

New Delhi, 19th August, 2016

OFFICE MEMORANDUM

Subject:- Clarification on admissibility of Transport Allowance in the cases where the officers are drawing Grade Pay of Rs.10,000/- in PB-4 – regarding.

Reference is invited to this Department's Office Memorandum No 21(2)/2008-E.II(B) dated 29.08.2008. Para '3' of the O.M. stipulates that Officers drawing Grade Pay of Rs.10,000/- & above and those in the HAG¹ Scale, who are entitled to the use of official car in terms of Department of Expenditure (DoE) O.M. No. 20(5)/E.II(A)/93 dated 28.01.1994, shall be given the option to avail themselves of the existing facility or to draw the Transport Allowance at the rate of Rs.7,000/- p.m. plus Dearness Allowance thereon.

2. Several references have been received in this Department seeking clarification on the admissibility of Transport Allowance to officers drawing Grade Pay Rs. Rs.10,000/- under Dynamic ACP Scheme or NFU Scheme. A few cases have also been filed in the Courts in this regard. Hon'ble Central Administrative Tribunal (CAT), Principal Bench, New Delhi, in Order dated 13.05.2014 in O.A. No.4062/2013 filed by Shri Radhacharan Shakiya & Others V/s Union of India & Others, held that the Applicants were not entitled to draw Transport Allowance @ Rs.7,000/- p.m. plus DA thereon. The said order of the Tribunal has also been upheld by Hon'ble High Court of Delhi in their Order dated 03.09.2014 passed in Writ Petition (Civil) No. 3445/2014, filed by Shri Radhacharan Shakiya & Others.

3. Accordingly, it is clarified that the officers, who are not entitled for the use of official car for commuting between residence to office and back, in terms of DoE's OM 20(5)/E-II(A)/93 dated 28.01.1994, are not eligible to opt for drawal of Transport Allowance @ Rs.7000/- p.m. + DA thereon, in terms of DoE O.M. No.21(2)/2008-E.II(B) dated 29.08.2008, even though they are drawing Grade Pay of Rs.10,000/- in PB-4 under Dynamic ACP Scheme or under the scheme of Non-Functional Upgradation (NFU).

4. Hindi version is attached.

(Signature)
19/08/2016
(Nirmala Dev)

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