

The Punjab Ex-servicemen Corporation (General) Rules, 1982

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Act 33 of 1978

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The Punjab Ex-servicemen Corporation (General) Rules, 1982Published vide Notification Punjab Act No. 33 of 1978Department Of Defence Services WelfareThe 2nd November, 1982No. G.S.R. 146/P.A. 33/78/S. 32/82. - In exercise of powers conferred by sub- section (1) of section 32 of the Punjab Ex-servicemen Corporation Act, 1978 (Punjab Act No. 33 of 1978), the Governor of Punjab is pleased to make the following rules, namely :-

1. Short title and commencement.

(1)These rules may be called the Punjab Ex-servicemen Corporation (General) Rules, 1982.(2)They shall come into force at once.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context -(a)'Act' means the Punjab Ex-servicemen Corporation Act, 1978 (Punjab Act No. 33 of 1978); and(b)"defaulter" means a person from whom any amount is due to the Corporation and includes a person who is responsible as surety for the payment of any such amount.

3. Salary and allowances of Chairman, Managing Director and nominated Directors.

- [(1) The Chairman shall be entitled to a fixed fee of one hundred and fifty rupees for attending each meeting of the Board or of any committee appointed by the Board under Section 11 of the Act.] [Substituted vide Punjab Government Gazette LSP III dated 16.10.1992.](2)The Managing Director, -(i)if he is a retired Officer of the State Government or of the Central Government, shall be entitled to draw as salary the pay last drawn by him while in service minus pension and pension equivalent

of other retirement benefits taken together plus [Two hundred fifty rupees] [Substituted vide Punjab Government Gazette LSP III dated 20.12.1985.]. In addition he shall be entitled to draw such other allowances as are admissible to other employees of the Corporation.(ii)if he is a Class I Officer of the State Government or of the Central Government, shall be entitled to draw such salary and allowances as are settled between the lending Government and the Corporation.(3)The Director referred to in clause (e) of sub-section (1) of Section 7 of the Act shall be paid a fixed fee of one hundred [and fifty] [See Punjab Government Notification No. G.S.R. 77/P.A. 33/78/Section 32/Amd. (5)/93, dated 27.9.1993.] rupees for attending each meeting of the Board or of any committee appointed by the Board under section 11 of the Act.

4. [House Rent Allowance. - (1) The Chairman shall be entitled to a sum not exceeding one thousand rupees per mensem in case he sets apart a portion of his residential house for use as an office of the Corporation.

(2)The Managing Director shall be entitled to a fixed House Rent Allowance of three thousand rupees per mensem.] [Substituted vide Punjab Government Gazette LSP III dated 19.10.1992.]

5. [Telephone facilities. - (1) The Chairman shall be entitled to the facility of a telephone at his residence if he has no telephone facility of his own and if he has his own private telephone then to reimbursement of official calls made by him from his private telephone.

(2)Telephone facility shall be provided in the office as well as at the residence of the Managing Director in accordance with the guidelines or instructions issued by the Government from time to time, subject to the condition that the total number of local calls from the residential telephone shall not exceed 3,000 per quarter of the year and the cost of private trunk calls shall be recovered from him.] [Substituted vide Punjab Government Gazette LSP III dated 19.10.1992.]

6. [Conveyance. - (1) The Chairman shall be entitled to reimbursement for the use of private vehicle for official purposes in accordance with the Travelling Allowance Rules applicable to Directors or to the use of the vehicle of the Corporation for official purposes.

(2)The Managing Director shall be provided with a Staff car along with a driver for journey on official tours and for official local use and the use of such a Staff car shall be regulated in accordance with the guidelines and instructions issued by the Government from time to time.] [Substituted vide Punjab Government Gazette LSP III dated 19.10.1992.]

7. Medical Facilities.

- The Chairman and the Managing Director shall be entitled to such medical facilities for themselves and for the members of their families as are, from time to time, admissible to the employees of the

Government of their status.

7A. [Other facilities. - The Chairman shall be entitled to an orderly on full time basis and secretarial assistance as and when required by him.] [Added vide Punjab Government Gazette LSP III dated 19.10.1992.]

