

**DEPARTMENT OF SOCIAL WELFARE  
GOVT. OF NCT OF DELHI  
GLNS COMPLEX, DELHI GATE, NEW DELHI  
(ADMINISTRATION BRANCH)**

F.DSW/Admn-II/2017Estt./Pt-file/2358 - 428

Dated:

**27 APR 2018**

**ENDORSEMENT**

Please find enclosed the copies of the endorsement from the Dy. Secretary-V (Finance), finance Department, GNCT of Delhi in this Department for information and further necessary action.

| S.No | Name of the Ministry/Deptt.  | O.M/Resolution No. And Date                           | Subject  |
|------|--|---|--|
| 1.   | Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions                      | OM. No. F.49019/95-Estt-(C), Dated: 19.07.2016        | One day paid weekly off for casual workers- implementation of the Order of Hon'ble CAT, Ahmedabad bench in the OA No. 214 of 2013 filed by Smt. Bhikaben Pratapbhai Prajapati. |
| 2.   | Department of Personnel and Training, Ministry of Personnel, Public Grievances & Pensions                    | No.13023/01/2017-Estt. (L), dated: 01.01.2018         | Gazette Notification regarding the Central Civil Services (Leave) Second Amendment Rules, 2017   |
| 3.   | Department of Personnel and Training, Ministry of Personnel, Public Grievances & Pensions                    | OM. No. 18/03/2015-Estt. (Pay-I), Dated: 02.03.2016   | Recovery of wrongful/excess payments made to Government servants.  |
| 4.   | Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India | O.M. No. A-270 12.03.2017-Estt.(AL), dated 16.08.2017 | Recommendation of the Seventh Central Pay Commission - implementation of decisions relating to Special Allowance for child care for women with disabilities.                   |


Encl: As above

  
26/4/18  
Section Officer-II(Admn)

Copy to:

1. All DDs/DSWOs, DSW, GNCTD, Delhi Gate, Delhi
2. All Supdts/DDO/HOO of Homes/Institutions, DSW, GNCT, Delhi Gate, Delhi.
- ✓ 3. System Analyst, DSW for uploading the circular on the Department website.
4. Guard file.

  
26/4/18  
Section Officer-II(Admn)

  
(MB) PAR  
01/05/2018  
Sh. Abhishek A.R.  
Sh. Ramesh Kumar A.R.

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fin/2018/4248  
01/03/2018

No. F. 49019/1/95-Estt-(C)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

North Block, New Delhi-110 001  
Dated: 19th July, 2016

OFFICE MEMORANDUM

Subject: One day paid weekly off for casual workers-implementation of the Order of Hon'ble CAT, Ahmedabad bench in the OA No. 214 of 2003 filed by Smt. Bhikaben Pratapbhai Prajapati.

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The undersigned is directed to refer to the provisions of the Department of Personnel and Training OM No.49014/2/86-Estt (C) dated 7<sup>th</sup> June, 1988 on recruitment of Casual Workers and daily wagers. As per para 1 (vi) of the above referred O.M, the Casual workers may be given one paid weekly off after six days of continuous work.

2. The issue of paid weekly day off for casual workers employed in offices observing five day week has been examined in the light of dismissal of the SLP by the Hon'ble Supreme Court in the *Bhikaben Pratapbhai Prajapati* case. The issue of paid weekly off had come up for consideration in the OA No. 214 of 2003 filed by Smt Bhikaben Pratapbhai Prajapati in the Ahmedabad Bench of Hon'ble CAT. The Tribunal observed:

23. *What is important is that when offices work for a five days week and not for six days week, it is not at the behest of the casual workers where they can be treated differently. In our considered opinion, those workers should not be discriminated.*

3. The Hon'ble CAT had directed that the respondents should draw a scheme keeping the scales even pertaining to those who are working in an office having five days week preferably within four months, taking stock of the totality of the facts and also considering that those who are working in six days week are being given one weekly off.

