orders etc. with necessary action as mentioned against them.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>PUC No. and Subject</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>No.19(Misc.)/Circular/Pr.AO/T-1/2008-09/III/1834-1933 dated 12.09.2018 received from Controller of Accounts, Principal Accounts Office, GNCTD regarding time limit for submission of various types of bills in Pay &amp; Accounts Offices.</td>
<td>For information and necessary action.</td>
</tr>
<tr>
<td>2.</td>
<td>No. F. 12(04)/2017/T-1/Pr.AO/Pr/1937-2026 dated 13.09.2018 received from Spl. Secretary (Finance), GNCTD, regarding review of pay fixation.</td>
<td>For information and necessary action.</td>
</tr>
<tr>
<td>4.</td>
<td>No.13036/01/2018/DD-4/E.1154633 -1154778 dated 13.09.2018 received from Under Secretary to the Government of India, Ministry of Urban Development regarding request for enquiry for using interior quality of material in the works in connivance of quality control department.</td>
<td>With the request to examine the case and submit the report.</td>
</tr>
</tbody>
</table>

Encl: As above.

Yours Sincerely,

(L.R. MEENA)

Deputy Secretary (PWD/ADMN)
To

1. Chief Secretary, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi.
2. Vice Chairman, DDA, Vikas Sadan, INA, New Delhi.
3. Director (Local Bodies), Govt. of NCT of Delhi, 9th level, C-Wing, Delhi Secretariat, New Delhi.
4. The Engineer-in-Chief, 12th Floor, MSO Building, I.P. Estate, New Delhi: 110002

Subject: Request for enquiry for using inferior quality of material in the works in connivance of quality control department.

Sir,

I am directed to forward herewith a copy of letter No. AISSD/230/2018 dated 24.03.2018 received from Shri S.P. Gupta, Chief Editor, Satya Prakash Times, New Delhi, on the subject cited above and to say that the necessary action, as per rules/regulations/laws, may please be taken in the matter and the information may kindly be provided directly to Shri S.P. Gupta under intimation to this Ministry.

Yours faithfully,

Under Secretary to the Government of India
Ref: AISSD/230/18

To

SPECIAL COMMISSIONER ANTI-CORRUPTION BRANCH,
Sr. Alok Verma Director CBI
Secretary Central Vigilance Commission of India
CAG of India
Secretary Vigilance Govt. of Delhi

Ref: AISSD/230/18

To

SPECIAL COMMISSIONER ANTI-CORRUPTION BRANCH,
Sr. Alok Verma Director CBI
Secretary Central Vigilance Commission of India
CAG of India
Secretary Vigilance Govt. of Delhi


Sir,
Most respectfully wish to bring in your kind notice the following facts for urgent investigation.
That several works have been shown as executed under the Executive Engineer Civil M-322 PWD office under ISBT Bridge Ring Road Kashmiri Gate Delhi-6 and his subordinate JE and AE.
It is requested to thoroughly investigate the following works executed under work order No. 01/EE/CBMDM-322/2013-14, 13/EE/CBMDM-322/2013-14, 19/EE/CBMDM-322/2013-14, 20/EE/CBMDM-322/2013-14, 22/EE/CBMDM-322/2013-14.

Work order No. 06/EE/CBMDM-322/2014-15, 09/EE/CBMDM-322/2014-15
It is requested to thoroughly investigate the following works executed under Agreement No. 01/EE/M-322/2017-18, 04/EE/M-322/2017-18, 05/EE/M-322/2017-18, 07/EE/M-322/2017-18, 10/EE/M-322/2017-18, 11/EE/M-322/2017-18, 12/EE/M-322/2017-18, 13/EE/M-322/2017-18, 14/EE/M-322/2017-18, 08/EE/M-322/2017-18, 16/EE/M-322/2017-18, 17/EE/M-322/2017-18, 21/EE/M-322/2017-18, 26/EE/M-322/2017-18, 28/EE/M-322/2017-18, 36/EE/M-322/2017-18, 41/EE/M-322/2017-18, 47/EE/M-322/2017-18, 53/EE/M-322/2017-18, 57/EE/M-322/2017-18, 58/EE/M-322/2017-18, 59/EE/M-322/2017-18, 60/EE/M-322/2017-18, 64/EE/M-322/2017-18, 67/EE/M-322/2017-18, 87/EE/M-322/2017-18, 88/EE/M-322/2017-18, 95/EE/M-322/2017-18.

