

(99) (99) (119)

No. 71/F/VPR/CR/46,
Office of the Divisional
Commissioner, Aurangabad,
Dated: 27th February 1971.

To

The Secretary to Government,
Rural Development Department,
Sachivalaya, Bombay-32.

Subject: - Utilisation of District Village Development Fund for meeting the expenditure on staff engaged for operating Fund -
Creation of one post of Jr. Clerk and one S.A.C. for operating the accounts of the District Village Development Fund.

Sir,

Section 133 of the Bombay Village Panchayat Act as amended (Amendment put into force w.e.f. 1-1-1971) lays down provision in the Act that the expenditure on Staff-engaged for operating the Fund and expenditure towards all charges incidental thereto Viz. Printing Stationery, stamps and the like can be made with the sanction of the Commissioner

The Chief Executive Officer Zilla Parishad (Parbhani) with reference to the amended provision of the Act (Sec. 133) has requested to accord sanction for the expenditure of Rs. 6,944/- per year towards salaries, T.A. and contingency from the balance amount of the Fund. A copy of the Chief Executive Officer Parbhani's letter No. ZP.GAD.II.F.II/WS. 19/71, dated 13th January 1971 is enclosed.

Government have framed the Bombay District Village Development Fund Rules. According to rule (3) of the said Rules, the District Village Development Fund Vests in Standing Committee and as per Rule 8 of the said Act, the Standing Committee has to keep accounts, under Rule 11 of the said Rules the Standing Committee has to sanction loan. As per sub-Rule 3 of Rule 6 the Standing Committee has been empowered to incur expenditure from out of the fund on printing of the receipts, forms, stamps and other stationery required for the purpose of granting loans to Panchayats.

In section 133 of the Bombay Village Panchayats Act, it is laid down that State Government shall make rules prescribing from time to time in this behalf. It is, therefore, presumed that due to amendment to the provisions of Section 133 of the said Act (w.e.f. 1-1-1971) necessary amendments to the "Bombay District Village Development Fund Rules" are under consideration of Government.

It is however felt that although section 133 of the said Act is amended suitably empowering the Commissioner to allow the Chief Executive Officers to incur expenditure towards salaries and contingency, yet Rules aforesaid will have to be suitably amended laying down conditions for such expenditure. The B.D.V.D. Fund Rules have not been modified

after the amendment of the provisions of Section 133 of the Bombay Village Panchayats Act.

The question is, therefore, whether such proposals are to be deferred till the amendments to the above said Rules are made or sanction as requested by the Chief Executive officer is to be given by this office without waiting for the amendments to the above said Rules.

Ypresumed
the scale
and the time-
limit for
which it is
needed, xx
after

It is that the Chief Executive Officer of the Zilla Parishad will have to create posts) showing the obtaining the approval for creation of such posts from the Standing Committee, as the fund is vested in it. And the Commissioner has to only give sanction for incurring the total amount to be spent from this fund. The expenditure will be debited to "interest-amount" of the fund and not to the Principal amounts of the funds. The expenditure towards salaries of the staff T.A. and contingency has obviously to be restricted to the amount of interest available under the Fund. The interest accrued cannot be said to be source of income of the Zilla Parishad under District Fund and the appointment of the staff so made for the purpose will have no relation with the services of the staff whose expenditure is debited to the District Fund of the Zilla Parishad. The nature/type of service of the staff so engaged for the purpose would be quite temporary like work-charge establishment/to be appointed under contract service Rules and would not be treated as Zilla Parishad service i.e. Regular persons working at present in Zilla Parishad cannot be posted to these posts to avoid complications in their service matters in future.

The Chief Executive Officer Parbhani has pointed out that it will not be possible to incur the expenditure of the staff from the District Fund from 1st January 1971. Therefore, it is necessary for the Chief Executive Officer to create posts for the purpose immediately and to book the expenditure to this fund.

Since the matter is not very clear and Rules are not amended u/s. 133 to the extent of new amendment, it is requested that Government may kindly be moved to issue suitable instructions in this regard early.

Yours faithfully,

Sd/-



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For Commissioner, Aurangabad