4. At present, the weekly paid off day is allowed to casual workers employed in the offices observing six day week only. The issue has been reconsidered in consultation with Department of Expenditure in the light of the Court orders. It has been decided that casual workers

DSF (28)

27/2/2018

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जिस्ट्री सं० डी० एल०-33004/99

OFFICE OF THE CHIEF SECRETARY  
GOVT. OF NCT OF DELHI  
REGD. NO. D. L.-33004/99  
19 JAN 2018  
DY. No.....



# भारत का राजपत्र The Gazette of India

19 JAN 2018

असाधारण  
EXTRAORDINARY  
भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

9/1/18/3025  
DY. No.....

सं. 07] नई दिल्ली, बुधवार, जनवरी 3, 2018/पौष 13, 1939  
No. 07] NEW DELHI, WEDNESDAY, JANUARY 3, 2018/PAUSHA 13, 1939

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 1 जनवरी, 2018

सा.का.नि. 08(अ).—संविधान के अनुच्छेद 148 की उपधारा (5) के साथ पठित अनुच्छेद 309 द्वारा प्रदत्त शक्तियों का प्रयोग कर तथा भारतीय लेखा परीक्षा और लेखा विभाग में सेवारत कार्मिकों के संबंध में, भारत के नियंत्रक एवं महालेखा परीक्षक के परामर्श से राष्ट्रपति, केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 में और संशोधन हेतु निम्नलिखित नियम बनाते हैं, अर्थात:—

- (1) इन नियमों को केन्द्रीय सिविल सेवा (छुट्टी) द्वितीय संशोधन विनियम, 2017 कहा जा सकेगा।  
(2) ये शासकीय राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।
  - केन्द्रीय सिविल सेवा (छुट्टी) नियमावली, 1972 के (इसके पश्चात् इन्हें उक्त नियम कहा जाएगा), नियम 54 में, उप-नियम (3) में नियम 57 में निर्धारित अन्वय शर्तों के पूरा किए जाने के अध्वधीन हैं, उसके संबंध में अध्ययन भत्ता का आहरण विलोपित कर दिया जायेगा।
- नियम 56 के उक्त नियम में-
- उपनियम "57 से 60 तक के प्रावधान के अनुसार यथास्वीकार्य गृह किराया भत्ता और अध्ययन भत्ता शब्दों को "गृह किराया भत्ता" शब्दों से प्रतिस्थापित किया जाएगा।
  - उपनियम (4) में "नियम 57 के उपनियम (2) में यथापरिकल्पित शब्द" को विलोपित कर दिया जाएगा
  - उपनियम (5) को विलोपित किया जाएगा
- उक्त नियमावली के नियम 57, 58, एवं 59 को विलोपित किया जाएगा।
  - उक्त नियमावली नियम के 60, उपनियम (2) में "और अध्ययन भत्ता" शब्द को विलोपित कर दिया जाएगा।
  - उक्त नियमावली के नियम 63 उपनियम (1) उपबंध (i) में "अध्ययन भत्ता" को विलोपित किया जाएगा।

[फा.सं. 13023/1/2017-स्था.(एल)]

