GOVERNMENT OF NCT OF DELHI
PUBLIC WORKS DEPARTMENT
5TH LEVEL "B" WING
DELHI SECRETARIAT: NEW DELHI

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

Dated: 01/10/18

प्रमुख अभियन्ता
आवती सं. 12006
दिनांक 1/10/2018
मुख्य अभियन्ता
निदेशक (कार्य एवं प्रथा.)
निदेशक (अनुरक्षण)
उप सचिव (प्रशा.)
अधि.[illegible]

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.

Sl. No	PUC No. and Subject	Remarks
1.	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 & Accounts Offices.	For information and necessary action.
2.	No. F. 12(04)/2017/T-I/Pr.AO/PF/1937-2026 dated13.09.2018 received from Spl. Secretary (Finance), GNCTD, regarding review of pay fixation.	For information and necessary action.
3.	No.IBC/HVAC/2018/1534 dated 14.09.2018 received from Director, Executive Training & Fmr. DG, CPWD regarding two days Executive Development Program on "Planning, Design, Installation, Operation and Maintenance, management of HVAC Systems in Buildings" on 28-29, November, 2018 at IBC HQ, Sector VI, R.K. Puram, New Delhi-110022.	For information and necessary action.
4.	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 inferior quality of material in the works in connivance of quality control department.	With the request to examine the case and submit the report.

Yours Sincerely,

(L.R. MEENA)
Deputy Secretary (PWD/ADMN)

Encl: As above.

कार्या० प्रमुख अभियन्ता लो० नि० वि०
सं० ई-इन-सी/ना/अनुलग्नक/2018/6283 दि० 8/10/18
प्रतिलिपि-सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
① अ०नि०वि० की वेब-साईट।

सहायक प्रशासनिक अधिकारी
कार्यालय प्रमुख अभियंता
लो० नि० वि०, दिल्ली सरकार
8वां तल, पुलिस मुख्यालय,
नई दिल्ली-110002

(2)

संख्या जे–13035/01/2018–डी.डी.–4(ई.1154633 व ई.1154778)

भारत सरकार/Government of India

आवासन एवं शहरी कार्य मंत्रालय/Ministry of Urban Development

(दिल्ली प्रभाग/Delhi Division)

निर्माण भवन, नई दिल्ली,
दिनांक: 13 सितंबर, 2018

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 24.08.2018 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,

(Raj Kumar)
Under Secretary to the Government of India

CRU Urban Development
Govt. of NCT of Delhi
14 SEP
Dy. No. DLB/2018/6346

S.P. GUPTA
[Accredited Journalist]
Mobile : 9811116678

CHIEF EDITOR
SATYA PRAKASH TIMES (NATIONAL HINDI NEWS PAPER)
PRESIDENT
ALL INDIA SAMAJ SEWA DAL DELHI PRADESH (REGD.)
GENERAL SECRETARY
INDIAN NEWS PAPER AND JOURNALIST SOCIETY (REGD.)

OFFICE : A-71, SHASTRI NAGAR, DELHI-52 • PH.: 23646013 • E-mail : sptimes@rediffmail.com

Ref AISSD/230/18 **Date 24/08/2018**

To

Special Commissioner Anti-Corruption Branch.
Sh. Alok Verma Director CBI
Secretary Central Vigilance Commission of India
CAG of India
Secretary Vigilance Govt. of Delhi

Sub: Inferior quality of material used in the works with the connivance of quality control department. Investigation through CBI /CVC/CAG/Anti Corruption. Violation of CVC Guidelines in the works executed under EE M-32 PWD of Delhi. Breach of Trust and Misuse of Public fund.violation of Rule 148 of General Financial Rule . The Department has flouted rules by splitting contract in to several parts.

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 A.E.

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 ,18/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. 6/EE/CBMDM-322/2014-15, 9/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, 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 expending 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 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 Dharna Out side the Office of the Lt. Governer 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.

S.P. GUPTA
(Accredited Journalist)
Mobile : 9811116678

CHIEF EDITOR
SATYA PRAKASH TIMES (NATIONAL HINDI NEWS PAPER)
PRESIDENT
ALL INDIA SAMAJ SEWA DAL DELHI PRADESH (REGD.)
GENERAL SECRETARY
INDIAN NEWS PAPER AND JOURNALIST SOCIETY (REGD.)

