

139-142-41
Misappropriation of
Government money.
Recovery of -

GOVERNMENT OF MAHARASHTRA
General Administration Department.
Circular No. CDR-1177/3720/166/XI.
Mantralaya, Bombay-400 032, Dated the 30th November 1978.

READ:- Government Circular, General Administration
Department, No. CDR-1172/9418/D.I, dated the
6th September 1972. 133

CIRCULAR:- Under Government Circular, General
Administration Department, No. CDR-1172/9418/D.I, dated the
6th September 1972, it has been directed that if the pre-
liminary investigation establishes that a particular person
has misappropriated Government money, the person should, in
the first instance, be called upon to pay the amount and the
amount should be recovered from him, if necessary, by deduc-
tion from his pay, if he agrees to refund the amount. In
case, however, he does not agree to refund the amount, no
such recovery can be made but the usual procedure of depart-
mental action and/or prosecution should be followed.

2. A point has been raised as to how the misappropriated Government money can be recovered if the person concerned refuses to refund the amount, and disposes of the property from which the amount could be recovered, before the completion of the departmental enquiry or the prosecution. Government is pleased to bring to the notice of all disciplinary authorities that necessary action for attachment of the delinquent's property can be taken under section 3(1) of the Criminal Amendment Ordinance, 1944. The scheduled offences referred to in section 3(1) include offences punishable under section 406, 408 or section 409 of the Indian Penal Code. The attachment is effective initially for 3 months only, but in case cognisance of the offence is taken or the State Government moves the District Judge, the attachment continues further and the property is applied by the District Judge towards reimbursement of the loss sustained by the Government and the fine imposed by the Court.

3. All Heads of Departments and Heads of Offices are directed to take action in accordance with the above provisions in all cases of misappropriation of Government money.

213 By order and in the name of the Governor of Maharashtra.

OFFICE OF THE COLLECTOR
RATNAGIRI

Date: 25 DEC 1978

Recd: [Signature]

[Signature]
D.M. TORGAL,
Under Secretary to Government.

P.T.O.