

भारतीय मानक ब्यूरो

वित्त विभाग

हमारा संदर्भ : वित्त/2:24/2017-18

दिनांक : 31 जुलाई 2017

विषय: नोएडा, गाजियाबाद और फ़रीदाबाद में तैनात कर्मचारियों को परिवहन भत्ता के अतिरिक्त भुगतान कीवसूली

परिपत्र संख्या बी. आई. एस. / मुख्यालय /वित्त/परिपत्र (08)/2017 दिनांक 31जुलाई2017सभी संबंधित की जानकारी हेतु सलंगन है।

हस्ता

(गुरप्रीत सिंह)

निदेशक (वित्त)

परिचालित सेवा में भा मा ब्यूरो इंटरनेट के माध्यम से :

- सभी क्षेत्रीय कार्यालय / शाखा कार्यालय / एन आई टी एस / केंद्रीय प्रयोगशाला के प्रमुख
- मुख्यालय के सभी विभागों के प्रमुख
- भा मा ब्यूरो के सभी अधिकारी एंवम कर्मचारी
- भारतीय मानक के सभी पेंशनर्स एवं फैमिली पेंशनर्स

प्रतिलिपि - जानकारी के लिए :

- ❖ निजी सचिव (महानिदेशक) - महानिदेशक की जानकारी के लिए
- ❖ अपर महानिदेशक / मुख्य सतर्कता अधिकारी / सभी उप महानिदेशक

सूचना और प्रौद्योगिकी विभाग - भारतीय मानक ब्यूरो के इंटरनेट पर रखने के लिए

BUREAU OF INDIAN STANDARDS
(FINANCE DEPARTMENT)

Our Ref: FIN/2.24/2017-18

31 July 2017

Subject: Excess payment of Transport Allowance to employees of BIS posted at Faridabad, Ghaziabad, Noida and Gurgaon since September 2008

The Circular No. BIS/FIN/HQ/Circular(08)/2017 dated 31 July 2017 on the captioned subject is enclosed for information of all concerned.

sd/-
(Gurpreet Singh)
Director (Finance)

Circulated through Intranet to:

- Heads of ROs/BOs/ CL/NITS
 - Heads of all Departments at HQ
 - All Official of BIS
- All pensioners/family pensioners of BIS**

Copy for Information:

- PS to DG – For DG's Information
- ADG/CVO/ All DDGs

Copy to: ITSD for placing on BIS INTRANET

BUREAU OF INDIAN STANDARDS
(FINANCE DEPARTMENT – HQ)

Subject: Excess payment of Transport Allowance to employees of BIS posted at Faridabad, Ghaziabad, Noida and Gurgaon since September 2008

1. This is in continuation of Finance Department's note No. Fin/2:24/WP(C)/10515/2015 dated 10 March 2016 (copy enclosed), wherein it was mentioned that the matter relating to waiver and refund of excess Transport Allowance to eligible employees, as the case may be, shall be placed before the Appropriate Competent Authority for its approval.

2. In this regard, it is informed that the proposal for waiver and refund of excess Transport Allowance was sent to Department of Expenditure (DoE) by Department of Consumer Affairs (DoCA). DoCA vide its letter No. 2/1/2016-BIS dated 20th July 2017 has conveyed to BIS the decision of DoE that **"the overpayment may be recovered without any penal interest.** (Copy of the letter of DoCA is enclosed herewith).

3. It has, therefore, been decided that, In view of the decision of DoE conveyed to BIS by DoCA, the recovery of excess payment of Transport Allowance, which was discontinued earlier as per Finance Department's note No. Fin/2:24/WP(C)/10515 dated 10th March 2016, will now be effected from the salary/pension of concerned employees & pensioners commencing from August 2017 onwards. The recovery will be effected in instalments as under:

(a) Recovery for the excess payment made during the period September 2008 to November 2014 from employees will be made in the following instalment:

Excess payment relating to period	No. of instalment in which recovery will be made
Less than one year	4
1-2	8
2-3	12
3-4	16
4-5	20

(b) In case any of those employee, who will be superannuating from August 2017 onwards, the entire/remaining balance will be recovered from the Gratuity.

(c) In case of those employees, who have already retired and are pensioners of BIS, the recovery will be made in instalments through their Dearness Relief commencing from August 2017 till the entire amount is recovered.

This is for information of all concerned employees and pensioners of BIS.

This issues with approval of DG:BIS.

