

SOUTH CENTRAL RAILWAY

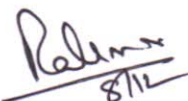
Headquarters Office.
Personnel Branch/SC.
Date: 8 .12.2015

No.P(R)/75/VIII

ALL CONCERNED

PERSONNEL BRANCH SERIAL CIRCULAR NO. 138/2015

Copy of Board's letter No.PC/V/2010/A/TA/1 dated 17.11.2015 is forwarded for information, guidance and necessary action. Board's letter dated 12.09.2014 quoted therein was circulated under SC No.113/2014.



(K.Ravi Kumar)
APO[E&HQ]

For Chief Personnel Officer

Board's letter No. PC/V/2010/A/TA/1 dated 17.11.2015 [RBE No.145/2015]

Sub: Grant of Transport Allowance @ Rs 7000/- + DA thereon to officers drawing Grade Pay of Rs 10000/- on Non-functional basis-clarification reg.

Attention is invited to Board's letter of even number dt. 12.09.2014 (RBE No.100/2014) whereby it has been clarified that the officers of organized services drawing Grade Pay of Rs 10000/- under NFU Scheme are not eligible for grant of Transport Allowance @ Rs 7000/- p.m.+ DA thereon. References have been received from some of the Zonal Railways seeking guidelines as regards effecting recovery or otherwise of overpayments made to such officers due to erroneously allowing Transport Allowance @ Rs 7000/- p.m+ D.A thereon.

2. In context of the above, it is stated that as per general principles of financial propriety, any amount paid to an employee in excess of what is due to him has to be recovered. Further, the Hon'ble Supreme Court in the matter of Chandi Prasad Uniyal and Ors Vs State of Uttrakand & Ors (Civil Appeal No.5899/2012) vide their order dt.17.08.2012 have observed that "any amount paid/received without authority of law can always be recovered barring few exceptions of extreme hardships but not as a matter of right, in such situations law implies an obligation on the payee to repay the money, otherwise it would amount to unjust enrichment".

3. As per mandate of the aforementioned rulings of the Hon'ble Supreme Court, necessary action to recover the excess payment made against Transport Allowance may please be taken immediately.

4. This issues with the concurrence of Finance Dte. of Railway Board.

Sd/-

(N.P.Singh)Dy.Director, Pay Commission-V]

INDEX No.1016 ALLOWANCES OTHER THAN HRA/CCA	S.C.No.
Board have advised that Transport allowance at Rs.7000/- + DA thereon allowed erroneously to officers drawing GP 10,000/- on non-functional basis may be recovered as per general principles of financial propriety and ruling of the Hon'ble Supreme Court in Civil Appeal No.5899/2012.	138 /2015