

The Orissa Hereditary Village Offices (Abolition) Rules, 1962

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Rule

THE-ORISSA-HEREDITARY-VILLAGE-OFFICES-ABOLITION-RULES-1962 of 1962

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The Orissa Hereditary Village Offices (Abolition) Rules, 1962Published vide Notification No. 6396-L.R.-109/62-R., dated 29th January, 1963Notification No. 6396-L.R.-109/62-R., dated 29th January, 1963. - In exercise of the powers conferred by Section 9 of the Orissa Hereditary Village Offices (Abolition) Act, 1962 (Orissa Act 12 of 1962), the State Government do hereby make the following rules, namely :

1. Short title and commencement.

- These rules may be called the Orissa Hereditary Village Offices (Abolition) Rules, 1962.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"The Act" means the Orissa Hereditary Village Offices (Abolition) Act, 1962;(b)all words and expressions used in these rules and not defined herein shall have the same meanings as are respectively assigned to them in the Act.

3. Mode of service of the notice or order.

(1)Except as otherwise provided in these rules any notice or order required to be served under these rules shall be served by delivering or tendering a copy thereof to the holder of ex-Village Office (Karji, Karanam Talyari or Vetti) on whom it is to be served.(2)Where the person on whom the notice or order has to be served cannot be found, service may be made on any adult male member of the family of such person residing with him.(3)When the serving officer delivers or tenders a copy of the

notice or order to the person to be served with such notice or order personally or other person on his behalf he shall require the signature of the person to whom the copy is so delivered or tendered in acknowledgement of service to be endorsed on the original notice or order.(4)Where the person to be served with notice or order or such other person as aforesaid refuses to sign the acknowledgment or where the serving officer after using all due and reasonable diligence cannot find the person to be served with the notice or order and there is no other person authorised to accept service of notice or order on his behalf or any other person on whom service can be made, service may be made by affixing a copy of the notice or order on the outer door or some other conspicuous part of the house in which the person to be served with the notice or order, ordinarily resides. The service of notice in the aforesaid manner shall be attested by two local witnesses.(5)The serving officer shall in all cases in which the notice or order has been served under these rules, endorse or annex or cause to be endorsed or annexed on or to the original notice or order a return duly affirmed by him stating the date on which and the manner in which the notice or order was served and the names and addresses of two persons witnessing such service.(6)Notwithstanding anything contained in the foregoing sub-rules the officer issuing notices may, if he thinks fit and shall, if the person to be served with notice or order resides outside his jurisdiction, order that the notice or order shall be served by sending a copy thereof, duly signed and sealed, by registered post with acknowledgement due to the person on whom such notice or order is to be served. An acknowledgement purporting to be signed by the person concerned or an endorsement by the Postal Servant that the person concerned refused to take delivery may be deemed to be sufficient proof of the service of such notice or order.(7)Where the person to be served with a notice or order under the foregoing rules is a minor or a person of unsound mind or an idiot, the service shall be made on the guardian or other legal Curator of such minor or person of unsound mind or idiot, as the case may be.

4. Procedure for enquiry.

- The enquiry under Clause (1) of Section 4 of the Act shall be regulated by the following procedure : (i) the parties shall be given opportunity of filing their statements after due notice; (ii) a date shall be fixed for the hearing of the case and the same shall be notified to the parties who shall be entitled to be heard in person or by agent; (iii) the parties shall be entitled to produce witnesses and to demand that any person whose evidence they require shall be summoned as a witness or that any person shall be summoned to produce a document and the Collector shall comply with such demand, unless, for reasons to be recorded, he considers it unnecessary to do so; (iv) the Collector shall record, in his own hand in English a memorandum containing the material averments of the parties, the material portions of the evidence, his decision and the reasons therefor.

5. Mode of filing appeal.

- The mode of filing appeal under Sub-section (2) of Section 4 of Act shall be as laid down in Orissa Board of Revenue Regulations made under Rule 7 of the Orissa Board of Revenue Rules, 1959.

6. Procedure for absorption of holders of village offices in suitable posts under Government.

(a)The holders of village offices may be appointed on application with an undertaking to abide by the rules and conditions of the new service in vacant posts under Government in accordance with the existing procedure for appointment to such posts. Such application shall be made not later than one month from the appointed date.(b)The minimum educational qualification of candidates from amongst village officers for absorption as Naib-Tahsildars should be a pass in the ninth class. In deserving cases of exceptional nature even this qualification may not be adhered to strictly at the discretion of the appointing authority. The minimum educational qualification of candidates from amongst village officers for absorption as Moharir under the Naib-Tahsildari system of Revenue Administration should be a pass in U.P. Standard.(c)The maximum age-limit of village officers for absorption in any post under the Naib-Tahsildari system should not exceed 50 years on the date of appointment. Of the village officers who are beyond the age of 50 years, only those who are found fit and are willing may be absorbed in suitable posts, but they should not be retained beyond the age of superannuation.(d)The appointing authority should be the same for similar posts under the State Government.(e)The village officers and village servants appointed in suitable posts under Clause (i) of Section 5 of the Act shall be subject to the same rules regarding security as are applicable to other persons holding similar posts under the State Government.

