

MANIPUR



GAZETTE

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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No. 66 Imphal, Wednesday, May 24, 2006 (Jyaistha 3, 1928)

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GOVERNMENT OF MANIPUR  
SECRETARIAT : FINANCE DEPARTMENT  
(PAY IMPLEMENTATION CELL)

NOTIFICATION

Imphal, the 23rd May, 2006

No.16/1/2006-FD(PIC): In exercise of the powers conferred by section 11 of the Manipur Public Servants' Personal Liability Act, 2006 (Manipur Act No.8 of 2006), the Government of Manipur hereby makes the following rules, namely, -

1. **Short title and commencement.** - (1) These rules may be called the Manipur Public Servants' Personal Liability Rules, 2006.

(2) They shall come into force on the date of their publication in the official Gazette.

2. **Definitions.** - In these rules, unless the context otherwise requires, -

(a) "Act" means the Manipur Public Servants' Personal Liability Act, 2006;

(b) "Administrative Head" means the authority in the relevant office of the Department having the jurisdiction and control or supervision to give direction, instruction and or financial approval to a public servant;

(c) "Committee" means the High Powered Committee provided for in section 7 of the Act and set up and notified under rule 7 of these Rules;

(d) "Department" means the Administrative Department in the Secretariat of the State Government which has the administrative jurisdiction over the public servant and the relevant office where the cause of action arose;

- (e) "Finance Department" means the Finance Department of the State Government;
- (f) "rules" means rules, regulations, bye-laws or orders made under any law for the time being in force and includes the rules, regulations, orders and instructions of the State Government on a subject as framed and laid down in accordance with the Rules of Business of the State Government and amended from time to time as per the laid down procedure;
- (g) "Rules of Business" means the Rules of Business of the Government of Manipur, as amended from time to time;
- (h) words and expressions used herein but not defined in the Rules shall have the meaning respectively assigned to them in the Act.

**3. Determination of irregularity of action.** – (1) An action of a public servant that creates or has the implication of creating an unauthorized liability for the State Government, shall be deemed irregular if it contradicts or violates the relevant rules.

(2) An action of a public servant, if taken in compliance of a specific order and or instruction of another public servant or Administrative Head or a competent authority, shall be deemed irregular as long as it contradicts or violates the relevant rules.

(3) An action of a public servant or Administrative Head or competent authority in passing a specific order or instruction to another public servant that contradicts or violates the existing rules as laid down by the State Government will be deemed irregular.

**4. Liability for irregular actions.**– (1) The unauthorized liability resulting from irregular action of a public servant shall be recovered from the salary, entitlements and incomes of the public servant.

Explanation: "Income" includes the value of the private properties and assets of the public servant and his family members for the purpose of these Rules.

(2) The unauthorized liability, when arising from irregular action of a public servant entirely in pursuance of an order or instruction of another public servant or Administrative Head or competent authority, the liability for the irregular action will rest with such public servant or Administrative Head or competent authority who passed the relevant order or instruction.

(3) The unauthorized liability, when arising from irregular action of one or more public servants, falling within the meaning of sub-rule (2) or (3) of rule 3 or otherwise, shall be recovered from the salary, entitlements and incomes of the public servants in such proportion as determined by the High Powered Committee.

(4) Where an irregular action of a public servant or Administrative Head or competent authority has been rectified by a subsequent action of the public servant or the Administrative Head or the competent authority without causing financial burden on the State Government, the liability shall be treated as having been closed.

(5) Where an irregular action of a public servant or Administrative Head or competent authority has been rectified by an ex-post facto approval of the State Government, the liability shall be mitigated to the extent of the approvals obtained and conveyed through a due process.

(6) The closure of the liability against a public servant under these Rules will, however, be without prejudice to the criminal, disciplinary, and or other legal action for which a public servant may be liable under any other relevant laws for the time being in force.

**5. Quantum of liability.**- (1) The sum recoverable from a public servant on account of the unauthorized liability shall be determined having regard to all financial liabilities arising from the irregular action and paid in the past or payable in future.

(2) Any relief or benefit granted by a court of law or a tribunal or a forum or authority under any law for the time being in force, including the expenses incurred by the State Government on account of the relevant litigation or suit and payable by the State Government to a person who is the beneficiary or object of an irregular action of a Government servant shall form a part of the financial liability.

**6. Recovery of the unauthorized liability.**- (1) Recovery of the unauthorized financial liability arising from an irregular action shall be made from the salary and entitlements payable to a public servant by the Government or his incomes at any time before or after superannuation, or completion of the period of employment, or holding of office by the public servant as the case may be.

