

GOVERNMENT OF INDIA/भारत सरकार
MINISTRY OF RAILWAYS/रेल मंत्रालय
(Railway Board) रेलवे बोर्ड

S.No. 359
No PC-V/2010/A/TA/1

RBE No. 45/2015
New Delhi, dated 7.11.2015

The General Managers/CAO(R)
All Zonal Railways/PUs
(As per mailing list)

Sub:-Grant of Transport Allowance @ ₹7000/-+DA thereon to officers drawing Grade Pay of ₹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 ₹10000/- under NFU Scheme are not eligible for grant of Transport Allowance @ ₹7000/-p.m+D.A 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 @ of ₹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 Uttarakhand & 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 issue with the concurrence of Finance Dte. of Railway Board.

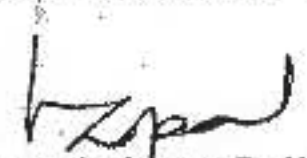
5. Hindi version will follow.


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

No. PC-V/2010/A/TA/1

New Delhi dt. 7.11.2015

Copy (with 40 spares) forwarded to Deputy Comptroller and Auditor General of India (Railways), New Delhi.


for Financial Commissioner, Railways