

The Punjab Town Improvement Trust Surcharge Rules, 1961

PUNJAB

India

The Punjab Town Improvement Trust Surcharge Rules, 1961

Rule

THE-PUNJAB-TOWN-IMPROVEMENT-TRUST-SURCHARGE-RULES-1961 of 1961

- Published on 13 October 1961
- Commenced on 13 October 1961
- [This is the version of this document from 13 October 1961.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Town Improvement Trust Surcharge Rules, 1961Improvement Trusts, Notification dated the 13th October, 1961No. 8616-CII-61/42050. - In exercise of the powers conferred by clause (v) of sub-section (1) of Section 73 of the Punjab Town Improvement Trust Act, 1922, the Governor of Punjab is pleased to make the following rules :-

1. Short title and application.

(1)These rules may be called the Punjab Town Improvement Trust Surcharge Rules, 1961.(2)They shall apply to all the trusts in the State of Punjab.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Punjab Town Improvement Trust Act, 1922;(b)"Chairman", "trustee" and "servant" means persons, who for the time being are or in the past were chairman, trustee or servant of trust;(c)"Examiner" means the Examiner, Local Fund Accounts, Punjab;(d)"Government" means the Government of the State of Punjab;(e)"trust" includes a committee or sub-committee appointed under the provisions of the Act.

3. Power of Examiner to call for explanation.

- Where in the opinion of the Examiner there has been a loss, waste or misapplication of money or other property belonging to the trust as a direct consequence of negligence or misconduct of chairman, trustee or servant of the trust, he may call upon the chairman, trustee or servant to

explain in writing why such chairman, trustee or servant should not be surcharged with the amount misapplied or which represents the loss or waste caused to the trust fund or property and such explanation shall be furnished within a period not exceeding thirty days from the date such requisition is communicated to the person concerned :Provided that no explanation shall be called from any chairman or trustee regarding whom the minutes of the meeting, in which the expenditure objected to by the Examiner was sanctioned, show that he was absent from the meeting or, if present, had voted against that expenditure.

4. Procedure after explanation is furnished or when no explanation is furnished.

(1)After the expiry of period allowed for furnishing explanation and after considering the explanation, if any, the Examiner may surcharge the chairman, trustee or servant, as the case may be, with the whole or part of the sum for which such chairman, trustee or servant shall be liable :Provided that no chairman, trustee or servant shall be liable for any loss, waste, or mis-application after the expiry of four years from the concurrence of such loss, waste or misapplication or after expiry of one year from the date of his ceasing to be chairman, trustee or servant of the trust, whichever is earlier.(2)Where there has been a loss, waste or misapplication of any money or other property belonging to the trust on account of any resolution of the trust the amount of surcharge shall be divided equally amongst all trustees, who are recorded in the minutes of the trust as having voted for such resolution.

5. Right of appeal.

- Any person aggrieved of any order of surcharge passed under Rule 4 may, within thirty days from the date on which such order is communicated to him, appeal to Government who shall appoint an officer to hear the appeal; and the Government shall have the power of confirming, modifying or disallowing the surcharge.

6. State of proceedings.

- Where an appeal has been preferred against the order of Examiner under Rule 5, all proceedings for recovery of surcharge shall be stayed up till the appeal has been decided.

7. Recovery of surcharge.

- A chairman, trustee or servant, who has been surcharged shall pay the amount with which he has been surcharged within fourteen days from the date of communication to him of -(a)the order of surcharge passed by the Examiner, or(b)where there has been an appeal, the order in appeal.