

The Tamil Nadu Abolition of Fosts of Part-Time Village Officers (Payment of Amount) Rules, 1983

TAMILNADU

India

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Rule

THE-TAMIL-NADU-ABOLITION-OF-FOSTS-OF-PART-TIME-VILLAGE-O of 1983

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The Tamil Nadu Abolition of Fosts of Part-Time Village Officers (Payment of Amount) Rules, 1983Published vide Notifications No. G.O. Ms. No. 730, Revenue, dated 21st April 1981 - No. SRO A-113/ 83In exercise of the powers conferred by sub-section (1) of section 12 of the Tamil Nadu Abolition of Posts of Part-time Village Officers Act, 1981 (Tamil Nadu Act 3 of 1981), the Governor of Tamil Nadu hereby makes the following rules:-

1. Short title and application.

(1)These rules may be called the Tamil Nadu Abolition of Posts of Part-time Village Officers (Payment of Amount) Rules, 1983.(2)These rules shall apply to every person who ceased to hold the post of part-time Village Officers by reason of section 3 of the Act except those who have been selected for appointment to the post of Village Administrative Officer.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Abolition of Posts of Part-time Village Officers Act, 1981 (Tamil Nadu Act 3 of 1981);(b)"erstwhile Village Officer" means a person to whom these rules apply;(c)"Form" means a Form appended to these rules; and(d)"section" means a section of the Act.

3. Application to the competent authority for payment of amount.

(1) Every application for the amount payable under section 5 shall be made by the erstwhile Village Officer, or in the event of the death of such officer subsequent to 14th November 1980, by his legal heir or heirs, in Form A. It shall be made in duplicate and sent to the competent authority within sixty days from the date of the publication of these rules in the Tamil Nadu Government Gazette: [Provided that the competent authority may, for just and sufficient cause, condone any delay in this regard.] [Proviso was added by G.O.Ms. 575, Revenue, dated 12-4-1985.] (2) On receipt of the application under sub-rule (1), the competent authority shall forward one copy of the application to the Tahsildar concerned and obtain his report regarding the correctness of the particulars furnished in the application. The Tahsildar shall send his report to the competent authority within thirty days from the date of receipt of the application from the competent authority. Where records are not readily available to verify the correctness of the particulars furnished in the application, the Tahsildar shall make a through search for such records to make necessary enquires in his office or elsewhere and send the report to the competent authority within sixty days from the date of receipt of the application from the competent authority.

4. Determination of amount by competent authority.

(1) On receipt of the report from the Tahsildar, the competent authority shall determine the amount payable under section 5 after taking into account the total service put in by the erstwhile Village Officer. Out of the amount so determined, the amount actually paid to the erstwhile Village Officer towards honorarium for the period commencing on and from the 14th November 1980 and ending with the 15th April 1982 shall be deducted. (2) The competent authority shall, after arriving at the amount as specified under sub-rule (1), issue a notice in Form B to the erstwhile Village Officer. (3) After considering the representation, if any, of the erstwhile Village Officer, the competent authority shall pass an order determining the amount in Form C. (4) In case where the amount liable for deduction under sub-rule (1) exceeds the amount determined under sub-section (2) of section 5, the excess amount shall not be recovered.

5. Payment of amount.

- Based on the order of the competent authority determining the amount payable under section 5, the Tahsildar concerned shall, within the period specified under sub-section (4) of section 5, pay the amount to the applicant by demand draft.

6. Appeal to District Collector.

(1) Any person aggrieved by the order of the competent authority passed under rule 4 determining the amount payable under section 5, may prefer an appeal to the District Collector concerned enclosing a copy of the order appealed against within thirty days from the date of receipt of the order of the competent authority. (2) On receipt of the appeal under sub-rule (1), the District Collector shall call for a report and connected records from the competent authority and, after

giving a reasonable opportunity of being heard to the appellant, pass an order on the appeal. Form A[See Rule 3(1)]Application (In Duplicate) for Payment of Amount

1. (a) Name of the applicant and his present/ permanent address.

(b) If the applicant is a legal heir, name of the erstwhile part-time Village Officer.

2. Designation of the part-time post held previously (Village Headman or Additional Village Headman or Karnam or Additional Kamam/ Triune Officer) with particulars of name of the village and taluk.

3. Date from which the applicant/ erstwhile part-time Village Officer was holding the post.

4. Total service rendered in the post excluding the period on leave other than casual leave or absent without authorisation or under suspension. (Year, month and date to be correctly specified.)

5. Total amount of monthly emoluments (including honorarium, Pancha-yat Development Allowance and one-twelfth of the consolidated annual travelling allowance) for the year ending 31st March 1980.