Crores of rupees has been expended for improvement of various schools, quarters and fire stations etc.
Several crores of rupees has been shown as expended in these works.
It is requested to take file of each work co-relate with the schedule of quantity, final bill and with the physical work. The investigation team will find several anomalies, differences, inferior quality of material and work with unskilled labour. Most of the work has not been executed as per the para-meter.
The entire above mentioned work must be investigate through a joint team of anti-corruption branch, CBI team along with the vigilance of Delhi Govt. Two of the representative or our DiD must be included in the investigation team.

If no proper investigation made within one month, thousands worker of our DAL will stage a Dharna Out side the Office of the Lt. Governor Delhi for eradicate corruption from PWD and demand for proper investigation. The demand will continue till the day when the corrupt officials will not reach behind the bar.
Ref: AISSD/703/14  Date: 7/11/2014

Reminder No. 1 dated 4/12/2014  Reminder No. 2 dated 31/3/2015  Reminder No. 3 dated 17/7/2015  Reminder No. 4 dated 7/9/2015
Reminder No. 6 dated 10/3/2016  Reminder No. 7 dated 26/3/2016  Reminder No. 8 dated 27/7/2016  Reminder No. 9 dated 9/6/2017
Reminder No. 13 dated 13/3/2018  Reminder No. 14 dated 27/3/2018
Reminder No. 15 dated 17/5/2018  Reminder No. 16 dated 7/7/2018  Reminder No. 17 dated 23/8/2018

To

Sh. Anil Baijal Hon’ble Lt. Governor of Delhi
Sh. Arvind Kejriwal Hon’ble Chief Minister of Delhi

Sub: Investigation through CBI/CVC/CAG/Anti Corruption. Violation of CVC Guidelines in the works executed under E M-32 PWD of Delhi. Breach of Trust and Misuse of Public fund, violation of Rule 145 of General Financial Rule. The Department has flouted rules by splitting contract in to several parts. 3rd party quality check is also required.

That every time the complaint is forwarded to the concern Executive Engineer for investigation and they reply that the work is as per rule. Please think for a moment will they say that the work is of inferior quality.

Without investigation through CBI/CVC/Anti-corruption we cannot say that the work is proper therefore 1st of all investigate the matter and corrupt officials should be sent to jail.

It is requested to the Hon’ble Lt. Governor to forwarded the application to anti-corruption or Secretary/Director Vigilance for proper investigation.

Sirs,

I wish to bring in your kind notice the following facts for urgent investigation.

That several works have been shown as executed under the Executive Engineer Civil Bhawan Anurakshak Prem Mandir M-32 PWD office under ISBT Bridge Ring Road Kashmiri Gate Delhi-7 and his subordinate JE and A.E.

It is requested to thoroughly investigate the following works executed under work order No. 09/EE/CBMDM-322/2013-14, 13/EE/CBMDM-322/2013-14, 18/EE/CBMDM-322/2013-14, 19/EE/CBMDM-322/2013-14, 20/EE/CBMDM-322/2013-14, 22/EE/CBMDM-322/2013-14


Several scores of rupees has been shown as expended in these works.

It is requested to take file of each work co-relate with the schedule of quantity, final bill and with the physical work. The investigation team will find several anomalies, differences, inferior quality of materials and work with unskilled labour. Most of the work has not been executed as per the parameter.
FINANCE (ACCOUNTS) DEPARTMENT
GOVT. OF NCT OF DELHI

No. F.12(04)/2017/T-I/Pr.AO/PF/ 1937 - 2036

Date: 13/09/2018

To,

All the Pr. Secretaries/Secretaries,
Heads of the Department,
Govt. of NCT of Delhi, Delhi/New Delhi.

