

GOVERNMENT OF N.C.T. OF DELHI
DIRECTORATE OF AUDIT
(Administration Branch)

04th Level, 'C'-Wing,
Delhi Sachivalaya,
New Delhi.

No. F.9(4)/DOA/Estt./2016/Misc./dcaaudit/2544-119

Dated: 23-03-16

**Sub.: 1. Central Civil Services (Leave Travel Concession) Rules, 1988-
Fulfillment of Procedural requirements.**

**2. Recovery of wrongful/excess payments made to Government
Servants.**

Please find enclosed herewith the copy of Dy. Secretary-V (Finance) letter No. 308 dated 22.03.2016 endorsing DOPT, GOI O.M. dated 18.02.2016 and 02.03.2016 on the subject cited above, with the request to bring the contents of the letters/O.M. to the notice of all the officers/officials, working in respective branches for information in this regard.

This issues with the prior approval of the Competent Authority.


(H.R. NAUGAIN)
ACCOUNTS OFFICER (ADMN.)
TEL. NO. 23392280

Copy to: -

1. PA to COA(A) for information please.
2. All the Branch Incharges, Directorate of Audit.
3. AAO(Audit)/Nodal Officer (Website)
4. All the Dealing Clerks in Admn./Accounts Branch for information and strict compliance.
5. Notice Board.
6. Guard file.

22/03/16

F. No. 4(73)/Fin. (Estb-III)/2010-11/ ds 2/308
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
FINANCE DEPARTMENT

4TH LEVEL, 'A WING' DELHI SECRETARIAT.
I.P. ESTATE, NEW DELHI 110002
CD No:- 012143600

Dated: 22/3/16

ENDORSEMENT

The copies of the under mentioned papers are uploaded in the Website 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)

List of paper forwarded

S N o	Name of the Ministry/Deptt.	O.M. No. and Date	Subject
1	Ministry of Personnel, P.G. & Pensions (Department of Personnel & Training), Establishment A-IV Desk GOI	No.31011/3/2015-Estt. (A-IV) Dated: 18.02.2016	Central Civil Services (Leave Travel Concession) Rules, 1988 - Fulfillment of Procedural requirements.
2	Ministry of Personnel, P.G. & Pensions (Department of Personnel & Training),	F.No. 18/03/2015 - Estt. (Pay-I) dated 02.03.2016	Recovery of wrongful / excess payments made to Government Servants.

Delhi Sachivalaya
R&I Br.
Govt. of NCT of Delhi

Government of India
Ministry Personnel, Public Grievances and
Department of Personnel and Training
Establishment A-IV Desk

OFFICE OF THE CHIEF SECRETARY
GOVT. OF NCT OF DELHI
North Block, New Delhi-110 001
Dated: February 18, 2016
Dy. No.

26 FEB 2016

OFFICE MEMORANDUM

Dy. No. 402/2016/9582

Subject: - Central Civil Services (Leave Travel Concession) Rules, 1988 - Fulfillment of procedural requirements.

This Department is in receipt of a number of references regarding the procedural difficulties faced by the Government employees in application and settlement of the LTC claims. Sometimes, the Government servants claim that failure to follow the correct procedure was on account of a lack of knowledge of the rules/instructions. It is alleged that in some cases, processing of LTC claims takes unduly long time, particularly when the employee and the sanctioning authorities are located at different stations.

2. To remove these bottlenecks, it has been decided to simplify the procedure of application and make the procedure of processing of LTC claims time bound. The following time-limits shall be followed while processing the LTC applications/claims of the Government servants.

S.No.	Course of action	Time limit
1.	Leave Sanction	5 working day + 3 working days*
2.	Sanction of LTC advance/Leave encashment	5 working day + 3 working days*
3.	Time taken by Administration for verification of LTC claim after the LTC bill is submitted by the Government employee for settlement.	10 working days + 3 working days*
4.	Time taken by DDO	5 working days + 3 working days*
5.	Time taken by PAO	5 working days + 3 working days*

*(a) Additional 3 days transit-time may be allowed in cases where the place of posting of the Government employees is away from their Headquarters, The Government employee may proceed on LTC after action on S.No.1.

(b) Efforts should be made to reduce the duration of processing of LTC applications/claims at the earliest. The maximum time limit should be strictly adhered to and non-compliance of time limit should be adequately explained.

Handwritten notes and signatures on the left margin:
- 29.2.16
- Assembly
- Pr Secy (Services)
- S.P. (SP)
- S.N. SAMAI Pt. Secretary (Finance)
- DDF-V
- 2/3
- 2A

From pre-page:

3. Under CCS (LTC) Rules, the Government servants are required to inform their Controlling Officer before the journey(s) on LTC to be undertaken. It has now been decided that the Leave Sanctioning Authority shall obtain a self-certification from the employee regarding the proposed LTC journey. The proforma for self-certification has been annexed with this O.M.

4. In addition to the above, it has been decided that whenever a Government servant applies for LTC, he/she should be provided with a copy of the guidelines (enclosed) which needs to be followed while availing LTC.

5. Employees may be encouraged to share interesting insights and pictures, if any, of the destination he/she visited while availing LTC in an appropriate forum.

Enclosures:

- 1) Proforma for self-certification.
- 2) Guidelines

Surya Narayan Jha
18.2.16
(Surya Narayan Jha)

Under Secretary to the Government of India

To

The Secretaries

All Ministries / Departments of Government of India

(As per the standard list)

Copy to:

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigations, New Delhi.
5. Parliament Library, New Delhi.
6. All Union Territory Administrations.
7. Lok Sabha/Rajya Sabha Secretariat.
8. All Attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions.
9. NIC, DoP&T with the request to upload this O.M. on Department's web site (OMs/Orders<< Establishment<< LTC Rules).
10. Hindi Section for Hindi version.

