

TEA-BOARD (WRITE OFF LOSSES) RULES, 1996

-33004/95 The Gazette of India EXTRAORDINARY PART II—Section 3 (D) PUBLISHED BY AUTHORITY No. 256 NEW DELHI, 14, 1996/(TVOT 23, 1918 WEDNESDAY, AUGUST 14, 1996/SRAVANA 23, 1918 14 1996 2. 1984 364 (W, 1953 (1953 29) 49 (2) (M) 49 (i) "Zat, 29 1995 765 (5) 7rqXq.i "N; 6 1995 (1) (VIN ft", 1996 t (O 19S3 (VT) 4 t; (1) 2 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 1 31 ; (z) 4' q«rã" t; (1 j 300 vqq (2) 5. (2) 21 Rttre, NN. (i) vsqz, (ii) (iii) 3 (1) (4) s vfiqi 6 (3) 9. %frq, q, 10. 11. 12. 4 5. 1. 2. 3. 4. 2 THE OF : EXTRAORDINARY 3 5,000 v. 2,500 v. 1,000 w. sooz 200 2,500 («qft, fiqf« 1,000 w. 500 w. 18 1,000 w. • [PART II—sec. 3(i)] 4 1,50,000 8 @ 1954 36 1955 52 MINISTRY OF COMMERCE NOTMCA'NON New Delhi, the 14th August, 1996 • G.S.R. a rules which the Central Government to make in pursuance of and by Section (1) section 49 with clause (ja) (2) of Section 49 the Tea Act, 1953 (29 1953) was in the Gazette of India in the notification of the Government of India, in Ministry of Commerce O.S.R. 765(E) dated 29th November 1993, inviting or suggestions from all persons likely to be within a period from date on which the Official Gazette in which notification was published were made available to the public, And the said Gazette was made available to the public on the 6th December, 1995; And whereas no suggestions were received from the public the Central Government, therefore, in exercise of the powers sub-section (1), read with clause (ja) of section (2) of section 49, of the said Act, Central Government hereby making the following rules, namely:— 1. 2. 3. 4. 5. n— 30)] Short "de Md Commencement (1) rules be called the Tea Board (Write Off Losses) Rules 1996. (2) They shall come into force on the date of their publication. Dated: In the Rules, unless the context requires (a) "Act" means the Tea Act, 1953; "Accounts Officer" means the Officer of the Board; (c) 'Board' means the Board constituted under section 4 of the Act; 5 (d) means Chairman of the Board and for the purpose of the (e) *Chief Executive" Chief Executive of the Board; (f) 'Committee' means any committee constituted by the Board under Section 8 of the Act (g) "Competent Disciplinary Authority" means the Central Government, the Board, or any person, or any authority as may be; (h) "Deputy Chairman" the Deputy Chairman of the Board; (i) *F.A. & C.A.O.* means the Financial Adviser to the Chief Executive of the Board; (j) 'Financial Year' the year beginning on 1st April and ending on the 31st March following (k) 'Money' means received by the Board under Chapter V of the Act; (l) "Official" means officers and employees of the Board including on deputation to Board; (m) "Schedule" means to the Rules; (n) "Secretary" means Secretary of the Board (o) 'Store' means all articles and muchased or otherwise acquired or use of Tea Board, including only expendable and durable articles in use of accumulated for but also articles of the nature of plant, machinery, furniture, fixtures, etc. books, publicans and in a list. Dated: WIEN a urisz as to the interpretation of any of the provisions of this rule, the reference to Central Government shall be deemed to be to the Central Government. Dated: and (1) Any 10" Rs. 300/- of money, more or other or on the Tea Board, caused by damage or otherwise including losses and shortage noticed by a person in which is concerned any branch of the Board including Regional, Zonal or Sub-Regional offices immediately reported by the official concerned who has detected loss to the next higher authority as well as to the Accounts Officer F.A. & C.A.O. When loss has been reported to the Chairman who will deal with them finally losses involved not exceed amount which he is to write off the logs. (2) Report of the in respect of all losses exceeding Rs. 300/- shall be received by him which he shall report of annually under sub-rule (1) shall be to the same as the case may be. Dated: (1) Losses arising out of mismanagement, fraud, and to property and of the Board as soon as may be by an official of the Board shall forthwith be said official to his immediate superior (2) On receipt of report under Sub-clause Q) above of a person or persons shall ascertain the quantum of loss in terms and value and also indicate the persons primarily responsible for such loss and on completion of such preliminary investigation shall within 21 days from date of receipt of the report from his subordinate officer(s), submit a report to the F.A. & C.A.O. Secretary to the Board. The Board may be. (3) In addition to taking action as in sub-rule (1) (2) above the authorities mentioned above shall follow the provisions below in cases involving loss or of the Board's property as a result of fire, then, 6 6. 7. 8. 9. 10. THE GAZETTE OF : EXTRAORDINARY [PART II—SBC. 30)] (i) When material losses due to suspected theft and fire etc. occur in any premises, the person should immediately report to the police and the police should take action in determining at what stage the loss should be sent to the police being in view the fact that the police investigation will be increasingly handicapped with lapse of time. (ii) For the purpose of sub-rule 108" excepting