6. Amount of half monthly total emoluments claimed as per the Act.

7. Amount of honorarium received for the period from 14th November 1980 to 15th April 1982.

8. Net amount claimed.

I hereby certify that the particulars furnished above are true to the best of my knowledge. I request that the amount specified in column (8) may be sanctioned and paid to me. Station: Date: Signature of Applicant
Form B[See Rule 4(2)] Notice Pursuant to section 5 of the Tamil Nadu Abolition of Posts of Part-time Village Officers Act, 1981 (Tamil Nadu Act 3 of 1981), it is proposed to make payment of a sum of Rs. as indicated below to Thiru, erstwhile Village Headman/ Kamam/ Triune Officer of village.

1. Total service put in by the erstwhile Village Headman/ Karnam/ Triune Officer (in number of years and portion thereof).

2. Monthly emoluments of the erstwhile Village Headman/ Kamam/ Triune Officer. Rs. P.
(i) Honorarium.

- (ii) Panchayat Development Allowance.
- (iii) One-twelfth of the consolidated annual travelling allowance.
- Total
3. Amount due to the erstwhile Village Headman/Karnam/ Triune Officer.
- Honorarium amount received by the erstwhile Village Headman/ Karnam/ Triune
4. Officer for the period from 14th November 1980 to 15th April 1982.
5. Net amount payable.
- (Rupees.....(in words).....Please take notice that the application for payment of amount has been posted for hearing on.....(day) at.....A.M./ P.M. before the(Competent authority). You are required to appear before the(Competent authority) on that date, time and place either in person or through your authorised representative, with all documentary evidence in support of your claim. If no appearance is made either by you or by your authorised representative on your behalf, it will be presumed that you have no representation to make and orders will be passed on the merits of the case. Competent authority To Erstwhile Village Headman/ Kamam/ Triune Officer. Address: (By registered post with acknowledgement due) Form C [See Rule 4(3)] Proceedings of the Competent Authority [Under section 5(3) of the Tamil Nadu Abolition of Posts of Part-time Village Officers Act, 1981] R. Dis. No. dated Present : Designation : Subject: Village Officers, District Taluk Village Part-time Village Officers - Post abolished by the Tamil Nadu Act 3 of 1981 - Payment of amount under section 5(3) of the Act - Reg. Reference: (1) Application, dated from Thiru (2) Letter No. Tahsildar In his application first cited, Thiru Son of Village Headman/ Kamam/ Triune Officer, village, Taluk has applied for payment of Rupees under section 5(3) of the Tamil Nadu Abolition of Posts of Part-time Village Officers Act, 1981 (Tamil Nadu Act 3 of 1981). From the report of the Tahsildar second cited, it is seen that he is the person/ legal heir to the person who has ceased to hold the post of part-time Village Officers by reason of section 3 of the Act. The erstwhile part-time Village Officer had actually put in years of service excluding the period of leave, other than casual leave, absence without authorisation and under suspension. Accordingly, the applicant/ erstwhile Village Officer is entitled for payment of Rs. (in words). The applicant/ erstwhile Village Officer has actually received Rs. (in words)..... towards honorarium for the period from 14th November 1980 to 15th April 1982 (both days inclusive). After deducting the amount actually received by him towards honorarium, he is eligible for payment of Rs. (in words) in the circumstances, under section 5(3) of the Tamil Nadu Abolition of the Posts of Part-time Village Officers Act, 1981 (Tamil Nadu Act 3 of 1981). I hereby sanction Rs. (Rupees) to Thiru. erstwhile Village Headman/ Karnam/ Triune Officer of Village. The applicant is further informed that if the amount sanctioned is afterwards found to be in excess of that to which he is entitled under these rules, he will be called upon to refund such excess.

2. The expenditure will be debited to the following Head of Account:-

"253. A. District Administration - A.D. Other Establishment-I. Non-plan - AD. Ryotwari Village Services - 26. Other charges -7. Payment of amount under the Tamil Nadu Abolition of Posts of Part-time Village Officers (Payment of Amount) Rules, 1983" (DP Code 253 AAB AD 2677).

3. The Tahsildar,Taluk is directed to draw the amount and send it to the applicant by Demand Draft within a month on proper acknowledgment and file the receipt for payment.

Competent Authority To Thiru Erstwhile Village Headman/ Kamam/ Triune Officer. Address: Copy to the Tahsildar concerned taluk for claim and payment. Copy to the Sub-Treasury Officer concerned. Copy to Bills. Special Rules for the Post of Village Administrative [Officer] [Ad hoc Rules relating to the temporary post of Village Administrative Officer were issued in G.O. Ms. No. 2600, Revenue, dated the 18th November 1980 under section 12 of the. Act read with Article 309 of the Constitution. Subsequently, in supersession of the above said Ad hoc Rules, Special Rules (Permanent Rule) have been framed which form part of the Tamil Nadu Ministerial Service Rules. (Extract from the Tamil Nadu Ministerial Service Rules) Rule 38 (b) (iii). - Appointment, training and conditions of service of directly recruited Village Administrative Officer: - Notwithstanding anything contained in the foregoing rules, the rules in Annexure-X shall govern the direct recruitment of Village Administrative Officer. Annexure - X [Referred to in Rule 38(b)(iii)] Appointment, Training and conditions of service of directly recruited Village Administrative Officers.