Sub: Regarding review of pay fixation.

Sir/Madam,

Please refer to OM No. 18/03/2015-Estt. (Pay-I) dated 02-03-2016 of the
Govt. of India, Department of Personnel & Training and endorsed by the Finance
Department letter No. 4(73)/Fin. (Est-III)/2010-11/dsv/308 dated 22-03-2016
copy enclosed) regarding the 'Recovery of wrongful/excess payments made to
Government servants.'

Utmost care is required in fixation of pay of the employees on
promotions, financial up-gradations etc. to avoid the incidents of erroneous pay
fixation. In addition, corrective action would be required in existing cases of
erroneous pay fixations in consultation with the accounts functionaries posted in
the departments to avoid the delay in payment of pensionary benefits if such
cases are noticed at the verge of retirement.

It is, therefore, requested that all offices under your control may be
advised to carry out the fixation of pay of employees on their promotions,
financial up-gradations etc. as per entitlements in consultation with the accounts
functionary to avoid the incidents of erroneous pay fixations. In addition,
corrective action may be taken in respect of existing cases as per the procedure
detailed in OM dated 02-03-2016 of the Govt. of India, Department of Personnel
& Training.

Yours faithfully,

(NEERAJ BHARTI)
Special Secretary (Finance)
Tel. No. 011-23392132

End: As above

DS(A) 20-9-18

Copy to All Pay & Accounts Officers, Pay & Accounts Offices, Govt. of
NCT of Delhi, Delhi/New Delhi.

Controller of Accounts
OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's OM No.18/26/2011-Estt (Pay-I) dated 6th February, 2014 wherein certain instructions have been issued to deal with the issue of recovery of wrongful / excess payments made to Government servants in view of the law declared by Courts, particularly, in the case of Chandr Prasad Uniyal And Ors. vs. State of Uttar Pradesh And Ors., 2012 AIR SCW 4742, (2012) 8 SCC 417. Para 3(iv) of the OM inter-alia provides that recovery should be made in all cases of overpayment barring few exceptions of extreme hardships.

2. The issue has subsequently come up for consideration before the Hon'ble Supreme Court in the case of State of Punjab & Ors vs. Rafiq Masih (White Washer) etc in CA No.11527 of 2014 (Arising out of SLP(C) No.11684 of 2012) wherein Hon'ble Court on 18.12.2014 decided a bunch of cases in which monetary benefits were given to employees in excess of their entitlement due to unintentional mistakes committed by the concerned competent authorities, in determining the emoluments payable to them, and the employees were not guilty of furnishing any incorrect information / misrepresentation / fraud, which had led the concerned competent authorities to commit the mistake of making the higher payment to the employees. The employees were as innocent as their employers in the wrongful determination of their inflated emoluments. The Hon'ble Supreme Court in its judgment dated 18th December, 2014 ibid has, inter-alia, observed as under:

"7. Having examined a number of judgments rendered by this Court, we are of the view, that orders passed by the employer seeking recovery of monetary benefits wrongly extended to employees, can only be interfered with, in cases where such recovery would result in a hardship of a nature, which would far outweigh the equitable balance of the employer's right to recover. In other words, interference would be called for, only in such cases where, it would be inequitable to recover the payment made. In order to ascertain the parameters of the above consideration, and the test to be applied, reference needs to be made to situations when this Court exempted employees from such recovery, even in exercise of its jurisdiction under Article 142 of the Constitution of India. Repeated exercise of such power, "for doing complete justice in any cause" would establish that the recovery being effected was inequitable, and therefore, arbitrary. And accordingly, the interference at the hands of this Court."

"10. In view of the afore-stated constitutional mandate, equity and good conscience, in the matter of livelihood of the people of this country, has to be the

Contd. on pg.2
express approval of Department of Expenditure in terms of this Department's OM No. 18/26/2011-Estt (Pay-I) dated 6th February, 2014.

6. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued with the concurrence of the Comptroller and Auditor General of India.