7. Determination of payment of gratuity to holders of village offices.

(1)The holder of village office who does not opt or is not considered fit to serve under the State Government or who applies but cannot be absorbed within a period of three months from the date of the commencement of the Act under the State Government, shall apply in Form 'A' within a period of three years from the aforesaid date for grant of gratuity as provided in Section 5 (ii) of the Act. This application should be submitted to the Tahsildars of the area in which he served and in case of any dispute of the holders of village offices on the appointed date the application shall be made within three months from the date of expiry of the appeal period or if an appeal is filed within three months from the final disposal of the case unless in the meanwhile he applies under Rule 6 and gets an appointment under the State Government.(2)On receipt of application for gratuity the Tahsildar concerned shall calculate the total amount of gratuity payable in accordance with the provisions of Clause (ii) of Section 5 of the Act on the reverse of the said form and furnish the following certificate :(a)that the details furnished by the ex-holder of village office in his application have been duly verified and found correct;(b)that the records, survey instruments, etc., in charge of the ex-holder of village office have been duly received in Tahsil office;(c)that nothing is outstanding against the ex-holder of village office on Government account except the following (Details of amount due from the village officers should be specified).(3)The Tahsildar shall then recommend the case to the Collector or any other officer authorised by the Collector not below the rank of an Additional District Magistrate for sanction of the gratuity.(4)The Collector or the officer so authorised by him under Sub-rule (3) after satisfying himself about the correctness of the details of calculation furnished by the Tahsildar and the amount recommended by him shall sanction the amount payable to, the ex-village officer.(5)Copies of all sanction orders in Form 'A' shall be forwarded to the Accountant-General, Orissa, with details of calculations with a copy to the

Tahsildar concerned. Details of recoveries, if any, to be made from any payee should be furnished to the Accountant-General indicating the head of account under which the same is to be credited.(6)On receipt of a sanction order the Tahsildar shall draw the amount due to the ex-holder of the village office after deducting the recoveries detailed in such order in miscellaneous bill from O.T. (Form No. 13) duly accompanied by a copy of the sanction order in Form 'A'.(7)The Tahsildar shall arrange for immediate disbursement of the amount duly obtaining the payee's acknowledgment which shall be forwarded to the Accountant-General, Orissa, shall be noted in the office copy of the bill and also in the Bill Register in Form No. T. A. 28 (a) over the dated initial of the Tahsildar. Form 'A' Application for gratuity under Rule 7 (i) of the Hereditary Village Offices (Abolition) Rules, 1962

1. Name of holder of village office.....
2. Father's name and address.....
3. Post held-
Group..... Firka..... Tahsil.....
4. Date of appointment to the post.....
5. Date of termination of the post.....
Total period of service (if there is any break in service,
6. the period or periods of break should be Year Months Days
clearly mentioned).....
7. Emoluments on the date of abolition of the post Pay Dearness allowance Total
Rs. Rs. Rs.

I have already delivered all records maintained by me in the capacity of such holder and have settled all accounts appertaining to the office. Any Government dues outstanding may be adjusted from the gratuity payable to me. Signature of the holder of village office[*]. In respect of item 4 copy or copies of appointment orders should be enclosed. (For use in Tahasil Office)

1. Completed year of service

2. Monthly emoluments Rs. nP....

3. (a) Three times of monthly emolument payable.....

(b) Three-fourths of the monthly emolument for each completed year of service..... Gross amount payable under Section 5 (ii) of the Orissa, Hereditary Village Offices (Abolition) Act, 1962. Total of (a) and (b)....

4. Deduct-amount due from the applicant on Government account as detailed below :.....

5. Net amount payable in cash to the applicant.....

Certified that-(a)I have personally verified the particulars furnished by the ex-holder of village office in his application form with reference to records and found them to be correct;(b)the records, survey instruments etc., in charge of the ex-holder of village office have been duly received back in Tahasil Office and(c)nothing is outstanding against the ex-holder of village office on Government account except to the extent noted in item 4 above which details have been furnished below :I recommend payment of Rs.....(in figures and in words) in cash and Rs (in figures and words) by transfer credit to the heads of accounts as per details furnished on the reverse, to Shri.....(with complete address) under Section 5 (ii) of the Orissa Hereditary Village Offices (Abolition) Act, 1962 (Orissa Act 12 of 1962) as he could not/is unwilling to/is unfit to be absorbed in any suitable post under the State Government.TahsildarDetails of Government dues to be adjusted from the gratuity payable to the ex-holder of village office

Serial No.	On which account the deduction is to be made	Amount	Head of account to which the amount is to be adjusted by transfer credit	Remarks
1	2	3	4	5

For use in Collector's OfficeSanctioned Rs..... (in figures and in words) for payment under the head "65-Pensions and other retirement benefits-(E)-Gratuities, Gratuity payments to Orissa Hereditary Village Officers". Out of the said amount Rs..... (in figures and in words) shall be paid in cash and Rs..... (in figures and in words) shall be paid by transfer credit to the heads of accounts as per details furnished on the reverse to Shri.....(with complete address) as he could not be absorbed in any suitable post under the State Government.Collector