8. Travelling Allowance and Daily Allowance.

(1)For journeys undertaken by the Chairman and the Managing Director in connection with the affairs of the Corporation within or outside the State of Punjab, they shall be paid Travelling Allowances and Daily Allowance in accordance with such rules as are applicable to the employees of the Government of their status.(2)[The Directors referred to in clause (e) of sub-section (1) of Section 7 of the Act shall be entitled to mileage allowance at the rate of two rupees and fifty paise per kilometre from their place of residences to Chandigarh and back for attending meetings of the Board or of any Committee appointed by the Board under section 11 of the Act.] [Added vide Punjab Government Notification No. G.S.R. 77/P.A. 33/78/Section 32/Amd. (5)/93, dated 27.9.1993.]

9. Leave and Leave Salary.

(a)The Managing Director shall be entitled to such leave including casual leave as is admissible to the employees of the Government of his status under the Punjab Civil Services Rules, Volume I, Part I.(b)The power to sanction leave including casual leave to the Managing Director shall vest in the Government.(c)The Directors referred to in clause (e) of sub-section (1) of section 7 of the Act shall not be entitled to any leave, but leave of absence from any meeting of the Board or of any committee appointed under section 11 of the Act may be granted to them by the Chairman.

10. Circumstances under which Chairman, Managing Director and nominated Directors may be removed.

- The Government may at any time remove the Chairman, Managing Director and a Director referred to in clause (e) of sub- section (1) of Section 7 of the Act, as the case may be, from office, if
-(i)the Chairman or the Managing Director is absent without permission of the Government or a Director referred to in clause (e) of sub- section (1) of Section 7 of the Act is absent without permission of the Chairman for more than three consecutive meetings of the Board or of a Committee without a cause sufficient in the opinion of the Government to exonerate his absence; or(ii)he has acted in contravention of the provisions of section 25 of the Act; or(iii)he has been guilty of misconduct in the discharge of his duties:Provided that no order of removal shall be passed without giving the person concerned a reasonable opportunity of showing cause.

11. Procedure for recovery of amount due to the Corporation.

- The Managing Director shall make an application to the Sub-Divisional Officer (Civil) in whose jurisdiction the defaulter resides or carries on business or owns any property stating that a

particular amount has fallen due to the Corporation from the defaulter named in the application and that the said amount has not been paid to the Corporation as per terms and conditions of the agreement entered between the defaulter and the Corporation. The Sub-Divisional Officer (Civil) shall after giving the defaulter an opportunity of being heard determine, by an order, the amount due to the Corporation.

12. Recovery Certificate.

- On receipt of the order made under rule 11, the Managing Director shall grant a certificate in Form 'A' appended to these rules and the Collector of the district in which the defaulter resides or carries on his business or owns any property shall proceed to recover the amount from the defaulter as arrears of land revenue.

13. Financial institutions.

- The financial institutions for the purposes of priority of charge under Section 21 of the Act shall be as follows namely :-(i)A banking company as defined in the Banking Regulation Act, 1949 (Central Act No. 10 of 1949);(ii)The State Bank of India constituted under the State Bank of India Act, 1955 (Central Act No. 23 of 1955);(iii)A subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act No. 38 of 1959);(iv)A corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act No. 5 of 1970), and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Central Act No. 40 of 1980);(v)A Regional Rural Bank as established under section 3 of the Regional Rural Banks Act, 1970 (Central Act No. 21 of 1970);(vi)Any Banking institutions notified by the Central Government under section 51 of the Banking Regulation Act, 1949 (Central Act 10 of 1949); and(vii)The Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act No. 10 of 1963).

14. [Books of account to be kept by the Corporation. - (1) The books of account of the Corporation with respect to the following matters shall be kept at its head office, namely :-] [Substituted vide Punjab Government Notification No. G.S.R. 77/P.A. 33/78/Section 32/Amd. (5)/93, dated 27.9.1993.]