7. Hindi version will follow.

(A.K. Jain)
Deputy Secretary to the Government of India

1. All Ministries / Departments of Government of India
   NIC, DOP&T — with a request to upload this OM on the Department's website under OMs & Orders (Establishment → Pay Rules) and also under “What is New”.

Copy also forwarded to:

1. The Comptroller & Auditor General of India.
2. Secretary General, Supreme Court of India.
4. Union Public Service Commission / Lok Sabha Secct. / Rajya Sabha Secct. / Cabinet Secct. / Central Vigilance Commission / President's Secct. / Vice-President's Secct. / Prime Minister's Office / Niti Aayog.
5. Governments of all States and Union Territories.
6. Department of Personnel and Training (AIS Division) / JCA / Admin. 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 / Departmental 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.
PRINCIPAL ACCOUNTS OFFICE
GOVT. OF NCT OF DELHI
A-BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI

No. 19(Misc.)/Circular/Pr. AO/T-1/2008-09/III/1334-19/12 Date: 12/09/2015

To,

All the Pr. Secretaries/Secretaries,
Heads of the Department,
Govt. of NCT of Delhi, Delhi/New Delhi.

Sub: Time limit for submission of various types of bills in Pay & Accounts Offices.

Please refer to this office Circular dated 26-09-2014 vide which time schedule to be followed by DDOs and PAOs for submission and acceptance of all kinds of bills was circulated for maintaining the uniformity at all levels.

As per the said time schedule Contingent Expenditure Bills were to be accepted up to 23rd of the month. The procurement of Goods and Services by all the departments through GEM have been made mandatory where payments to the vendors/suppliers are to be released in 10 working days. Accordingly, it has been decided in consultation with the Finance Department, Govt. of NCT of Delhi to revise the time limit for receiving the Contingent Expenditure Bills in PAOs from 23rd to 27th of the month.

The revised time schedule for receiving the various types of bills in PAOs is sent herewith with the request to issue necessary instructions to the Heads of Offices under your control to follow the said time schedule for submission of various types of bills to PAOs with immediate effect.

Yours faithfully,

(Parkash Chand)
Controller of Accounts
Tel. No. 011-23370762

Date:

No. 19(Misc.)/Circular/Pr. AO/T-1/2008-09/III/

Copy to:

1. PS to the Principal Secretary, Finance Department, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi.
2. The Special Secretary, Finance Department, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi.
3. All Pay & Accounts Officers, Pay & Accounts Offices, Govt. of NCT of Delhi, Delhi/New Delhi.
TIME SCHEDULE FOR RECEIVING VARIOUS TYPES OF BILLS IN PAY & ACCOUNTS OFFICES

1. Salary Bills : Up to 20th of the month
2. Bills other than Salary Bills and Contingent Expenditure Bills : Up to 23rd of the month
3. Contingent Expenditure Bills : Up to 27th of the month
4. Unavoidable & Urgent Bills : Up to last working day of the month
The Principal Secretary  
to the Govt. of NCT of Delhi,  
PWD, Delhi Sachivalaya  
New Delhi-110002


Dear Sir,


This program is intended to expose the participants to the HVAC Systems & its necessity in Buildings in present day context. The Technical Sessions will be taken by experienced Professionals in the field of HVAC Systems in Buildings. The presentations will also be given by reputed manufacturers in the industry. Copy of program schedule is enclosed herewith for your ready reference.

The Engineers & Architects from PWDs, Housing Boards, Municipalities, Public Sector Undertakings, Development Authorities, Military Engineering Services and Railways etc. are expected to attend the program.

We would, therefore, request you to kindly nominate a team of good number of Engineers (Electrical & Civil) / Architects at the level of SES/ EEs / AE from your organization. The program fee is Rs.6000/- plus GST @ 18% per participant (Total Rs.7080) which may kindly be remitted through Cash or DD / Cheque drawn in favour of Indian Buildings Congress payable at New Delhi.

Nominations may kindly be sent / confirmed as early as possible but before 15th November, 2018 along with DD / Cheque towards program fee.

We look forward to your active support and participation in this Program.

