

F. No. 01(14)/2016-E.II(A) (Part-III)

Government of India
Ministry of Finance
Department of Expenditure

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North Block, New Delhi

Dated 01st April 2024

OFFICE MEMORANDUM

Subject: Waiver of recovery of excess payment made to Government employees - General instructions for Ministries/Departments – reg.

The undersigned is directed to say that Rule 15 of Delegation of Financial Power Rules (DFPRs), 2024 deals with waiver of recovery of overpayment made to Government Servants. As per this rule, a Department of Government of India, an Administrator and any other Subordinate Authority to the Department, to whom powers may be delegated by or under special order of the President, may waive the recovery of an amount found to have been overpaid mistakenly to Government servant, in excess of their entitlement, subject to certain conditions and financial limits as laid down under this rule.

2. The date of order for recovery of overpayment is a critical input for decision regarding waiver of such recovery. Therefore, such order for recovery of overpayment should be issued within one month from the date of detection of overpayment.


3. As per Rule 15 of DFPR 2024, a Department of Government of India may waive recovery of overpayment upto Rs. 2,00,000/- (Rupees two lakh only) in the case of each individual with the concurrence of Financial Adviser of the Department. The following guidelines may be adhered to while processing such cases:

- (i) The Ministries/ Department should examine all proposal(s) in terms of the provisions laid down in Rule 15 of DFPRs.
- (ii) Ministries/ Departments should verify that in cases of waiver, no serious negligence has taken place on the part of any Government servant, which may call for disciplinary action by a higher authority.
- (iii) In case a Ministry/ Department is of the view that the loss is on account of a defect in existing rules or procedures, the same shall be brought to the notice of Department/ Ministry with authority to amend such rules or procedures.
- (iv) The guidelines issued by DoP&T vide its O.M. dated 02.03.2016 shall be strictly adhered to by the administrative Ministry/Department while considering waiver of excess payment made to Government servants. Each case of waiver should be recommended by the Financial Advisor and approved by the Administrative Secretary.

- (v) In cases where the waiver of recovery arises from a Court direction, the Ministries/ Departments should satisfy themselves that there are appropriate justifications for not challenging such Court direction.
- (vi) In case a recovery which is subsequently waived, is on account of incorrect interpretation of rules or procedures, Ministries/ Departments may review all similarly placed cases to check requirement of waiver of recovery in future cases. In case of incorrect interpretation of rules or procedures, Ministries/ Departments shall take appropriate measures to ensure that such lapses are corrected. If any inquiry has been made to fix the responsibility, the final report as well as action taken by the Ministry may be kept on record.
- (vii) In case an incorrect interpretation of rules or procedures(e.g., incorrect pay fixation) has remained un-detected over a long period of time, Ministry/ Department may keep on record appropriate justification why such cases were not noticed during regular review, internal audit, etc.

4. Cases involving waiver of recovery of more than Rs. 2,00,000/- (Rupees two lakh only) should be referred to this Department. Such cases may be forwarded along with a detailed note covering information on para 3 along with the filled in checklist (attached as Annexure to this O.M.).

5. This issues with the approval of the Competent Authority.



(C.P. Kushwaha)

Under Secretary to the Govt. of India

To

1. All Ministries/Departments of Government of India
2. Financial Advisor of all Ministries/Departments of Government of India

Checklist for waiver of recovery

1.	Name	
2.	Designation	
3.	Amount for waiver	
4.	Reason for overpayment	
5.	Date of Detection of Overpayment	
6.	Date of issue of order of recovery	
7.	Date of representation submitted by Officer/official mentioning financial hardship	
8.	Date of Disposal of Representation and decision taken on the same.	
9.	Category of exemption as per DoP&T's OM dated 02.03.2016	
10.	Relevant Rules under which pay fixation or allowance drawn resulted to overpayment	
11.	Whether Administrative Ministry is satisfied that loss does not disclose a defect in rules or procedures or there has not been any serious negligence on the part of any Government servant which may call for disciplinary action by a higher authority.	
12.	Whether verification of Service Book have been done periodically. If yes, why such wrong fixation was not detected in such verification.	
13.	Why such wrong fixation was not detected during internal audit.	