OFFICE : A-71, SHASTRI NAGAR, DELHI-52 • PH.: 23646013 • E-mail : sptimes@rediffmail.com

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. 5 dated 10/11/2015 Reminder No. 6 dated 10/03/2016 Reminder No. 7 dated 26/05/2016 Reminder No. 8 dated 27/07/2016 Reminder No. 9 dated 9/06/2017 Reminder No. 10 dated 07/07/2017 Reminder No. 13 dated 13/03/2018 Reminder No. 14 dated 27/03/2018 Reminder No. 15 dated 17/05/2018 Reminder No. 16 dated 07/07/2018 Reminder No. 17 dated 23/08/2018

To

Sh. Anil Baijal Hon'ble Lt. Governer of Delhi

Sh. Arvind Kejriwl Hon'ble Chief Minister of Delhi

Sub: Investigation through CBI /CVC/CAG/Anti Corruption. Violation of CVC Guidelines in the works executed under EE M-32 PWD of Delhi. Breach of Trust and Misuse of Public fund.violation of Rule 148 of General Financial Rule . The Department has flouted rules by splitting contract in to several parts. 3 rd 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 Ist of all investigate the matter and corrupt officials should be sent to jail .It is requested to the Hon'ble Lt. Governer to forwarded the application to anti-corruption or Secretary/Director Vigilance for proper investigation.

Sir,
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 BhawanAnuraksanPremandal M-32PWD 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

Work order No. 6/EE/CBMDM-322/2014-15, 9/EE/CBMDM-322/2014-15
It is requested to thoroughly investigate the following works executed under Agreement No. 01/EE/CBMDM-322/2013-14, 02/EE/CBMDM-322/2013-14,03/EE/CBMDM-322/2013-14,04/EE/CBMDM-322/2013-14, 06/EE/CBMDM-322/2013-14,07/EE/CBMDM-322/2013-14,09/EE/CBMDM-322/2013-14, 10/EE/CBMDM-322/2013-14, 14/EE/CBMDM-322/2013-14, 15/EE/CBMDM-322/2013-14, 19/EE/CBMDM-322/2013-14, 20/EE/CBMDM-322/2013-14, 23/EE/CBMDM-322/2013-14, 26/EE/CBMDM-322/2013-14, 28/EE/CBMDM-322/2013-14, 30/EE/CBMDM-322/2013-14, 31/EE/CBMDM-322/2013-14, 34/EE/CBMDM-322/2013-14, 04/EE/CBMDM-322/2014-15, 6/EE/CBMDM-322/2014-15,
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.

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.

Dy No. PWD118/24340
Date 18/09/18

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.

SS(PWD)

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,

Encl : As above

DS(A) 24.9.18 SO(Admn)

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

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

24/9
Ms. Anny

Controller of Accounts

F.No.18/03/2015-Estt. (Pay-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 2nd March, 2016

OFFICE MEMORANDUM

Sub: 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 *Chandi Prasad Uniyal And Ors. vs. State of Uttarakhand 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 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*

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
2. 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.
3. Controller General of Accounts / Controller of Accounts, Ministry of Finance.
4. Union Public Service Commission / Lok Sabha Sectt. / Rajya Sabha Sectt. / Cabinet Sectt. /Central Vigilance Commission / President's Sectt ./ Vice-President's Sectt. / Prime Minister's Office / Niti Aayog.
5. Governments of all States and Union Territories.
6. Department of Personnel and Training (AIS Division) / JCA /Admn. 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.

Dy No. PWD/18/124341
Date 18/09/18

PRINCIPAL ACCOUNTS OFFICE
GOVT. OF NCT OF DELHI
A-BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI

No. 19(Misc.)/Circular/Pr. AO/T-I/2008-09/III/ 1834-1933 Date : 13/09/2018

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.

SS(PWD)

20/9 DS(A) Sol(Adm) 24.9.18 SL 24/9

Yours faithfully,

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

No. 19(Misc.)/Circular/Pr. AO/T-I/2008-09/III/ Mr. Anny Date :

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.

