

No. 11012/1/2000-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, dated the 6th September, 2000

OFFICE MEMORANDUM

Sub. : Rule 11 (iii) of the CCS (CCA) Rules, 1965 -
Recovery of pecuniary loss caused by a Government
servant-Clarifications regarding.

The undersigned is directed to say that references are being received in this Department seeking clarification whether the instructions contained in DGP&T Letter No. 3/313/70-Disc-I dated 17.08.1971 are applicable to Government servants serving in other Ministries/ Departments also.

2. The DGP&T's instructions mentioned above provide that recovery from the pay of a Government servant as a punishment for any pecuniary loss caused by him to the Government by negligence or breach of orders, should not exceed 1/3 of his basic pay (i.e. excluding dearness pay or any other allowances) and should not be spread over a period of more than three years. However, no such limits have been prescribed in the statutory rules i.e. in Rule 11 (iii) of the CCS (CCA) Rules, 1965.

3. The matter has been examined in consultation with the Ministry of Law. It was observed that the DGP&T instructions prescribed the procedure to effect the recovery of the amount levied as penalty in terms of Rule 11 (iii) of the CCS (CCA) Rules, 1965 and these procedural instructions cannot amend, supercede, or modify the substantive provisions of Rule 11 (iii) of the CCS (CCA) Rules, 1965. While it is expected that in imposing the penalty of recovery of pecuniary loss the disciplinary authority should not display such severity that a

Government servant suffers hardship disproportionate to his negligence/misconduct that led to the loss, it is not necessary to fix a rigid limit for the purpose of such recovery. The DGP&T instructions would, therefore, be treated as unwarranted. Therefore, the implication of this OM is to recover the entire loss from the delinquent official but the recovery may be spread over till entire loss is recovered.


(Smt. S. Bandopadhyay)
Director

To

All Ministries/Departments of the Government of India.

Copy to :

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.


(Smt. S. Bandopadhyay)
Director