Thanks & Regards,

Yours Sincerely,

(D.S. Sachdev)
Director, Executive Training &  
Fmr. DG, CPWD

Sector-VI, R. K. Puram, New Delhi-110022  
E-mail: info@ibc.org.in   · Website: www.ibc.org.in

Ph.: 011-26169531, 261700  
Fax: 011-26196391
### PROGRAM SCHEDULE

<table>
<thead>
<tr>
<th>Session</th>
<th>Time</th>
<th>Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0930 -1000 hrs</td>
<td>Registration</td>
</tr>
<tr>
<td></td>
<td>1000 - 1030 hrs</td>
<td>Inauguration</td>
</tr>
<tr>
<td></td>
<td>1030 - 1100 hrs</td>
<td>Tea</td>
</tr>
<tr>
<td>I</td>
<td>1100 - 1230 hrs</td>
<td>Introduction to various types of HVAC System for Buildings. Necessity of HVAC in Buildings in present context</td>
</tr>
<tr>
<td>II</td>
<td>1230 - 1315 hrs</td>
<td>Selection of appropriate HVAC Scheme for Air-conditioning - Technical &amp; Financial Comparison of various systems</td>
</tr>
<tr>
<td></td>
<td>1315 - 1400 hrs</td>
<td>Lunch</td>
</tr>
<tr>
<td>III</td>
<td>1400 - 1515 hrs</td>
<td>Introduction to Design of HVAC Systems i/c Heat load calculations and B.O.Q.</td>
</tr>
<tr>
<td></td>
<td>1515 - 1530 hrs</td>
<td>Tea</td>
</tr>
<tr>
<td>IV</td>
<td>1530 - 1645 hrs</td>
<td>Layout of central AC Plant Room equipment i/c Chillers, Elect Panel, Pumps, cooling tower, water treatment plant etc.</td>
</tr>
<tr>
<td>Day 2</td>
<td></td>
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</tr>
<tr>
<td>V</td>
<td>1000-1130 hrs</td>
<td>Design of VRV Systems and their Applications</td>
</tr>
<tr>
<td></td>
<td>1130 - 1145 hrs</td>
<td>Tea</td>
</tr>
<tr>
<td>VI</td>
<td>1145 - 1300 hrs</td>
<td>Architectural, Structural, Civil and Electrical Coordination for HVAC System</td>
</tr>
<tr>
<td></td>
<td>1300-1345 hrs</td>
<td>Lunch</td>
</tr>
<tr>
<td>VII</td>
<td>1345 - 1515 hrs</td>
<td>Operation and Maintenance of HVAC Systems</td>
</tr>
<tr>
<td>VIII</td>
<td>1515 - 1600 hrs</td>
<td>Group Discussion and Distribution of Certificates</td>
</tr>
<tr>
<td></td>
<td>1600 hrs</td>
<td>Tea</td>
</tr>
</tbody>
</table>
basis of all governmental actions. An action of the State, ordering a recovery from an employee, would be in order, so long as it is not rendered iniquitous to the extent that the action of recovery would be more unfair, more wrongful, more improper, and more unwarranted, than the corresponding right of the employer, to recover the amount. Or in other words, till such time as the recovery would have a harsh and arbitrary effect on the employee, it would be permissible in law. Orders passed in given situations repeatedly, even in exercise of the power vested in this Court under Article 142 of the Constitution of India, will disclose the parameters of the realm of an action of recovery (of an excess amount paid to an employee) which would breach the obligations of the State, to citizens of this country, and render the action arbitrary, and therefore, violative of the mandate contained in Article 14 of the Constitution of India."

3. The issue that was required to be adjudicated by the Hon'ble Supreme Court was whether all the private respondents, against whom an order of recovery (of the excess amount) has been made, should be exempted in law, from the reimbursement of the same to the employer. For the applicability of the instant order, and the conclusions recorded by them thereinafter, the ingredients depicted in paras 2 & 3 of the judgment are essentially indispensable.

