

VI. SPECIAL CONDITIONS OF GRANT OF ADVANCES IN CONNECTION WITH TRANSFERS AND RETIREMENT

Rule 39. Powers of Sanction.-A Head of Office may sanction advances of pay and travelling allowance to a permanent or temporary Government servant who, while on duty or on leave, is required to proceed on transfer.

NOTE 1.-An authority competent to sanction the transfer of a Government servant to foreign service may sanction advances under this rule to the Government servant on such transfer.

NOTE 2.-An authority competent to sanction advances under this rule may sanction such advances to itself.

GOVERNMENT OF INDIA'S DECISION

Gazetted Officer subordinate to the Head of Office may be authorized to sanction advances. -A Gazetted Officer, subordinate to the Head of Office, may also be specifically authorized by the Head of Office to sanction advances of pay and travelling allowance to a permanent or temporary Government servant who, while on duty or leave, is required to proceed on transfer. The Head of Office will, however, continue to be responsible for the correctness, regularity and propriety of the decision taken by the Gazetted Officer, so authorized. Advance to the Head of the Office and the Officer authorized to accord sanction on his behalf should be sanctioned by the Head of Office himself and not by the Gazetted Officer subordinate to him to whom the power may be delegated.

[G.I., M.F., File No. F. 23 (1)-E. II (A)/76.]

Rule 40. Amount of Advance.-The amount of advance which may be sanctioned to a Government servant under this section shall not exceed –

(a) one month's pay which he is in receipt of immediately before transfer, or one month's pay to which he will be entitled after transfer, whichever is less; or

(b) two months' pay in the case of a Government servant in an office, the headquarters of which is shifted as a result of Government policy; and

(c) in addition to the amount of advance specified in Clause (a) or Clause (b), the amount of travelling allowance to which he may be entitled in consequence of his transfer.

NOTE.-The advances to Government servants moving between New Delhi and Simla with the headquarters of the Government are regulated by the rules laid down in the Simla Allowances Code.

GOVERNMENT OF INDIA'S DECISIONS

(1) **Advance not admissible in mutual transfer case.**-No advance of pay or travelling allowance should be granted in respect of transfers mutually arranged by Government servants among themselves and approved by the appropriate authority. [G.I., M.F., O.M. No. F. 16-A (1)-E. II (A)/59, dated the 30th January, 1959.]

(2) **Advance of pay may be taken at the new station.**- The advance of pay under Clause (a) of Rule 40 may be allowed to be drawn at the new station soon after the arrival of the Government servant there, on production of the Last Pay Certificate showing that no advance was drawn at the old station.

(3) **Second advance for family members eligible.**- Clause (c) of Rule 40 does not preclude the grant of a second advance to a Government servant to cover the travelling expenses of any member of his family who in cases falling under sub-clause (b) of Rule 40 follows him within twelve months and, in cases falling under Clause (a) of Rule 40, follows him within six months from the date of his transfer and in respect of whom an advance of travelling allowance has not already been drawn.

[G.I., M.F., O.M. No. 15 (17)-E. II (B)/58, dated the 17th July, 1958.]

(4) **No advance of pay in case of temporary transfer.**-No advance of pay shall be granted in respect of temporary transfer for a period not exceeding 180 days.

Rule 41. A competent authority specified in Rule 39 may sanction an advance of travelling allowance to a retiring Government servant to enable him to proceed to the place where he intends to reside permanently after retirement. Such an advance may be sanctioned in the case of journeys performed during leave preparatory to retirement, but not in the case of journeys performed after the date of retirement. The amount of such advance shall not exceed the amount to which the Government servant may be entitled under the rules in force for the grant of travelling allowance for the purpose.

Rule 42. Recovery of Advances.-The amount of an advance of pay granted to a Government servant shall be recovered in not more than three equal monthly installments in the case of an advance granted under Clause (a), and not more than twenty-four in the case of an advance granted under Clause (b) of Rule 40.

GOVERNMENT OF INDIA'S DECISION

Rate of recovery from the subsistence allowance to be fixed by Head of the Department.-The recovery of the advance of pay from the subsistence allowance drawn by a Government servant while under suspension will be made at such rates as the Head of the Department may deem it right to fix.