Sd/-

(Gurpreet Singh)

Director (Finance)

Our Ref: FIN/2:24/2017-18

Date : 31 July 2017

Circulated through Intranet to:

- · Heads of ROs/BOs/ CL/NITS
- · Heads of all Departments at HQ
- · All Official of BIS
- All pensioners/family pensioners of BIS

Copy for Information:

- PS to DG – For DG's Information
- ADG/CVO/ All DDGs

Copy to: ITSD for placing on BIS INTRANET

DDCF Dy. No. 862
Date 25/07/17

No. 2/1/2016-BIS
Government of India
Ministry of Consumer Affairs, Food & PD
Department of Consumer Affairs
(BIS Section)

Krishi Bhawan, New Delhi.
Dated the 20th July, 2017

To,
The Director General,
Bureau of Indian Standards,
Manak Bhawan,
New Delhi-110002

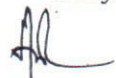
Sub: Proposal for waiver of recovery of Transport Allowance in respect of employees of Bureau of Indian Standards posted at Ghaziabad, Noida and Faridabad for the period September, 2008 to November, 2014 - regarding

Madam,

I am directed to refer to BIS letter no. FIN/2:24/TA&HRA/2016-17 dated 02.11.2016 and 30.05.2017 regarding the above mentioned subject and to say that the BIS proposal was referred to Dept. of Expenditure (DoE) for their consideration and approval.

2. DoE has now advised that the overpayment may be recovered without any penal interest. It has also advised that the internal audit mechanism may be strengthened to avoid such instances in future.

Yours faithfully,



(A. K. Pandey)

Under Secretary to the Govt. of India

Tel: 23381120

30528
Dated 20-7-17
21

~~DF~~ AP 24/7/2017

DDG (F)

see. p.u. free to say
quickerly
29/7/17

~~DF~~

भारतीय मानक ब्यूरो

वित्त विभाग

सन्दर्भ: वित्त/2:24

10 मार्च 2016

विषय: फरीदाबाद, गाजियाबाद एवं नौयडा में तैनात भारतीय मानक ब्यूरो के कर्मचारियों को सितम्बर 2008 से टी. ए. का अतिरिक्त भुगतान- याचिका संख्या डब्ल्यू पी (सी) 11515/2015 पर माननीय दिल्ली उच्च न्यायालय द्वारा पारित दिनांक 11 दिसम्बर 2015 के आदेश के अनुपालन में प्रतिनिधित्व का निपटान

क्रम संख्या FIN/2:24 / WP (C) 10515/2015 दिनांक 10 मार्च 2016 के तहत उपरोक्त विषय पर व्यापक आदेश यहाँ सभी संबंधित की जानकारी के लिए संलग्न है।

हस्ता/-

(गुरप्रीत सिंह)

निदेशक (वित्त)

परिचालित:

- सभी संबंधित कर्मचारीगण
- सभी संबंधित पेंशनर
- उपर महानिदेशक/मुख्य सतर्कता अधिकारी/ मुख्यालय के सभी उपमहानिदेशक/ सभी उप महानिदेशक क्षेत्रीय कार्यालय/ सभी क्षेत्रीय कार्यालय/ शाखा कार्यालय
- पी एस महानिदेशक : महानिदेशक की जानकारी हेतु

प्रति: बी आई एस इंटरनेट पर डालने के लिए आई टी एस डी

BUREAU OF INDIAN STANDARDS
(FINANCE DEPARTMENT)

Our Ref: FIN/2:24

10th March 2016

Subject: Excess Payment of Transport Allowance to BIS employees posted at Ghaziabad, Noida and Faridabad -- Disposal of Representation in compliance to Order dated 11th December, 2015 passed by Hon'ble Delhi High Court in Writ Petition No. WP (C) 11515/2015

A Speaking Order under Ref No. FIN/2:24/WP (C) 10515/2015 dated 10 March 2016 on the captioned subject is enclosed here with for information of all concerned.

(Gurpreet Singh)
Director (Finance)

Circulated to:

- All Concerned Employees and Pensioners
- ADG/CVO/All DDGs at HQ/All DDGRs/DDG(NITS)/ All ROs & BOs
- PS to DG

Copy to: ITSD for placing on BIS INTRANET

BUREAU OF INDIAN STANDARDS
(FINANCE DEPARTMENT)

Ref: Fin/2:24/ WP (C) 10515/2015

Dated: 10th March, 2016

Sub: Disposal of Representation in compliance to Order dated 11th December, 2015 passed by Hon'ble Delhi High Court in Writ Petition No. WP (C) 11515/2015