(2) Where the financial liability cannot be fully recovered from the salary and entitlements payable to the public servant by the State Government, the State Government shall take suitable measures to recover the liabilities from other incomes of a public servant either through institution of a suit in a court of law or any other means available as per law.

**7. Constitution of High Powered Committee.**- (1) The High Powered Committee consisting of members as specified under section 7 of the Act shall be constituted by the Government and notified in the State Gazette.

(2) The Committee shall be serviced by the Pay Implementation Cell in the Finance Department of the State Government.

**8. Powers and functions of High Powered Committee.**- The Committee shall have the powers to inquire into and decide on the following matters :-

- (i) irregular action of a public servant;
- (ii) quantum of the unauthorized liability created by the irregular action;
- (iii) amount of financial liability recoverable from the public servant;
- (iv) fixing the financial liability of the irregular action on and apportioning the liability amongst one or more public servant(s);
- (v) manner of recovery of the financial liability;
- (vi) any other relevant matter not mentioned above.

**9. Procedure of Work of the High Powered Committee.**- (1) The Committee shall initiate inquiry into any matter listed under rule 8 either suo motu or on reference from any Department, organization or agency of the State Government including a public servant having a status not lower than that of the Head of the Department of a Government Department.

(2) The proceedings of the Committee shall be held in a summary manner and the decisions of the Committee shall be taken on the basis of the material and records available before the Committee.

(3) The Committee shall hold meetings at such intervals and frequencies as required by the exigencies of the case with the approval of the Chairman. Meetings of the Committee shall be convened by the Finance Department.

(4) The Administrative Department of the State Government shall prepare a Note for consideration of the Committee in the forms appended to these Rules.

(5) The Committee shall have the powers to call for any records from any Department of the State Government, requisition any document or material from any available source in Form-1 appended to these Rules, and seek opinion or advice from any public servant or individual either in person or in writing to arrive at a conclusion and submit its recommendation. The costs involved in such consultations, if any, shall be borne by the State Government.

(6) The Committee shall furnish its findings of the inquiry and recommendations on the relevant issues within a maximum period of 2(two) months from the date of first meeting of the Committee. The period of inquiry and submission of the findings and recommendations of the Committee may be extended, not beyond total of 3(three) months from the date of first meeting, by the State Government.

(7) The Committee shall provide, in course of an inquiry, an opportunity to the public servant, to furnish explanation in regard to the irregular action in question by a notice to be served upon him in person in the Form-2 appended to these Rules and the unauthorized liability created from such action. The Committee may also afford an opportunity to the public servant to furnish, besides the written submission, an explanation in person.

(8) The public servant shall have a maximum period of 15(fifteen) days from the date of receipt of the notice to furnish his explanation and material in support of his contentions.

(9) The findings and recommendations of the Committee shall be adopted through consensus and shall be final after approval by the State Government.

(10) The decisions of the State Government shall be implemented through an order issued to the effect by the Finance Department.

By order & in the name of the  
Governor,

P. SHARAT CHANDRA,  
Commissioner (Finance),  
Govt. of Manipur.

FORM-1

OFFICE OF THE HIGH POWERED COMMITTEE  
GOVERNMENT OF MANIPUR

Notice under rule 9(5) of the Manipur Public Servants' Personal Liability Rules, 2006

Imphal, the .....

No..... : Whereas an inquiry against Shri/Smt .....was drawn up by this Committee on certain irregularities of action. Therefore, you are hereby required to produce and show to the High Powered Committee at the hearing of the inquiry the following paper(s), namely –

1. ....
2. ....

Receipt of this notice may be acknowledged.

( Signature )  
Finance Department (PIC),  
Government of Manipur.

To

Shri/Smt. ....

FORM-2

OFFICE OF THE HIGH POWERED COMMITTEE  
GOVERNMENT OF MANIPUR

Notice under rule 9(7) of the Manipur Public Servants' Personal Liability Rules, 2006

Imphal, the .....

No.....: The High Powered Committee proposes to hold an inquiry against Shri/Smt. ....under rule 9(7) of the Manipur Public Servants' Personal Liability Rules, 2006. The substance of the imputations of your irregularity of action in respect of which the inquiry is proposed to be held is set out in the enclosed statement.

2. Shri/Smt. ....is, therefore, directed to submit within 15 days of the receipt of this notice a written statement of his defence.

3. Shri/Smt. .... is further informed that if he/she does not submit his written statement on or before the date specified in para 2 above, the High Powered Committed may hold the inquiry against him/her ex parte.

4. Please acknowledge receipt of this notice.

( Signature )

Finance Department (PIC),  
Government of Manipur.

To

Shri/Smt. ....