



Finance (Paycell) Department,
Secretariat,
Chennai - 600 009.

Letter No. 26035 / PayCell / 2016-1, Dated: 20-- 05 --2016

From
Thiru K.Shanmugam, I.A.S,
Additional Chief Secretary to Government.

To
All Secretaries to Government, Chennai-9.
All Heads of Department.
All Departments of Secretariat, Chennai-9.

Sir / Madam,

Sub: Writ Petition – Writ Petitions filed against recovery of
excess payments – Further instructions - Issued .

Ref: 1. G.O.Ms.No.234, Finance (Pay Cell) Department, dated
01.06.2009.
2. Judgement order dated 01-04-2016 in W.P.No.12373
of 2016.

In the Government Order cited, necessary instructions were issued to the effect that the pay fixing authorities shall be responsible for fixation of pay of the employees as per the entitlement to the appropriate pay band and grade pay as against the pre-revised scale of pay and any wrong pay fixation, if any brought to the notice of Government, will be viewed seriously. In the said Government Order, it was also mentioned that the recovery of over-payments if any noticed, on account of wrong pay fixation shall be ordered after giving due notice to the employee concerned.

2. In spite of the above clear instructions, it is brought to notice of the Government that the pay fixing authorities are re-fixing the pay of the employees based on audit objections and ordering recovery of excess payments without giving due notice to the employee concerned. This has led to several legal interventions seeking interim stay of the recovery orders passed by the pay fixing authorities. The Hon'ble High Court granted "Interim stay" against recovery on the ground that recovery has been ordered without giving due notice to the petitioners which is against the principle of Natural Justice.

3. It is pointed out that the Government filed detailed Counter Affidavits in several writ petitions to vacate the interim stay granted by the Hon'ble High Court. But, in most of the cases further hearing is yet to be taken up and in some cases the

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interim stay have been made absolute till the disposal of writ petition. The delay in disposal of such cases led to unnecessary financial burden on the State Exchequer by way of allowing the petitioners to draw the higher pay scales by virtue of the interim stay granted by the Hon'ble Courts.

4. In the W.P.No.12373/2016, the grievance of the petitioner is that without issuing notice, the impugned order has been passed by the Sub-Treasury Officer, Tirupattur Taluk, Vellure District seeking recovery of the Rs.1,75,553/- on the ground of excess payment. The Hon'ble High Court of Madras in its order dated: 01-04-2016 stayed the order of recovery until further orders.

5. I am therefore to request you to refix the pay of the employees drawing higher pay due to erroneous pay fixation and recover the excess amount paid to such employees after giving show cause notice invoking the principle of Natural Justice.

6. I am also to reiterate that the failure in recovering the excess payment due to procedural lapses involving stay by the court should be viewed seriously and necessary disciplinary action should be initiated on the erring officials.

7. I am further to request you to communicate the above instructions to all your subordinate officers for strict compliance.

8. The Director of Treasuries and Accounts shall issue necessary instructions to all Pay and Accounts Officers / Treasury Officers / Assistant Treasury Officers not to admit / honour recovery orders issued without following due procedure and bring such proceeding to the notice of the Head of the Department / Administrative department in the Secretariat so that necessary further action may be taken for safeguarding the interest of the Government.

Yours faithfully,

J. Murugesan 23/5/16

for Additional Chief Secretary to Government.

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23/5/16

Copy to:

The Director of Treasuries and Accounts, Chennai-15.
The Accountant General (A&E), Chennai – 18.
Stock File / Spare Copy.