Proforma for self-certification by the Government employee

I Sh./Smt./Kr. (Name of the Govt. servant) wish to confirm that I am availing (Home Town/ Any Place in India) LTC in respect of self/ family member(s) for the block year to visit (Place of visit) during..... (dates of journey). It is stated that I or the family member for whom I wish to avail LTC has/have not availed of the same before in the present block.

2. The Particulars of members of family in respect of whom the Leave Travel Concession is being claimed are as under:

Sl. No.	Name(s)	Age	Relationship with the Govt. servant

3. It is certified that the above facts are true and any false statement shall make me liable for appropriate action under Rule 16 of CCS(LTC) Rules, 1988 and the relevant disciplinary rules.

* N.B.: The Government employee may share interesting insights and pictures, if any, of the destination visited while availing LTC on an appropriate forum.

1. Please ensure that you have applied for leave and submitted the self-certification form to your Administration before the LTC journey is undertaken.
2. Please check your eligibility before applying for LTC. LTC to Home Town can be availed once in a block of two years and LTC to Any Place in India may be availed once in a four year block. If not availed during these blocks, the LTC may also be availed in the first year of the following block.
3. Please note that the current two year block is 2016-17 and the current four year block is 2014-17.
4. In case of fresh recruits, LTC to Home Town is allowed on three occasions in a block of four years and to any place in India on the fourth occasion. This facility is available to the fresh recruits only for the first two blocks of four years applicable after joining the Government service for the first time. (For details, please refer to DoPT's O.M. No. 31011/7/2013-Estt.(A-IV) dated 26.09.2014 available on 'www.persmin.nic.in' << 'OMs & Orders' << 'Frequently Asked Questions (FAQs) on LTC entitlements of a Fresh Recruit')
5. A Fresh recruit may at his option choose to avail LTC under the normal LTC rules as applicable to other Government employees. In this case he/she will not be allowed to avail other LTCs as admissible to the fresh recruits in that block of four years.
6. The retiring Government employees are eligible to avail LTC as per their entitlement provided that the return journey is performed before their date of retirement. LTC is not allowed after retirement.
7. The Journeys on LTC are to be undertaken in the entitled class of the Government servant in public/Government mode of transport.
8. Travel by private modes of transport is not allowed on LTC, however, wherever a public transport is not available, assistance shall be allowed for the private transport subject to the certification from an Appropriate Authority that no other public/Government mode of transport is available for that particular stretch of journey and these modes operate on a regular basis from point to point with the specific approval of the State Governments/Transport authorities concerned and are authorised to ply as public carriers.
9. If a Government servant travels on LTC upto the nearest airport/ railway station by authorized mode of transport and chooses to complete rest of the journey to the declared place of visit by 'own arrangement' (such as personal vehicle or private taxi etc.), while the public transport system is already available in that part, then he may be allowed the fare reimbursement till the last point where he has travelled by the authorised mode of transport. This will be subject to the undertaking from the Government employee that he has actually travelled to the declared place of visit and is not claiming the fare reimbursement for the part of journey performed by the private owned/operated vehicle.

From pre-page:

10. Government servant may apply for advance for himself and/or his family members sixty five days before the proposed date of the outward journey and he/she is required to produce the tickets within ten days of the drawal of advance, irrespective of the date of commencement of the journey.
11. Reimbursement under LTC scheme does not cover incidental expenses and expenditure incurred on local journeys. Reimbursement for expenses of journey is allowed only on the basis of a point to point journey on a through ticket over the shortest direct route.
12. The time limit for submission of LTC claim is :
 - Within three months of completion of return journey, if no advance is drawn;
 - Within one month of completion of return journey, if advance is drawn.
13. Government employees entitled to travel by air are required to travel by Air India only in Economy Class at LTC-80 fare or less unless permitted to do so by any general or specific provision.
14. Government employees not entitled to travel by air may travel by any airline, however, reimbursement in such cases shall be restricted to the fare of their entitled class of train/transport or actual expense, whichever is less.
15. In all cases whenever a Govt. servant claims LTC by air, he/she is required to book the air tickets either directly through the airlines or through the approved travel agencies viz: M/s Balmer Lawrie & Co. Ltd/ M/s Ashok Tours & Travels Ltd/ IRCTC. Booking of tickets through any other agency is not permissible.
16. Travel on tour packages is not allowed, except in the case of tours conducted by Indian Tourism Development Corporation (ITDC), State Tourism Development Corporation (STDC) and Indian Railway Catering and Tourism Corporation (IRCTC). In such cases, only the fare component shall be reimbursable provided ITDC/STDC/IRCTC separately indicate the fare component and certify that the journey was actually performed by the Government servant and his family members for which he/she is claiming the Leave Travel Concession.
17. Please ensure that your LTC claim is as per the instructions to avoid rejection of your claim.

“Have a pleasant journey and a happy holiday”

New Delhi, the 2nd March, 2016

OFFICE MEMORANDUM

Subject: 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 Chandl Prasad Uniyal And Ors. vs. State of Uttarakhand And Ors., 2012 AIR CW 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.

1. The issue has subsequently come up for consideration before the Hon'ble Supreme Court in the case of State of Punjab & Ors vs Rafiq Mash (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 iniquitous 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 iniquitous, 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 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 thereafter, 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 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.

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

Authority : www.persmin.gov.in

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