loss to the suspected sabotage, of the assessed value of Rs. 10,000 and more shall be as 'material'. All cases of suspected shall be to the police promptly irrespective of the value of the loss involved. (iii) the matter is reported to the authorities, all concerned should assist the police in their investigation. A formal investigation report should be obtained from police authorities in all which are referred to as above. Recover the losses (1) The sub-clause (2) of Clause 5 these Rules when received the authorities mentioned in the said sub-clause (2) above 'shall be finally finding against the responsible for the loss and thereafter shall be submitted to Chairman for a final decision in the matter. Provided that decision for lump sum recovery or recovery instalments shall be the exclusive decision of the Chairman. (2) Notwithstanding anything contained hereinbefore, Loss of Library Books and journals etc. as soon as may be detected the Librarian shall forthwith be reported to the F.A. & CAO. showing of the official wherein the book so lost was issued. (3) Soon after the receipt of the report as above, the owner of the book or journal etc. as the case may be may be held responsible for the loss within 21 days from the date of passing of the order. (4) Failure to book on the part of the official responsible for the loss within the stipulated shall be reported the Librarian indicating the estimated price of the book to F.A. & C.A.O. who thereafter shall ascertain the actual value of the so lost and order recovery of the price of the book lost from the said as per provisions of clause (1) of this clause. Type: of to be written OR Losses other than those which may be recovered under Clause 5 above and have become irrecoverable in spite of service procedure laid in clause 6 above, be written. Provided such losses have arisen due to fraud, then, mistake or omission, Power to Withdraw (1) Subject to provisions of these and the relevant provisions of the Financial Rules and Delegated Financial Rules, 1978, Board shall in relation to write losses have the powers in the (2) Board may by or Special Order, powers not exceeding those in the Board, upon the Committees or Chairman or Secretary as the may be in respect of matter covered by these rules. Provided that no three rules shall be re-deleted. (3) specified in the Schedule may be exercised by the Board or Committees, or Chairman or Deputy Chairman or Secretary as the case may be provided that— (a) the 1088 does not disclose a in or procedure, amendment of which requires the Order of the Central (b) there has not been any negligence on the part of which may call disciplinary action the Competent Disciplinary Authority. Accordingly Any serious loss of irreplaceable property, such as weapons, caused are, flood, earthquake or any Man-made cause shall be reported at once to the authority concerned to Government through the usual channel. Responsibility for LA) Every shall realize that he will be personally responsible for any loss the Board through fraud or negligence on his part that he will also be held personally responsible for any loss arising from fraud or negligence on the part of other officer to the extent which it may be shown to be due to his own action or negligence, 7.1.1. Provided at Mure (1) A quarterly report of losses for the financial year shall be submitted by the Secretary to the Govt. "The Board indicating the reasons for the loss and the remedial measures taken to prevent the recurrence type of loss. (2) If the Central Government and/or Board and the loss reveals some basic defect in the of procedure, the amendment of which requires orders superior authority in the Ministry they should bring to the notice of such superior authority for consideration. SCHEDULE I. Nature of Loss No. Authority Committees (Executive, Export Promotion Committee, Committee, Labour Welfare Committee) Chairman (Executive, Export Committee, Committee, Welfare Committee) 2. 3

4. Irrecoverable Losses of Stores or money Stores and Library Books Irrecoverable loans or advances of Motor Vehicles Other Monetary Losses Limit which loss be written of in each Rs. 5,000/- Rs. 2,500/- Rs. 1,000/- Rs. 500/- Rs. 200/- Rs. 5,000/- Rs. 2,300/- Rs. 1,000/- Rs. 200/- (in rupees) whichever is the lesser, have been agreed to be less than 18 months (RAC) Rs. 1,000/- In case of irrecoverable rent etc. (including furniture hire charges and service charges) in respect of Bouts @ 36 of Tea Rule. 1954 • As per Tea Board Bye Laws 52 Board Bye Laws, 1955. [F. No. 1000/ERJEE, Addl. Secy. Printed the Manager, of India Press, Ring Road, Mysore, New Delhi-110064 and Published by the Comptroller & Publications, Delhi-110034 — 1996