

The M.P. Panchayat (Resignation by Office-Bearer) Rules, 1995

MADHYA PRADESH

India

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Rule

THE-M-P-PANCHAYAT-RESIGNATION-BY-OFFICE-BEARER-RULES-1995 of 1995

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The M.P. Panchayat (Resignation by Office-Bearer) Rules, 1995 Published vide Notification No. B-1-41-95-22-P-2, dated 23-12-1995, M.P. Rajpatra (Asadharan), dated 26-12-1995 at p. 1212(3) In exercise of the powers conferred by the sub-section (1) of Section 95 read with Section 37 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by the sub-section (3) of Section 95 of the said Act, namely :-Part-I Preliminary

1. Short title.

- These rules may be called the Madhya Pradesh Panchayat (Resignation by Office-bearer) Rules, 1995.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994); (b) "Chief Executive Officer" means Chief Executive Officer of Janpad Panchayat or Zila Panchayat, as the case may be; (c) "Form" means form appended to these rules; (d) "Secretary" means a Secretary of the Gram Panchayat; (e) "Section" means a Section of the Act. Part-II Resignation of Panch or Member

3. Manner of giving notice.

(1) Any member who desires to resign his office shall give notice, thereof in writing in Form A' duly

signed by him to the Sarpanch or President, as the case may be, either in person or through his representative authorised by him in writing in this behalf, a copy of the said notice shall also be sent to the Secretary or Chief Executive Officer, as the case may be.(2)On receiving the notice under sub-rule (1), the Secretary or Chief Executive Officer as the case may be, shall record on the notice the date on which and the time at which the notice was given to him and give a receipt thereof in Form 'B'

4. Acceptance of Resignation.

(1)On receipt of the notice under Rule 3, the Secretary or Chief Executive Officer shall forward such notice immediate to the District Deputy Director, Panchayat and Social Welfare and the Collector.(2)The notice of resignation given by the member shall be considered by the Panchayat at its next meeting. Notice of the meeting shall also be given to the member who has submitted the resignation.(3)The Panchayat shall in its meeting may as certain from the member concerned whether he desires to withdraw his resignation and if the member desires lo withdraw his resignation, he shall give in writing to that effect in Form 'C'(4)If the member concerned furnishes the statement in Form 'C', his resignation shall become infructuous. If the member docs not withdraw his resignation, then his resignation shall be accepted by the Panchayat.(5)The member whose resignation has been accepted shall cease lo be a member immediately after the termination of the said meeting.(6)If the member who has submitted his resignation, does not attend the meeting called for considering his resignation after valid service of the notice on him and without sufficient reasons, his resignation shall be deemed lo have been accepted after termination of such meeting and he shall cease to be a member of the Panchayat. If any member does not attend the meeting due to sufficient reasons his resignation shall be considered in the next meeting of the Panchayat.(7)The Secretary or Chief Executive Officer of the Panchayat, as the case may be, shall give intimation to the Collector and to the District Deputy Director, Panchayat and Social Welfare about the acceptance of the resignation by the Panchayat.Part-III Resignation by Sarpanch/Upsarpanch of Gram Panchayat, President/vice-President of Janpad and Zila Panchayat

5.

(1)A Sarpanch or Up-Sarpanch of Gram Panchayat, President or Vice President of Janpad and Zila Panchayat may resign his office by giving a notice in Form A' in writing to that effect to the prescribed authority. Manner of tendering resignation shall be the same as laid down in Rule 3.(2)The Prescribed Authority shall make an enquiry to his satisfaction that the resignation tendered by the concerned office-bearer is genuine and shall accept it within thirty days :Provided that if the prescribed authority does not accept the resignation within thirty days of receipt of the notice, the resignation shall become effective on the expiry of thirty days from the date of notice.(3)The Prescribed Authority shall inform the concerned Panchayat, District Deputy Director, Panchayat and Social Welfare and the Collector about acceptance of resignation.(4)The office-bearer may withdraw his resignation by giving a notice to that effect to the Prescribed Authority before the resignation becomes effective.

6. Repeal.

- All previous rules on the subject shall stand repealed from the date of final publication of these rules in the "Madhya Pradesh Gazette".

Form 'A'[See sub-rule (1) of Rule 3 and Rule 5]

Notice From.....To, The Sarpanch/President Gram Sarpanch/Janpad Panchayat/Zila Panchayat Block.....District.....Prescribed Authority.....I hereby resign from the Office of Panch/Up-Sarpanch/Sarpanch of the Gram Panchayat/Member/President/Vice-President of Janpad/Zila Panchayatof District.....Madhya Pradesh.

Date..... Signature.

Form 'B'[See sub-rule (2) of Rule 3]

Receipt for Notice of Resignation

Notice of resignation of Shri..... Panch/Sarpanch/Up-Sarpanch/Member/President/Vice-President/of Gram/Janpad/Zila PanchayatDistricthas been delivered to me on [..... by said] [score out the word not applicable] Shri...../his representative Shri.....Date.....

.....Secretary/Chief Executive Officer Gram/Janpad/Zila Panchayat District.....

Form 'C'[See sub-rule (5) of Rule 4]

I, son of Panch/Member of Gram/Janpad/Zila Panchayat..... Ward No./Constituency No..... do hereby state that I tendered my resignation as a Panch/Member of the Gram/Janpad/Zila Panchayat but I withdraw my resignation of my own accord.

Date.....Signature of Panch/Member