(a)all sums of money received and expended, and the matters in respect of which the receipt and expenditure takes place;(b)all sales and purchases made by the Corporation;(c)the assets and liabilities of the Corporation; and(d)such particulars relating to utilisation of materials or labour or to other items of expenditure as may be specified by the Board, if the Corporation is engaged in the production, processing and manufacturing of goods.(2)If the Corporation has a branch office, whether in the State or outside, it shall be deemed to have complied with the provisions contained in sub-rule (1), if proper books of account relating to the transactions effected at the branch office are kept at that office and proper summarised returns, made upto date at intervals of not more than three months, are sent by the branch office to the Corporations head office.(3)For the purposes of sub-rules (1) and (2), proper books of account shall not be deemed to have been kept if these do not

reflect a true and fair view of the state of affairs of the Corporation or its branch offices and do not explain its transactions and are not kept in accrual basis according to double entry system of accounting.(4)The books of account and other books and documents of the Corporation shall be open to inspection by any one or more Directors during working hours or by such officer of the Government as may be authorised by it in this behalf. Such an inspection may be made without giving any previous notice to the Corporation or any officer thereof :Provided that a Director may be assisted by any person of his choice, in such inspection.(5)The books of account of the Corporation and its branch offices relating to a period of not less than eight years immediately preceding the current year (together with the Vouchers relevant to any entry in such books of account) shall be preserved in good order.

15. [Inspection of books of account, etc. - (1) It shall be the duty of the Managing Director and every officer or employee of the Corporation to :-

(a)produce to the person making the inspection in terms of sub-rule (4) of rule 14 all such books of account and other books and documents of the Corporation in his custody or control and to furnish him with any statement, information or explanation relating to the affairs of the Corporation as the said person may require of him within such time and at such place as he may specify;](b)render all assistance in connection with the inspection which the Corporation may be expected to give; and(c)ensure personal attendance if required at the time of inspection.(2)The person making inspection under sub-rule (1) may, during the course of inspection :- (a)make or cause to be made copies of books of account and other books and documents; or (b)place or cause to be placed any mark of identification thereon in token of the inspection having been made.(3)Where an inspection of the books of accounts and other books and documents of the Corporation has been made, the person making the inspection shall make a report to the State Government within a period of one month.

16. Annual accounts and balance sheet.

(1)The Managing Director shall, not later than three months after the close of the financial year, lay before the Board of Directors :- (a)a balance sheet as at the end of the financial year; and (b)profit and loss account for the financial year authenticated by the Financial Controller.Explanation. - For the purposes of sub-rule (1) of rule 16, the expression, "Financial Controller" means the person authorised by the Board to exercise the powers of Financial Controller; and the expression "Financial year" means the period of twelve calendar months beginning with the first day of April of the preceding year.

17. Form and contents the balance sheet and profit and loss account.

(1)Every balance sheet and profit and loss account of the Corporation shall give a true and fair view of the state of affairs of the Corporation as at the end of the financial year and shall be in the form set out in parts I and II of Schedule VI of the Companies Act, 1956 or as near thereto as may be possible.(2)For the purposes of this rule, except where the context otherwise requires, any reference

to a balance sheet or profit and loss account shall include any note thereon or document giving information required by or allowed by the Companies Act, 1956 and also information specified in Forms 'B', 'C' and 'D'.

18. Authentication of balance sheet and profit and loss account.

- Every balance sheet, and every profit and loss account of the Corporation shall be signed on behalf of the Board of Directors by the Financial Controller and by not less than two Directors of the Corporation, one of whom shall be the Managing Director, before these are submitted to the auditors for their report thereon.

19. Profit and loss account to be annexed and auditors report to be attached to balance sheet.

- The profit and loss account shall be annexed to the balance-sheet and auditors' report (including the auditors' separate, special or supplementary report, if any) shall be attached thereto.