Rule 43. The recovery of the amount of advance granted under Clause (a) or Clause (b) of Rule 40 shall commence from the month in which the Government servant draws a full month's pay and/or leave salary or/and, subsistence allowance, as the case may be,

after joining his new appointment. The amount of an advance granted under Clause (c) of Rule 40 or that under Rule 41 shall be recovered in full on submission by the Government servant of his travelling allowance bill.

GOVERNMENT OF INDIA'S DECISIONS

(1) Procedure to be followed when advance is granted in single lump sum and claims preferred piecemeal-When a single lump sum advance is granted under Clause (c) of Rule 40 to cover the travelling expenses both of the Government servant himself and of his family, it may be adjusted by the submission of more than one bill if it so happens that the members of the Government servant's family do not actually make or complete the journey with him. In such a case, the Government servant should certify on each adjustment bill submitted by him that a further bill in respect of travelling allowance of the members of his family, who have not yet completed the journey, will be submitted in due course and is expected to include an amount not less than the balance of the advance left unadjusted in his bill.

(2) Procedure to watch over the T.A. advance and effecting recovery when the claim for T.A. is forfeited.-Where a Government servant has not submitted the adjustment travelling allowance bill in due time and consequently his right to travelling allowance claim stands forfeited under SR 194-A, the advance drawn by him shall be recovered from his pay bill or any other dues in one installment by the authority competent to sanction such an advance. In order to keep a watch over the travelling allowances advances drawn by Gazetted Officers who are their own Drawing Officers and to enforce the refund of such advances after the forfeiture of officer's travelling allowance claim, the Controlling Officers/Heads of Officers shall maintain a register indicating (i) Serial No., (ii) Name of the Officer to whom the T.A. advance has been sanctioned, (iii) Quantum of advance, (iv) No. and date of orders sanctioning the advance, (v) Date on which adjustment bill has been submitted, (vi) Reasons for not submitting the bill immediately on completion of the journey, (vii) Whether the time-limit has expired and if so, whether audit has been requested to issue retrenchment slips, (viii) Remarks, if any. This register should be checked every month by the Controlling Officer/Head of Office, as the case may be, and in cases where the right to T.A. claim stands forfeited in terms of SR 194-A, i.e., T.A. advances are pending adjustment for more than one year, the Audit and/or Accounts Officer should be asked to issue the necessary retrenchment slips to the Treasury Officers concerned.

[G.I., M.F., O.M. No. F. 23 (5)-E. II (A)/67, dated the 5th March, 1969 and 30th March, 1970 and No. F. 17 (2)-E. II (A)/70, dated the 16th March, 1971.]

(3) Grant of advance to a Government servant transferred to foreign service and on his reversion.- (a) The amount of an advance granted to a Government servant, transferred to service under a foreign employer should be reimbursed to Government by the foreign employer in lump by sending a cheque or demand draft in favour of the Audit Officer/Accounts Officer on whose records the advance is originally booked.

(b) (i) An advance of pay to a Government servant on his reversion from foreign service should be granted by the foreign employer only with concurrence of the authority competent to sanction the transfer of the Government servant to foreign service. As for its repayment to the foreign employer immediately on receipt of a demand from the foreign employer, duly supported by a copy of the cash receipt obtained from the Government servant concerned (which should be duly certified by the foreign employer) at the time of the payment of the advance, the competent authority should refund the total amount to the foreign employer by means of a Bank Draft. The recovery of the advance from the Government servant should be watched in the same manner as laid down under Rule 43.

(ii) An advance of Travelling Allowance, which may be granted by a foreign employer to a Government servant on his reversion from foreign service, should be adjusted in the T.A. claim of the Government servant. Since this is to be borne by the foreign employer, the T.A. bill should be sent directly to him by the Government servant.

[G.I., M.F., O.M. No. F. 16-A (2)-E. II (A)/60, dated the 15th April, 1961 and O.M. No. F. 16 (11) E. II (A)/65, dated the 30th September, 1965.]