



सत्यमेव जयते



आज़ादी का
अमृत महोत्सव

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आलोक शर्मा

Director General Postal Services

महानिदेशक डाक सेवाएं

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While reviewing investigation reports of loss and fraud cases, it is sometimes observed that identification of subsidiary offenders is not made in a realistic manner, particularly in the cases where the amount of loss caused to the Government is relatively high. In order to make recovery of loss, the investigating officers identify a large number of subsidiary offenders without properly examining the lapses on their part and without appreciating if such lapses are relatable to the commission of fraud. This results in faulty identification of subsidiary offenders and subsequently the Disciplinary Authorities also order recovery of the loss from the pay and allowances of such offenders, whose negligence might not have directly resulted in fraud. This later becomes a cause of grievance from service unions or unnecessary appeal/petition or court cases.

2. In this respect, attention is drawn to Rule 106,107 and 111 of Postal Manual Volume-III, which inter-alia prescribes that in case of proceedings relating to recovery of pecuniary losses caused to the Government by negligence or breach of order by a Government Servant, the penalty of recovery can be imposed only when it is established that Government Servant was responsible for particular act, for omission or breach of rules/orders/instructions and that such negligence/omission/breach has resulted in losses. The aforesaid Rules also specify that the competent authority should correctly assess the contributory negligence in a realistic manner on the part of the officers and the extenuating circumstance in which the duties were performed by the officer, also requires to be given due weightage.

3. In this context, a need has been felt to sensitize the Disciplinary Authorities about the adverse outcome of such faulty identification of subsidiary offenders and making recovery from them for no lapse or the lapses, which are not relatable to the commission of a particular fraud. It should be clearly understood by the all Disciplinary Authorities that an official can be punished for good and sufficient reasons, but the penalty of recovery can be awarded only if the lapses on their part have led to the commission of fraud or misappropriation. This does not mean that for the alleged lapses, an official cannot be identified as subsidiary offender, but it is only to emphasize that in cases where the contributory negligence cannot be explicitly attributed to a particular offender or pecuniary liability cannot be worked out, instead

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of the penalty of recovery, any other statutory penalty should be imposed. Wherever it is proposed to award penalty of recovery, the charge sheet should be drafted carefully to clearly indicate the loss caused due to lapses on the part of the official concerned. The instructions contained in this office communication no. DG P&T- No. 114/176/78- Disc.II dtd 13-02-1981 GoI No.12(b) below Rule 11 of CCS(CCA) Rules 1965 may also be referred to.

4. I would, therefore, request you to bring these instructions to the notice of all the concerned, so that the proceedings initiated as a result of investigation in a loss and fraud case do not suffer from procedural flaws and grievances/court cases on such counts could be avoided in future.

Yours sincerely,



(Alok Sharma)

All Head of Circles