ज्ञानेन्द्र देव त्रिपाठी, संयुक्त सचिव

55 GI/2018

may kindly file up  
25/1/18

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|    |                                   |              |        |            |
|----|-----------------------------------|--------------|--------|------------|
| 41 | 13012/12/86-स्था. (छुट्टी)        | 10.3.1989    | 198    | 25.3.1989  |
| 42 | 13026/2/90-स्था. (छुट्टी)         | 22.10.1990   | 55     | 26.1.1991  |
| 43 | 11014/3/89-स्था. (छुट्टी)         | 2.5.1991     | 303    | 18.5.1991  |
| 44 | 11014/3/89-स्था. (छुट्टी)         | 21.1.1992    | 49     | 8.2.1992   |
| 45 | 13026/2/90-स्था. (छुट्टी)         | 4.3.1992     | 119    | 14.3.1992  |
| 46 | 13026/2/90-स्था. (छुट्टी)         | 20.4.1993    | 225    | 8.5.1993   |
| 47 | 13018/7/94-स्था. (छुट्टी)         | 31.3.1995    | 317(अ) | 31.3.1995  |
| 48 | 14028/10/91-स्था. (छुट्टी)        | 8.8.1995     | 385    | 19.8.1995  |
| 49 | 14028/4/91-स्था. (छुट्टी)         | 18.9.1995    | 442    | 7.10.1995  |
| 50 | 14015/2/97-स्था. (छुट्टी)         | 31.12.1997   | 727(अ) | 31.12.1997 |
| 51 | 13026/1/99-स्था. (छुट्टी)         | 18.4.2002    | 149    | 27.4.2002  |
| 52 | 13026/1/2002-स्था. (छुट्टी)       | 15/16.1.2004 | 186    | 5.6.2004   |
| 53 | 14028/1/2004-स्था. (छुट्टी)       | 13.2.2006    | 47     | 4.3.2006   |
| 54 | 13018/4/2004-स्था. (छुट्टी)       | 31.3.2006    | 91     | 27.4.2006  |
| 55 | 13023/3/98-स्था. (छुट्टी), खंड-II | 26.10.2007   | 229    | 3.11.2007  |
| 56 | 11012/1/2009-स्था. (छुट्टी)       | 1.12.2009    | 170    | 5.12.2009  |
| 57 | 13026/1/2010-स्था. (छुट्टी)       | 12.5.2011    | 160    | 12.5.2011  |
| 58 | 13026/5/2010-स्था. (छुट्टी)       | 5.8.2011     | 601(अ) | 5.8.2011   |
| 59 | 14028/1/2010-स्था. (छुट्टी)       | 26.8.2011    | 646(अ) | 26.8.2011  |
| 60 | 13018/4/2011-स्था. (छुट्टी)       | 27.8.2011    | 648(अ) | 27.8.2011  |
| 61 | 13026/4/2011-स्था. (छुट्टी)       | 26.12.2011   | 898(अ) | 26.12.2011 |
| 62 | 13026/3/2011-स्था. (छुट्टी)       | 28.3.2012    | 255(अ) | 28.3.2012  |
| 63 | 13026/2/2010-स्था. (छुट्टी)       | 29.3.2012    | 261(अ) | 29.3.2012  |
| 64 | 13026/5/2011-स्था. (छुट्टी)       | 4.4.2012     | 283(अ) | 4.4.2012   |
| 65 | 13026/4/2012-स्था. (छुट्टी)       | 18.2.2014    | 96(अ)  | 18.02.2014 |
| 66 | 13026/4/2012-स्था. (छुट्टी)       | 17.4.2014    | 286(अ) | 17.04.2014 |
| 67 | 13018/6/2013-स्था. (छुट्टी)       | 09.10.2014   | 711(अ) | 09.10.2014 |
| 68 | 13026/2/2016-स्था. (छुट्टी)       | 15.3.2017    | 251(अ) | 15.03.2017 |

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

### NOTIFICATION

New Delhi, the 1st January, 2018

**G.S.R. 08(E).**—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to the persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Leave) Rules, 1972, namely:—

- (1) These rules may be called the Central Civil Services (Leave) Second Amendment Rules, 2017.  
(2) They shall come into force on the date of their publication in the Official Gazette.
- In the Central Civil Services (Leave) Rules, 1972 (hereinafter referred to as the said rules), in rule 54, in sub-rule (3), the words "and subject to the other conditions laid down in rule 57 being satisfied, draw study allowance in respect thereof" shall be omitted.
- In the said rules, in rule 56,-  
(a) in sub-rule (1), for the words "House Rent Allowance and Study Allowance as admissible in accordance with the provisions of Rules 57 to 60, the words " and House Rent Allowance" shall be substituted;

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

FINANCE (Estb.-III) DEPARTMENT  
4<sup>TH</sup> LEVEL, 'A WING' DELHI SECRETARIAT  
I.P. ESTATE, NEW DELHI-110002.  
(CD:- 012400830)

Office of the Secretary (SW/WCD)  
Deptt. of Social Welfare  
Govt. of NCT of Delhi  
20 APR 2018  
Dy. No.. 1635