20. Board's report.

(1)The report on the working of the Corporation during the financial year, required to be furnished to the Government, under sub- section (4) of Section 23 of the Act shall be with respect to :-(a)the state of the Corporation's affairs;(b)the amount, if any, which it proposes to carry to any reserves in such balance sheet;(c)material charge and commitments, if any, affecting the financial position of the Corporation which have occurred between the end of the financial year of the Corporation to which the balance sheet relates and the date of the report.(2)(a)The report of the Board of Directors shall also include a statement showing the name of every employee of the Corporation who, -(i)if employed throughout the financial year, was in receipt of remuneration for that year, which in the aggregate was not less than rupees one lac; or(ii)if employed for a part of the financial year, was in receipt of remuneration for any part of that year, at a rate which, in the aggregate, was not less than rupees six thousand; or(iii)if employed throughout the financial year or part thereof, was in receipt of remuneration in that year which, in the aggregate, or, as the case may be, at a rate which, in the aggregate, is in excess of that drawn by the Managing Director.(b)The statement referred to in clause (a) shall also indicate, -(i)whether any such employee is a relative of any Director of the Corporation and if so, the name of such Director; and(ii)any former names or name and surname in full, nationality, usual residential address, date of birth, educational qualifications, record of employment during the preceding ten years and terms of remuneration therefor date of appointment and date of cessation (if any);Explanation. - For the purpose of sub-rule (2)(a), "remuneration" shall include any expenditure incurred by the Corporation, -(a)in respect of any rent-free accommodation, or any other benefit or amenity, free of charge, in respect of the accommodation to the employee;(b)in respect of any other benefit or amenity free of charge or at a concessional rate, to the employee;(c)in respect of any obligation or service, which but for such expenditure by the Corporation, would have been incurred by the employee; and(d)to effect any insurance on the life of, or to provide any pension Provident Fund, annuity or gratuity for, the

employee or his spouse or child.(3)The Board shall also be bound to give the complete information and explanation in its report as aforesaid, in an addendum to that report, on every remark contained in the auditors' report.(4)The Board's report and any addendum thereto shall be signed by its Chairman if he is authorised in that behalf by the Board; and where he is not so authorised shall be signed by two Directors authorised by the Board.]Form 'B'[Rule 17(2)]The Punjab Ex-Servicemen Corporation, ChandigarhFinancial Year :Statement of loans advanced/recoverable/recovered as on 31st March _____

S.No.	Category of loan	Amount recoverable at the beginning of the year	Falling due for recovery during the year		
		No of Cases	Amount	No of Cases	Amountc
1	2	3	4	5	6
1	Agriculture Development				
2	Marketing and Processing				
3	Small Scale Industries				
4	Supply and Storage				
5	Building Construction				
6	Transport				
7	Miscellaneous				
Total					
:					
Amount recovered during the year	Amount which recovered during the year through RecoveryCertificate	Amount recoverable at the close ofthe year			
No. of Cases	Amount	No. of Cases	Amount	No of Cases	Amount
7	8	9	10	11	12

Form 'C'[Rule 17(2)]The Punjab Ex-Servicemen Corporation, ChandigarhFinancial Year :Statement of loans advanced/recoverable/recovered as on 31st March_____

S.No.	Category of loan	As at the beginning ofthe financial year	During the year underreport
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		Applications under rule 11 filed before the Sub-Divisional Officer (Civil)	Recovery certificates granted by the Collector under rule 12 but recovery yet to be effected	Applications under rule 11 filed before the Sub-Divisional Officer (Civil)	Recovery certificates granted by the Collector under rule 12				
		No. of cases	Amount	No. of cases	Amount	No. of cases	Amount	No. of cases	Amount
1	2	3	4	5	6	7	8	9	10
1	Agriculture Development Marketing and Processing Small Scale Industries Supply and Storage Building Construction Transport Miscellaneous								
2									
3									
4									
5									
6									
7									
Total									
:									
		Age-wise classifications of recovery certificates							
Recovery during the year against cases reported in column 5 and 9		Granted during the financial year immediately preceding year under report		Granted during the earlier period					
No. of cases		Amount		No. of cases		Amount	No. of cases	Amount	
11		12		13		14	15	16	

Form 'D'[Rule 17(2)]The Punjab Ex-Servicemen Corporation, ChandigarhFinancial Year :Statement
of loans in excess of Rs. 50,000/- advanced, outstanding, in default as on 31st
March._____

S.No.	Name and Address of loan	Purpose of loan	Amount advanced	Amount recovered	Amount recoverable during the year	Amount recovered during the year	Cases which fell in to default	Remarks	
Whether application filed before the Sub-Divisional Officer(Civil)	Whether recovery certificate granted by Collector								
1	2	3	4	5	6	7	8	9	10

[Rules 15 to 20 added vide Punjab Government Notification No. G.S.R. 77/P.A. 33/78/Section
32/Amd. (5)/93, dated 27.9.1993.]