4. The Hon'ble Supreme Court while observing that it is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement has summarized the following few situations, wherein recoveries by the employers would be impermissible in law:

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).
(ii) Recovery from retired employees, or employees who are due to retire within one year of the order of recovery.
(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.
(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.
(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.

5. The matter has, consequently, been examined in consultation with the Department of Expenditure and the Department of Legal Affairs. The Ministries / Departments are advised to deal with the issue of wrongful / excess payments made to Government servants in accordance with above decision of the Hon'ble Supreme Court in CA No.11527 of 2014 (arising out of SLP (C) No.11684 of 2012) in State of Punjab and others etc vs Rafiq Masih (White Washer) etc. However, wherever the waiver of recovery in the above-mentioned situations is considered, the same may be allowed with the

Contd. on pg.3
ENFORCEMENT

The copies of the under mentioned papers are uploaded in the Websites of Finance Department and forwarded for information and necessary action to the following Departments:-

1. All Heads of Department, Govt. of NCT of Delhi.
2. All Pay & Accounts Officers, Pay and Accounts Office, Vikas Bhawan, Govt. of NCT of Delhi.
3. All Heads of Autonomous Bodies, Govt of NCT of Delhi.
4. Commissioner M.C.D (North, East & South), Town Hall, Chandni Chowk, Delhi.
5. Chairperson, NDMC, Palika Kendra, New Delhi.
6. Chief Executive Officer, Delhi Cantonment Board, Delhi.
7. CEO, Delhi Urban Shelter Improvement Board, I.P. Estate, New Delhi.
8. Guard File.
9. Website of Finance Department.

(MANOJ KUMAR)

DY. SECRETARY-V(FINANCE)

<table>
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<tr>
<th>S.No</th>
<th>Name of the Ministry/Dept.</th>
<th>OM. No. and Date</th>
<th>Subject</th>
</tr>
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<tbody>
<tr>
<td>2</td>
<td>Ministry of Personnel, P.O. &amp; Pensions (Department of Personnel &amp; Training), (Pay)</td>
<td>F.No. 18/03/2015 - Estt. (Pay) dated 02.03.2016</td>
<td>Recovery of wrongful / excess payments made to Government Servants.</td>
</tr>
</tbody>
</table>
basis of all governmental actions. An action of the State, ordering a recovery from an employee, would be in order, so long as it is not rendered iniquitous to the extent, that the action of recovery would be more unfair, more wrongful, more improper, and more unwarranted than the corresponding right of the employer, to recover the amount. Or in other words, till such time as the recovery would have a harsh and arbitrary effect on the employee, it would be permissible in law. Orders passed in given situations repeatedly, even in exercise of the power vested in this Court under Article 142 of the Constitution of India, will disclose the parameters of the realm of an action of recovery (of an excess amount paid to an employee) which would breach the obligations of the State, to citizens of this country, and render the action arbitrary, and therefore, violative of the mandate contained in Article 14 of the Constitution of India."

3. The issue that was required to be adjudicated by the Hon’ble Supreme Court was whether all the private respondents, against whom an order of recovery (of the excess amount) has been made, should be exemped in law, from the reimbursement of the same to the employer. For the applicability of the instant order, and the conclusions recorded by them thereafter, the ingredients depicted in para 2 & 3 of the judgment are essentially indispensable.

4. The Hon’ble Supreme Court while observing that it is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement has summarized the following few situations, wherein recoveries by the employers would be impermissible in law:

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group ‘C’ and Group ‘D’ service).
(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.
(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.
(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.
(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer’s right to recover.

5. The matter has, consequently, been examined in consultation with the Department of Expenditure and the Department of Legal Affairs. The Ministries / Departments are advised to deal with the issue of wrongful / excess payments made to Government servants in accordance with above decision of the Hon’ble Supreme Court in CA No.11527 of 2014 (arising out of SLI (C) No.11684 of 2012) in State of Punjab and others etc vs Rahiq Mash (White Washer) etc. However, wherever the waiver of recovery in the above-mentioned situations is considered, the same may be allowed with the
FINANCE (ACCOUNTS) DEPARTMENT
GOVT. OF NCT OF DELHI

No. F.12(04)/2017/T-1/Pr.AO/PF/ 1937-2036

Date: 13/09/2018

To,

All the Pr. Secretaries/Secretaries,
Heads of the Department,
Govt. of NCT of Delhi, Delhi/New Delhi.