1. Appointment to the service in the category of Village Administrative officer in the Revenue Department shall be made by direct recruitment.

2. The appointing authority for the post shall be the Revenue Divisional Officer having jurisdiction over the concerned village.

Explanation. - For the purpose of this rule, "Revenue Divisional Officer" includes Personal Assistant (General) to the Collector of [Chennai] [Substituted for 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 128 of 1996)].

3. The rule of reservation of appointments (General rule 22) shall apply for appointment to the post by direct recruitment treating each district as a separate unit.

4. (a) No person shall be eligible for appointment to the post by direct recruitment,-

(i) unless he has completed 21 years of age on the first day of July of the year in which the selection for appointment is made; and (ii) if he has completed or will complete 30 years of age on the first day of July of the year in which the selection for appointment is made: Provided that in the case of a person belonging to a Backward Class 2 or a Scheduled Caste and Scheduled Tribe, the upper age limit shall be 40 years: Provided further that the above age limit shall not apply for appointment as Village Administrative Officers by direct recruitment from among the Ex-Village Officers through State Level Screening Committee or to the Ex-Village Officers who have already been absorbed as Village Administrative Officers as per the decisions of High Court, Madras. (b) No person shall be eligible for appointment to the post by direct recruitment unless he possesses the minimum general educational qualification prescribed in rule 12(a)(i) and Schedule I in Part II of the Tamil Nadu State and Subordinate Services Rules.

5. (a) Every person appointed to the post shall furnish a cash security of Rs. 2,000 (Rupees two thousand only) within a period of one month from the date on which he joins duty:

Provided that a person belonging to a Backward Class¹ shall furnish a cash security of Rs. 1,000 (Rupees one thousand only) within a period of one month from the date on which he joins duty:

1. Backward Class includes Most Backward Class and De-notified Communities also.

Provided further that a person belonging to a Scheduled Caste or Scheduled Tribe shall not furnish a cash security. (aa) The cash security shall be deposited in the Post Office Savings Bank pledged to the Collector of the District concerned: Provided that the pledge of the security deposit in the Post Office Savings Bank account shall be released to him by the Collector in the event of his resignation, retirement, transfer from the category of Village Administrative Officer, dismissal or removal from service and to his legal heirs, in the case of his death, after deducting the Government dues, if any. (b) Failure to furnish such cash security as contemplated in the above sub-rules shall render a person liable to be discharged from service.

6. Every person appointed to the post by direct recruitment shall, from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years.

7. (a) Every person appointed to the post shall,-

(i) undergo training for a period of not less than one month in Survey at Government cost and pass the test in Survey conducted by the Survey Department of the Government of Tamil Nadu at the end of the training. If he fails to pass the test in the first attempt, he shall undergo the training for the second time by availing himself of leave without pay and allowances and pass the test at the end of the training. If he fails to pass the test for the second time also, he shall undergo the training for the

third time by availing himself of leave without pay and allowances and pass the test at the end of the training. If he fails to pass the test in the third attempt also, he shall be discharged from service forthwith;(ii)undergo training for a period of not less than six weeks in Village Administration at Government cost after he passes the test in Survey mentioned in clause (i) and pass the test in Village Administration at the end of the training. If he fails to pass the test in the first attempt, he shall undergo the training for the second and the third time subject to the same conditions mentioned in clause (i). If he fails to pass the test in the third attempt also, he shall be discharged from service forthwith;(b)Every person appointed to the post shall undergo the training in Survey and Village Administration for the period specified;(c)Every person appointed to the post shall be paid the minimum of the time scale of pay for the post and the eligible allowance including House Rent Allowance during the period of training for the first attempt mentioned in clauses (i) and (ii) of sub-rule (a). The period of training shall count for probation and increment;(d)Every person appointed to the post shall execute a bond agreeing to reimburse to the Government the pay and allowances drawn by him during the period of training and the cost of such training if he is eventually discharged for not passing the tests at the end of the training mentioned in sub-rule (a). If he fails to reimburse the pay and allowances drawn by him during the period of training and the cost of the training, such pay, allowances and cost of the trainings shall be recovered as an arrear of land revenue under the provisions of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864).

8. (a) Every person appointed to the post shall, within the period of probation, pass the following special tests, namely:-

(i)Powers and duties of Village Administrative Officers;(ii)Village sanitation; and(iii)Manual of Village Accounts.If such person fails to pass the said tests within the period of probation, he shall be discharged from service forthwith.

9. Every person appointed to the post shall be liable to be transferred any place,-

(i)within the division by the Revenue Divisional Officer;(ii)within the district by the District Collector; and(iii)on administrative reasons, outside the district by the Commissioner of Revenue Administration.

10. Every person appointed to the post shall reside in the village under his charge and shall continue to reside in the said village so long as he holds the post.