I am directed to intimate that in due compliance to the order dated 11th December, 2015 passed by Hon'ble Delhi High Court in the captioned Writ Petition, the Representation dated 21.01.2015 has been carefully considered by the Competent Authority (DG:BIS) and it has been decided as follows:

1. That the audit report of BIS for the year 2013-14 conducted by C&AG office mentioned that Transport Allowance to BIS employees posted at Faridabad, Ghaziabad (Ghaziabad Branch Office and Central Laboratory) and Noida should be paid as applicable to 'Other Places' as per the Ministry of Finance, Department of Expenditure vide O.M. 21(2)/2008-E.II(B) dated 29.08.2008 further repeated in OM No. 21/8/2010-E.II(B) dated 07.03.2014.
2. That Finance Department of BIS issued Circular No. Fin/2:24 dated 30.12.2014 mentioning that Transport Allowance for the month of December, 2014 onwards shall be paid at rates prescribed in OM dated 29.08.2008 to BIS employees posted at Faridabad, Ghaziabad (Ghaziabad Branch Office and Central Laboratory) and Noida. It was also mentioned that recovery of excess transport allowance for the period starting from 29th August, 2008 to November, 2014 will be commenced from the month of January, 2015 in suitable number of installments. Accordingly, recovery of excess transport allowance was started from the month of January, 2015 itself.
3. That Sh. Ratan Singh & Ors. filed Writ Petition (Civil) No. 11515/2015 before Hon'ble Delhi High Court challenging recovery of excess transport allowance paid by BIS to its employees posted at Faridabad, Ghaziabad (Ghaziabad Branch Office and Central Laboratory) and Noida. Hon'ble High Court in its order dated 11.12.2015 directed Respondent No. 3 to decide the Representation dated 21.01.2015 of the petitioners within twelve weeks by passing a speaking order.
4. That Ministry of Finance, Department of Expenditure vide O.M No. 21(8)/2010-E.II (B) dated 26.10.2015 has reiterated that the special dispensation granted to some cities for the purposes of enhanced rates of HRA and CCA have no linkage with Transport Allowance and the benefits of enhanced rates shall not be automatically granted for Transport Allowance. It has also emphasized that granting exception for higher rates of transport allowance in respect of Faridabad, Ghaziabad (till 31.03.2015), Gurgaon and Noida will give rise to similar demands from other satellite towns of remaining "A-1/A" class cities which cannot be agreed to. The relevant extracts of the said OM reads as under:

"Thus, Transport Allowance to Central Government Employees posted in Offices located at Faridabad, Ghaziabad (till 31.03.2015), Gurgaon and Noida has to be

regulated as per rates applicable to 'Other Places' in terms of Ministry of Finance O.M.NO.21(2)/2008-E.II(B) dated 29.08.2008 and subsequent O.M.No.21(1)/2015-E.II (B) dated 06.08.2015"

5. That in the meantime, Hon'ble Supreme Court in the case of ***State of Punjab & Ors. Vs Rafiq Masih etc.***, vide order dated 18.12.2014 summarized the following few situations, wherein recoveries by the employers would be impermissible in law:-
 - a) *Recovery from employees belonging to Class-III and Class-IV service (Or Group 'C' and Group 'D' service).*
 - b) *Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*
 - c) *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.*
 - d) *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.*
 - e) *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.*
6. That Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training (DoPT) vide OM F. No. 18/03/2015-Estt. (Pay-I) dated 02.03.2016 has also conveyed that *"wherever waiver of recovery in the abovementioned situations is considered, the same may be allowed with the express approval of the Department of Expenditure in terms of this Department's OM No. 18/26/2011-Estt (Pay-I) dated 06.02.2014."*
7. In due cognizance of the order of the Hon'ble Supreme Court and the DoPT OM F. No. 18/03/2015-Estt. (Pay-I) dated 02.03.2016, it has been decided by DG:BIS that
 - i) Recovery of excess TA paid to BIS employees posted at Faridabad, Ghaziabad (Ghaziabad Branch Office and Central Laboratory) and Noida and falling under the purview of Para 5(a) and 5(b) above, as on 30.12.2014 (i.e. Date of Circular No. Fin/2:24 of Finance Department of BIS), will not be effected.
 - ii) Recovery of excess payment in case of employees falling under purview of Para 5(c) above, as on 30.12.2014, shall be effected since December, 2009 (i.e. recovery within 5 years of the circular of recovery).
 - iii) The matter relating to waiver and refund of excess Transport Allowance to eligible employees, as the case may be, shall be placed before the Appropriate Competent Authority for its approval.

Gurpreet Singh
Director (Finance)

To,
All concerned employees and pensioners of BIS