

# West Bengal Act XXX of 1948

## THE CALCUTTA SHERIFF'S ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,  
*Extraordinary*, of the 15th October, 1948.]

*An Act to provide for certain matters relating to the office of  
the Sheriff of Calcutta.*

WHEREAS it is expedient to provide for certain matters relating to the office of the Sheriff of Calcutta;

It is hereby enacted as follows:—

1. (1) This Act may be called the Calcutta Sheriff's Act, 1948. Short title and commencement.

(2) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context, "prescribed" means prescribed by rules made under this Act. Definition.

3. (1) The Sheriff of Calcutta (hereinafter referred to as the Sheriff) shall be appointed annually by the Governor from a panel of three persons to be nominated on the occasion of each vacancy by the High Court in Calcutta. Appointment of the Sheriff of Calcutta.

(2) The Sheriff shall hold office during the pleasure of the Governor and shall be entitled to such allowances as the Governor may determine and no other allowances.

4. The Deputy Sheriff of Calcutta shall be appointed in such manner and shall be entitled to such allowances as may be prescribed. Appointment of the Deputy Sheriff of Calcutta.

5. Subject to the provisions of this Act, the Sheriff and the Deputy Sheriff and their subordinates shall carry out the orders of the High Court in Calcutta in the manner determined by the said Court. Power of the High Court to control certain functions of the Sheriff and other employees.

6. Notwithstanding anything contained in the Charter establishing the Supreme Court of Judicature at Fort William in Bengal, dated the twenty-sixth day of March 1774, or in any other law, the posts of all such officers and servants (other than employees who are paid by the day) as may be employed for the proper performance of the duties of the Sheriff shall, on the commencement of this Act, be civil posts under the Crown in India. Posts of officers and servants of the Sheriff to be civil posts under the Crown.

7. The Sheriff and the Deputy Sheriff and their subordinates shall be exempt from liability in respect of all their acts or defaults done or committed while exercising or purporting to exercise their functions under this Act or for which they would have been liable but for this Act. Indemnity.

(Sections 8—11.)

Liability  
of the Pro-  
vincial re-  
venues in  
certain  
cases.

8. (1) The revenues of the Province shall be liable to make good all sums required to discharge the liability mentioned in section 7.

(2) Nothing in sub-section (1) shall be deemed to render liable the revenues of the Province or any Sheriff, or Deputy Sheriff or any of their subordinates appointed after the commencement of this Act for anything done by, or under the authority of, any Sheriff or Deputy Sheriff before the commencement of this Act.

(3) Nothing in sub-section (1) shall prevent the Provincial Government from recovering any sum paid by it under that sub-section from the Sheriff, the Deputy Sheriff or any of their subordinates liable personally to pay such sum.

(4) Sums payable by the Provincial Government under sub-section (1) are hereby declared to be charged on the revenues of the Province.

Credit of  
fees to Pro-  
vincial re-  
venues.

9. The Sheriff shall transfer and pay to such authority, in such manner and at such times as may be prescribed, all fees realised by him or by any of his officers and servants after the date of the commencement of this Act, together with the balance standing on the said date to the credit of the account known as the "Sheriff's Account Number II," and such fees and balance shall be carried to the account and credit of the revenues of the Province.

The Sher-  
iff's Pen-  
sion Fund.

10. The Trustees of the fund known as "the Sheriff's Pension Fund" (hereinafter referred to as the Fund), maintained for the provision of pensions for the officers and servants employed by the Sheriff prior to the commencement of this Act, shall transfer and pay to such authority, in such manner and at such times as may be prescribed, the balance standing to the credit of the Fund at the date of the commencement of this Act, and such balance shall be carried to the account and credit of the revenues of the Province.

Pensions.

11. (1) All officers and servants previously employed by the Sheriff who, at the date of the commencement of this Act, are in receipt of pensions or entitled to gratuities in accordance with the rules of the Fund, shall be paid such pensions or gratuities out of the revenues of the Province.

(2) All officers and servants of the Sheriff, who are in his employment at the date of the commencement of this Act, shall, in respect of such employment prior to that date, be paid out of the revenues of the Province such pensions, gratuities and compensation as may be determined by the Provincial Government in accordance with the rules of the Fund:

Provided that such compensation, if any, shall not be less than that which, in similar circumstances and in accordance with the rules made in this behalf by the Provincial Government, would be admissible to persons in the service of the Provincial Government.

(3) Any dispute arising in connection with the amount of any pension, gratuity or compensation payable under sub-section (1) or sub-section (2) shall be referred to the

XXX of 1948.]

(Section 12.)

West Bengal Public Service Commission, the decision of which shall be final and shall not be the subject-matter of any proceedings in any Court.

(4) All pensions payable under this section out of the revenues of the Province shall be so payable in all respects as pensions payable for service under the Provincial Government and shall be subject to the rules made in that behalf by the Provincial Government.

(5) If any officer or servant of the Sheriff is permanently re-employed in the service of the Provincial Government, his employment under the Sheriff shall, for the purposes of the rules relating to pay and pensions, be deemed to have been service under the Provincial Government:

Provided that,—

- (a) if any such officer or servant desires to elect to refund any gratuity or cease to draw any pension, as the case may be, and to count for future pension his employment under the Sheriff, he shall so elect immediately on being permanently re-employed; and
- (b) if he so elects, any period of temporary service under the Provincial Government intervening between the date of the commencement of this Act and the date of such permanent re-employment shall not be considered as a break in service, but shall not count as service for the purposes of pension.

*Explanation.*—Where such election is made, the whole of the pension, both for employment under the Sheriff prior to the commencement of this Act and for service in such permanent re-employment under the Provincial Government, shall be calculated at the rates provided in the rules relating to the pensions of servants of the Provincial Government, and not at the rates provided in the rules of the Fund.

**12.** (1) The Provincial Government may make rules for carrying into effect the purposes of this Act in regard to those functions of the Sheriff which are discharged under the administrative control of the Provincial Government. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,—

- (a) the manner of appointment and the allowances of the Deputy Sheriff referred to in section 4;
- (b) the distribution of work between the Sheriff and the Deputy Sheriff;
- (c) the authority referred to in sections 9 and 10 and the manner in which and the time at which the fees and balances referred to in these sections shall be transferred and paid;
- (d) the safe custody and deposit of all monies, securities and other moveables which come into the hands of the Sheriff; and
- (e) the accounts to be maintained by the Sheriff, and the audit and inspection thereof.