

(23)

Grant of subsistence allowance
under Bombay Civil Services
Rule 151 - clarification
regarding.

GOVERNMENT OF MAHARASHTRA
Finance Department.
Circular No. DRS-1076/CR-869/76/SER-8.
Mantralaya, Bombay-400 032, Dated 15th May 1978.

C I R C U L A R

CR1978051501

Para 2 of Government Resolution, Finance Department, No. TRA-1058/S-7, dated the 4th July 1959, 'inter alia', states that no retrospective effect may be given to orders passed by the competent authorities under Bombay Civil Services Rule 151(i)-(ii) (a) varying the amount of subsistence allowance. A question has arisen as to whether the suspending authority has the power under Bombay Civil Services Rule 151 to order variation of subsistence allowance retrospectively for any period subsequent to first six months of suspension. Government is pleased to clarify that Bombay Civil Services Rule 151 authorises the competent authority to vary (i.e. increase or decrease upto 50%) the amount of subsistence allowance for any period subsequent to the period of first six months and thus does not envisage any restriction on giving retrospective effect to the variation. Although Government Circular, Finance Department, dated the 4th July 1959 advises against giving retrospective effect, yet it is merely an advice of caution intended to serve as guide line to the authorities ordering variation in subsistence allowance who are supposed to initiate action in all cases in sufficient time so that the requisite order can take effect as soon as the suspended Government servant completes six months under suspension. Obviously, the provisions of Government Circular, Finance Department, dated the 4th July 1959 cannot over-ride the power conferred by the statutory provisions of Bombay Civil Services Rule 151. In case an order for variation of subsistence allowance under Bombay Civil Services Rule 151 is passed by the competent (disciplinary or appellate) authority after quite some time from the expiry of the requisite six months and that authority is satisfied that the variation has got to be given retrospective effect for reasons to be recorded in writing and orders accordingly, the same would be valid and binding on all concerned.

By order and in the name of the Governor of Maharashtra,

A.N. KULKARNI,
Section Officer.

To

- *The Secretary to the Government of India, Ministry of Finance, New Delhi,
- *The Secretary, Maharashtra Public Service Commission, Bombay,

P.T.O.

GCP.ROTA/F.D.-H-148(7,000+5-5-78)

- *The Secretary, Maharashtra Legislature Secretariat, Bombay,
- *The Prothonotary and Senior Master, High Court, Bombay,
- *The Registrar, High Court of Judicature, Appellate Side, Bombay,
- *The Registrar, Office of the Lokayukta and Upa-Lokayukta, Bombay,
- The Accountant General, Maharashtra I, Bombay (160 copies),
- The Accountant General, Maharashtra II, Nagpur (40 copies),
- The Pay and Accounts Officer, Bombay (40 copies),
- The Resident Audit Officer, Bombay,
- The Chief Auditor, Local Fund Accounts, Bombay,
- The Secretary to the Chief Minister,
- The Divisional Commissioners, Bombay, Poona, Nagpur and Aurangabad,
- All Heads of Departments and Heads of Offices under the several Departments of the Mantralaya,
- The Chief Executive Officers of all Zilla Parishads,
- The Personal Assistants to all Ministers, Ministers for State,
- The Secretaries of all Departments of Mantralaya, in
- The Liaison Officer, Mantralaya, Bombay,
- Desk Numbers ADM-1, ADM-4, ADM-5, ADM-6, ADM-7, ADM-8 and ADM-9 in Finance Department.

*By letter.

No. of 1978.

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