Dated: 28/2/18

ENDORSEMENT

The copies of the under mentioned papers are forwarded herewith for information and necessary action to the following:-

1. All Heads of Department, Govt. of NCT of Delhi.
2. All Pay & Accounts Officers, Pay and Accounts Office, Vikas Bhawan. Govt. of NCT of Delhi.
3. All Heads of Autonomous Bodies, Govt of NCT of Delhi.
4. Commissioner M.C.D(North, East & South), Town Hall, Chandni Chowk, Delhi.
5. Chairperson, NDMC, Palika Kendra, New Delhi.
6. Chief Executive Officer, Delhi Cantonment Board, Delhi.
7. CEO, Delhi Urban Shelter Improvement Board, I.P. Estate, New Delhi.
8. Asstt. Programmer with the direction to upload the same on Website of Finance Department.
9. Guard File.

Handwritten initials: DSW, DWCD

Handwritten signature: D.D. (Admin)

Handwritten signature: (MANOJ KUMAR)  
DY. SECY.-V (FINANCE)

List of paper forwarded

| S. No | Name of the Ministry/Deptt.  | Resolution/O.M No. and Date                           | Subject  |
|-------|--|---|--|
| 1.    | Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India | O.M. No. A-27012/03/2017- Estt.(AL), dated 16.08.2017 | Recommendation of the Seventh Central Pay Commission – implementation of decisions relating to Special Allowance for child care for women with disabilities. |

Circular stamp: SOCIAL WELFARE ESTT. DEPT. NCT OF DELHI  
430 -  
Dy. No. ....  
23-4-18

Handwritten: SD/ADMIN 28/2/18

Circular stamp: DIRECTOR SOCIAL WELFARE  
20 APR 2018  
DY. NO. 367

Handwritten: In Sandeep

No.A-27012/03/2017-Estt.(AL)  
Government of India  
Ministry of Personnel, P.G. and Pensions  
Department of Personnel & Training

New Delhi, 16<sup>th</sup> August, 2017

Subject: Recommendations of the Seventh Central Pay Commission –  
implementation of decisions relating to Special Allowance for child  
care for women with disabilities.

Consequent upon the decision taken by the Government on the  
recommendations made by the Seventh Central Pay Commission for providing  
extra benefits to women employees with disabilities especially when they have  
young children and children with disability, the President is pleased to issue the  
following instructions:-

- (i) Women with disabilities shall be paid Rs.3000/-per month as Special Allowance for Child care. The allowance shall be payable from the time of the child's birth till the child is two years old.
- (ii) It shall be payable for a maximum of two eldest surviving children.
- (iii) Disability means a person having a minimum Disability of 40% as elaborated in Ministry of Welfare's Notification No. 16-18/97-N.I.I dated 1.6.2001 and amended from time to time.
- (iv) The above limit would be automatically raised by 25% every time the Dearness Allowance on the revised pay structure goes up by 50%.

2. These orders shall be effective from 1st July, 2017.

3. Insofar as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and auditor General of India.

Hindi version will follow.

(Navneet Misra)

Under Secretary to the Govt. of India

To

1. Ministries/Departments of the Government of India.
2. NIC with a request to upload the OM on the website of DoPT.

where, it would be iniquitous to recover the payment made. In order to ascertain the parameters of the above consideration, and the test to be applied, reference needs to be made to situations when this Court exempted employees from such recovery, even in exercise of its jurisdiction under Article 142 of the Constitution of India. Repeated exercise of such power, "for doing complete justice in any cause" would establish that the recovery being effected was iniquitous, and therefore, arbitrary. And accordingly, the interference at the hands of this Court."

"10. In view of the afore-stated constitutional mandate, equity and good conscience, in the matter of livelihood of the people of this country, has to be the basis of all governmental actions. An action of the State, ordering a recovery from an employee, would be in order, so long as it is not rendered iniquitous to the extent, that the action of recovery would be more unfair, more wrongful, more improper, and more unwarranted, than the corresponding right of the employer, to recover the amount. Or in other words, till such time as the recovery would have a harsh and arbitrary effect on the employee, it would be permissible in law. Orders passed in given situations repeatedly, even in exercise of the power vested in this Court under Article 142 of the Constitution of India, will disclose the parameters of the realm of an action of recovery (of an excess amount paid to an employee) which would breach the obligations of the State, to citizens of this country, and render the action arbitrary, and therefore, violative of the mandate contained in Article 14 of the Constitution of India."