Sub: Regarding review of pay fixation.

Sir/Madam,

Please refer to OM No. 18/03/2015-Estt. (Pay-1) dated 02-03-2016 of the Govt. of India, Department of Personnel & Training and endorsed by the Finance Department letter No. 4(73)/Fin. (Est-III)/2010-11/dsv/308 dated 22-03-2016 copy enclosed) regarding the 'Recovery of wrongful/excess payments made to Governor servants.'

Uttmost care is required in fixation of pay of the employees on promotions, financial up-gradations etc. to avoid the incidents of erroneous pay fixation. In addition, corrective action would be required in existing cases of erroneous pay fixations in consultation with the accounts functionaries posted in the departments to avoid the delay in payment of pensionary benefits if such cases are noticed at the verge of retirement.

It is, therefore, requested that all offices under your control may be advised to carry out the fixation of pay of employees on their promotions, financial up-gradations etc. as per entitlements in consultation with the accounts functionary to avoid the incidents of erroneous pay fixations. In addition, corrective action may be taken in respect of existing cases as per the procedure detailed in OM dated 02-03-2016 of the Govt. of India, Department of Personnel & Training.

Yours faithfully,

(Signed)
(Neeraj Bharti)
Special Secretary(Finance)
Tel. No. 011-23392132

Encl: As above

Copy to All Pay & Accounts Officers, Pay & Accounts Offices, Govt. of NCT of Delhi, Delhi/New Delhi.

Controller of Accounts
completely as per rule and straight and right way to fight against the corruption. After receiving the papers from PWD, the complainant filed complaint. A person can see the malpractice when he having the papers. Therefore this is the correct and right way to fight against the corruption. The complainant/journalist have doing nothing wrong. Moreover the complainant/journalist is fighting against the corruption more than 23 years. Moreover the complainant/journalist is not bothered about the false allegation.

The concern Executive Engineer has imposed false allegation against the complainant which are completely false and wrong and imposed only to save his skin from the clutches of the corruption. The complainant is a honest journalist and fighting for eradicate corruption. The complaint want to see the corruption officials in jail. Therefore the complainant is fighting for corruption for the last 4 years.

The entire above mentioned work must be investigate through a joint team of anti-corruption branch, CBI team along with the vigilance of Delhi Govt. Two of the representative or our Dal must be included in the investigation team.

If no proper investigation is made within one month thousands worker of our DAL will stage a Dharma Out side the Office of the Lt. Governor Delhi for eradicate corruption from PWD and demand for proper investigation. The demand will continue till the day when the corrupt officials will not reach behind the bar.

A line of action and copy of final report be sent to us.

Thanking you.

Yours Sincerely,

(S.P. GUPTA)

Copy to
Sh. Narendra Modi ji Hon’ble Prime Minister of India
Sh. Ram Nath Kovind Hon’ble President of India
Sh. M. Venkaiah Naidu Hon’ble Vice President of India
Sh. Raj Nath Singh Hon’ble Home Minister of India
Sh. Hardeep Singh Puri Hon’ble Minister of Urban Development of India
Central Vigilance Commissioner
Sh. Manish Sisodia Hon’ble Dy. Chief Minister of Delhi
Sh. Satyendar Jain Hon’ble Minister of Delhi
Sh. Kailash Gahlaut Hon’ble Minister of Delhi
Comptroller Auditor General of India
Chairman Public Grievances Commission M Block Vilas Bhawan New Delhi
Director CBI
Sh. Anshu Prakash Chief Secretary Delhi
Chief Vigilance Officer PWD
SPl. Commissioner Anti-Corruption
Principal Secretary Vigilance Govt. of Delhi
Principal Secretary PWD Govt. of Delhi
Director of Vigilance Govt. of Delhi
Engineer in chief PWD