Controller of Accounts

PRINCIPAL ACCOUNTS OFFICE
GOVT. OF NCT OF DELHI
A-BLOCK, VIKAS BHAWAN, I.P. ESTATE, 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

INDIAN BUILDINGS CONGRESS

Legacy of Trust

Indian Buildings Congress

F.2(D)18/24342
18/09/18

No.IBC/HVAC/2018/1534
14th September, 2018

The Principal Secretary
to the Govt. of NCT of Delhi,
PWD, Delhi Sachivalaya
New Delhi-110002

Sub.: Two Day Executive Development Program on **"Planning, Design, Installation, Operation and Maintenance Management of HVAC Systems in Buildings" on 28-29, November, 2018 at IBC HQ, Sector VI, R.K. Puram, New Delhi -110 022.**

Dear Sir,

Institute for Training of Building Professionals (ITBP) in collaboration with Indian Society of Heating, Refrigerating and Air Conditioning Engineers **(ISHRAE)** under the aegis of Indian Buildings Congress is organizing **Two Day Executive Development Program on "Planning, Design, Installation, Operation and Maintenance Management of HVAC Systems in Buildings" on 28-29, November, 2018 at IBC HQ, Sector VI, R.K. Puram, New Delhi -110 022.**

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

Encl: As above

Sector-VI, R. K. Puram, New Delhi-110022
E-mail : info@ibc.org.in • Website : www.ibc.org.in
Ph. : 011-26169531, 26170
Fax : 011-26196391

INDIAN BUILDINGS CONGRESS
Institute for Training of Building Professionals (ITBP)

"Planning, Design, Installation, Operation and Maintenance Management of HVAC Systems in Buildings"

28-29 November, 2018

PROGRAM SCHEDULE

Session	Time	Topics
Day 1 - 28, November, 2018		
	0930 -1000 hrs	Registration
	1000 - 1030 hrs	Inauguration
	1030 - 1100 hrs	Tea
I	1100 - 1230 hrs	Introduction to various types of HV AC System for Buildings . Necessity of HVAC in Buildings in present context
II	1230 - 1315 hrs	Selection of appropriate HVAC Scheme for Air-conditioning - Technical & Financial Comparison of various systems
	1315 - 1400 hrs	Lunch
III	1400 - 1515 hrs	Introduction to Design of HVAC Systems i/c Heat load calculations and B.O.Q.
	1515 – 1530 hrs	Tea
IV	1530 - 1645 hrs	Layout of central AC Plant Room equipment i/c Chillers, Elect Panel, Pumps, cooling tower, water treatment plant etc.
Day 2 - 29, November, 2018		
V	1000-1130 hrs	Design of VRV Systems and their Applications
	1130 - 1145 hrs	Tea
VI	1145 - 1300 hrs	Architectural , Structural, Civil and Electrical Coordination for HVAC System
	1300- 1345 hrs	Lunch
VII	1345 – 1515 hrs	Operation and Maintenance of HVAC Systems
VIII	1515 – 1600 hrs	Group Discussion and Distribution of Certificates
	1600 hrs	Tea

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

F. No. 4(73)/Fin. (Estb-III)/2010-11/ ds V/308

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
FINANCE DEPARTMENT
4TH LEVEL, 'A WING' DELHI SECRETARIAT.
I.P. ESTATE, NEW DELHI 110002
CD No:- 012143699

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 No	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.

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

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.

FINANCE DEPARTMENT
Govt. of NCT of Delhi
5th Level, Vikas Bhawan
Dy No. PWD/18/24340
Date 18/09/18

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.

SS(PWD)

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,

Encl : As above

DS(A) 24.9.18 SO(Admn)

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

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

24/9

MS - Army

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 then 23 years. Moreover the complainant/Journalist is not bothered about the false allegation.

got the entire papers from the PWD. This is

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 Dharna Out side the Office of the Lt. Governer 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. Narender 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 Urbon Development of India
Central Vigilance Commissioner
Sh. Manish Sisodia Hon'ble Dy. Chief Minister of Delhi
Sh. Satyadner Jain Hon'ble Minister of Delhi
Sh. Kailash Gahlot Hon'ble Minister of Delhi
Comptroller Auditor General of India
Chairman Public Grievances Commission M Block VikasBhawan 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