3. माननीय उच्चतम न्यायालय द्वारा निर्णीत किया जाने वाला मुद्दा यह था कि सभी प्राइवेट प्रतिवादी, जिनके खिलाफ वसूली का आदेश (देय से अधिक राशि का) जारी किया गया है, उन्हें विधि में नियोक्ता को उस राशि की वापसी से मुक्त रखा जाना चाहिए। मौजूदा आदेश की अनुप्रयोज्यता और तत्पश्चात उनके द्वारा रिकार्ड किए गए निष्कर्षों के लिए निर्णय के पैरा 2 एवं 3 में वर्णित घटक अपेक्षित रूप से अनिवार्य हैं।

4. माननीय उच्चतम न्यायालय ने, यह अवलोकन करते हुए कि कठिनाइयों की उन सभी परिस्थितियों के बारे में पूर्व धारणा बनाना संभव नहीं है जो वसूली के मुद्दे पर कर्मचारियों को अभिशासित करेंगी, जहां नियोक्ता द्वारा त्रुटिवश उनकी हकदारी से अधिक भुगतान कर दिया गया है, निम्नलिखित कुछ परिस्थितियों का सार प्रस्तुत किया है जहां पर नियोक्ता द्वारा वसूली, विधि द्वारा अनुजेय नहीं होगी:-

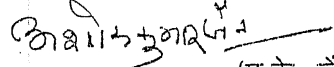
- (i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).
- (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

- (iii) 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.
- (iv) 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.
- (v) 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.

5. इसके परिणामस्वरूप व्यय विभाग तथा विधि कार्य विभाग के साथ परामर्श करके इस मामले का परीक्षण किया गया। मंत्रालयों/विभागों को सरकारी कर्मचारियों को गलत ढंग से/देय से अधिक भुगतान किए जाने के मुद्दे के संबंध में माननीय उच्चतम न्यायालय के 2014 के सीए सं. 11527 (पंजाब राज्य व अन्य बनाम रफीक मसीह (सफेदी करने वाला) आदि के मामले में दिए गए निर्णय 2012 की विशेष अनुमति याचिका (सी) सं. 11684 से उद्धृत) को ध्यान में रखते हुए कार्रवाई करने की सलाह दी जाती है। तथापि, जब भी ऊपर उल्लिखित स्थिति में वसूली में छूट देने के बारे में विचार किया जाए तो इस विभाग के दिनांक 6 फरवरी, 2014 के कार्यालय ज्ञापन सं. 18/26/2011-स्था (वेतन-1) के अनुसार व्यय विभाग के स्पष्ट अनुमोदन से इस संबंध में अनुमति दी जाए।

6. जहां तक भारतीय लेखा एवं परीक्षा और लेखा सेवा में कार्यरत व्यक्तियों का संबंध है, ये आदेश भारत के नियंत्रक एवं महालेखा परीक्षक की सहमति से जारी किए जाते हैं।

7. इस कार्यालय ज्ञापन के हिंदी व अंग्रेजी रूप के किसी प्रावधान में विरोधाभास की परिस्थिति में अंग्रेजी रूप में वर्णित प्रावधान ही मान्य होंगे।

  
(ए.के. जैन)

उप सचिव, भारत सरकार

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. एन. आई. सी. कार्मिक और प्रशिक्षण विभाग को इस अनुरोध के साथ कि इस कार्यालय ज्ञापन को विभाग की वेबसाइट पर कार्या. ज्ञा. एवं आदेश (स्थापना-वेतन नियमावली) तथा 'नया क्या है' के तहत अपलोड करें।

प्रतिलिपि सूचनार्थ प्रेषित:-

1. भारत के नियंत्रक और महालेखा परीक्षक।