



भारतीय प्रतिरक्षा मजदूर संघ

Bharatiya Pratiraksha Mazdoor Sangh

(AN ALL INDIA FEDERATION OF DEFENCE WORKERS)

(AN INDUSTRIAL UNIT OF B.M.S.)

(RECOGNISED BY MINISTRY OF DEFENCE, GOVT. OF INDIA)

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Dated: 05.12.2020

To,

The Secretary (Expenditure)

Government of India

Ministry of Finance

North Block, New Delhi – 110 011

Subject: Clarification regarding admissibility of Transport Allowance during Nation-wide Lockdown due to Covid-19 Pandemic.

Reference: Department of Expenditure Letter No.21/3/2020-E.II (B) dated 01/12/2020.

Sir,

We have for reference the letter cited under reference and submit the following:

An unprecedented situation arose due to Covid-19 due to which the Government took a very thoughtful decision to impose a Nation-wide lockdown w.e.f. 23/03/2020. Guidelines were thereafter issued from time to time on the matter.

As part of the Government decisions/guidelines, Government employees were directed to remain at home and continue rendering their services through the Work-From-Home mode.

In view of the above, the subject clarification is not only distasteful, contrary to existing rules, and contrary to Supreme Court Orders, but is a glaring example of non application of mind and therefore needs to be quashed.

We submit that extant orders on non admissibility are restricted to the following situation only in case of "Employees during absence from duty for a full calendar month due to Leave under any leave rules/Training/Tour etc..." implying due to personal reasons only.

In the instant case the employees were not absent but were "directed by the authorities" to work from home.

Without prejudice to the above, we draw your attention to the Judgement of the Hon'ble Supreme Court in CA No.11527 of 2014 (arising out of SLP (C) No.11684 of 2012 in State of Punjab and Others etc vs Rafiq Masih (White Washer) etc., and DOP&T Letter No.18/03/2015 Estt. (Pay-I) dated 02/03/2016 on the subject issue.

It may be pertinent to note that the Para 5 of the above cited DOP&T Instructions clearly mentions that the decision about recoveries has been taken after "express approval of the Department of Expenditure" on their OM dt. 06/02/2014.

In view of the above, it is requested that the subject letter may be withdrawn immediately.

Thanking you

Sincerely Yours

(SADHU SINGH)

Vice-President/ BPMS &
Member National Council